DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD ("SDAB" or "BOARD") OF THE TOWN OF OKOTOKS DATED MARCH 26, 2026

DECISION

Hearing held at:	Town of Okotoks Municipal Centre Council Chamber and Videoconference 5 Elizabeth Street, Okotoks, Alberta
Date of Hearing:	March 26, 2026
Members present:	Shane Hansma, Chair Kyla Mumby, Member Justin Dolan, Member Anna Batebe, Member
Staff present:	K. Conrad, SDAB Clerk C. Duplessis, Acting People, Policy & Technology Senior Manager C. Sargent, Community Planning Manager J. Berry, Acting Legislative Affairs Manager C. Gainer, Planning & Urban Design Team Leader O. Kanevskyi, Senior Legislative Affairs Officer
Board Solicitor:	Darin J. Hannaford, KC, Miller Thomson LLP
Appearing on behalf of the Appellant:	H. Van Huigenbos, Appellant
Appearing on behalf of the Respondent:	C. Davies, Development Officer J. Sykes, Caron & Partners LLP (Town of Okotoks Counsel)
Summary of Appeal:	Against the decision of the Town of Okotoks Development Officer to issue a Stop Order due to non-compliance with an approved development permit and site alterations requiring development permit approval
Appeal filed by:	Hendrick Van Huigenbos
Registered Owner:	2334511 Alberta Ltd.

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I. PRELIMINARY MATTERS

1. The Chair asked if anyone at the hearing had any objections to the composition of the Board. There were no objections.

2. The Chair reviewed the proposed hearing procedure. The Chair asked if there were any concerns with the process as outlined. There were no objections.

II. EVIDENCE

3. The Board heard verbal submissions from the following:

   Craig Davies, Development Officer (the "**DA**")

   Jennifer Sykes, Caron & Partners LLP (Counsel for Town of Okotoks Development Authority)

   Hendrick Van Huigenbos (the "**Appellant**")

   Ken Braat (Royal LePage Solutions, Real Estate Agent)

   Ratislav Seffer, Resident

4. The Board reviewed the materials contained in the agenda package, as well as additional new evidence provided by the Appellant during his rebuttal submissions at the appeal hearing.

5. It should be noted that a significant portion of the evidence that was presented to the Board by the parties was not relevant to the actual issues to be considered by the Board as part of this appeal. As discussed further below in this Decision, the Board placed no weight on extraneous evidence that was submitted that did not relate to the issuance of the Stop Order.

III. SUMMARY OF SUBMISSIONS

A. <u>Submissions of the DA</u>

6. In her introductory comments, Ms. Sykes indicated that the matters for the Board to consider were quite narrow; namely, whether the Stop Order was properly issued by the Town's DA, and whether the Appellant was: (a) in breach of the development permit regarding the placement of the waste bin outside the detached garage on the property; and (b) in breach of the Town's Land Use Bylaw by placing gravel on the property without a development permit. Ms. Sykes argued that the other matters raised in the various submissions are not the subject of the Stop Order and are therefore not relevant to this appeal.

7. At the hearing, the DA summarized the Development Authority's written submissions, which are contained in the agenda package and the Board's file, together with the relevant bylaws, permits and legislation. A summary of those submissions is set out below.

8. On February 9, 2026, the DA issued a Stop Order pursuant to Section 645 of the *Municipal Government Act* (the "**MGA**") to 2334511 Alberta Ltd. (the "**Owner**" or "**233 Alberta Ltd.**") with respect to property located at 50 McRae Street, Okotoks, AB, legally described as:

Plan 031 0774
Block 3
Lot 40
(the "**Lands**").

The Lands are designated Downtown District pursuant to the Town of Okotoks Land Use Bylaw No 17-21 (the "**LUB**").

9. The Stop Order was issued by the DA to address two specific issues, namely:

   (a) the relocation of the solid waste disposal bin to outside the garage on the rear driveway, contrary to the conditions of Development Permit DP120-18 issued on June 8, 2018 (the "**Permit**") in respect of the Lands; and

   (b) the placement or deposit of gravel/fill material on the east side of the Lands, retained with wood boards along the east property line, which constituted landscaping where the existing grade has been altered, and required an approved development permit pursuant to the LUB.

1. <u>Waste Bin Storage Issue</u>

10. The approved Permit relating to the Lands was subject to the following development conditions:

> 2. Development conditions:
>
> (a) The Developer shall undertake the development in accordance with:
>
> (i) all conditions of this approval;
>
> …
>
> (h) Waste, recycling and organic receptacles must be provided by the applicant and must be:
>
> …
>
> (ii) stored inside the detached garage in accordance with the approved site plan;

11. After receiving complaints, the Town conducted a site visit of the Lands and noted that a waste bin was located outside on the accessible parking space at the rear of the Lands.

12. The Town sent an email to the Appellant on August 21, 2025 advising him that the addition of the garbage bin on a parking space would require the submission and approval of a development permit. In reply, the Appellant indicated that he would be placing the garbage bin inside the detached garage, which the Town confirmed would be acceptable.

13. However, on September 16, 2025, September 23, 2025 and January 23, 2026, the DA observed the garbage bin outside the detached garage at the rear of the Lands.

14. As a result of these repeated observations, the Stop Order was issued, requiring submission of a development permit application that would allow for outside waste and recycling in compliance with the LUB. Specifically, Section 3.8.L(3) of the LUB sets out the requirement for the location and screening of waste and recycling areas.

15. When the DA revisited the site on March 17, 2026, he noted that the waste bin appeared to have been removed from the outside parking space and placed in the garage in compliance with the Stop Order. No development permit application has been received from the Appellant to date. At the time of the Stop Order, the DA had no information from the Appellant as to what waste management approach was being proposed by the Appellant for the Lands.

2. Gravel Pit/Fill Placed on Site

16. On January 16, 2026, the Town received several complaints regarding gravel being placed in the east side yard and rear yard of the Lands. The Town conducted a visit to the Lands on January 23, 2026, and observed that gravel had been placed on the Lands, covering most of the east side yard and rear yard up to an estimated depth of 30 cm. The gravel fill was being retained with dimensional lumber. The placement of the gravel remained the same when the Town revisited the Lands on March 17, 2026.

17. The DA considered the placement of gravel/fill on the Lands to be a "development". Section 6.1 of the LUB defines "*development*" as including:

> (a) an excavation or stockpile of soil and the creation of either of them;

18. Section 5.14.A of the LUB requires that:

> Except as expressly otherwise provided in the Bylaw, the approval of a Development Permit application and the release of a Development Permit must be obtained before Development can commence or be allowed to continue.

19. Since the DA found that the placement of the gravel and fill changed the grades of the Lands, a development permit was specifically required. The DA was concerned that unapproved altering of grades may negatively impact neighbouring properties. As a result, the DA issued the Stop Order requiring the grading and landscaping work on the Lands to cease and a development permit application be submitted for the proposed alteration of grades.

20. During a March 17, 2026 visit to the Lands, the DA did not notice any change to the gravel placement.

3. Additional Matters

21. The DA also briefly responded to a number of matters raised by the Appellant in his written appeal submissions which were not the subject of the Stop Order. The details of those responses were included in the DA's written report.

i. Food Vending Trailer

22. The food vending trailer placed in the rear yard of the Lands was determined by the DA to be a "Pop-Up", which is a permitted use in the Downtown Land Use District set out in the LUB. A "Pop-Up" is by definition a temporary use and could not remain on the Lands for an indefinite period. The Appellant's assertion that the food vending trailer was a "Mobile Vending Unit" (MVU), rather than a "Pop-Up", is a misapplication of the terminology applicable to a listed use and development of land in the LUB (Pop-Up) as opposed to the regulation of business activity under the *Business Licences Bylaw* (Mobile Vending Unit or "**MVU**").

ii. Accessible Parking Sign

23. Following receipt of complaints, the Town attended at the Lands and confirmed that there was no vertically mounted sign identifying the accessible parking space on the Lands, which was a requirement of the Permit and the *Alberta Building Code*. The DA has to date not asked the Appellant to replace the sign.

iii. Placement of Signs

24. Following receipt of complaints, the Town attended at the Lands and observed a fascia sign on the building that required a development permit approval. The DA requested the Appellant to submit a development permit application for the sign; however, the Appellant instead elected to simply remove the sign.

iv. Placement of Roof Structure over Deck

25. In response to complaints, the DA attended the Lands and observed that an awning/roof structure had been placed on the second floor deck on the south side of the building. The DA notified the Appellant that a development permit would be required for the roof structure. Following correspondence exchanged between the DA and the Appellant, it was determined that because the structure was not permanently affixed to the building, it was not properly considered an addition or alteration, and the Appellant was notified that a development permit was therefore not required for the structure.

v. Construction of a Fence

26. In response to a complaint regarding a fence being constructed by the Appellant along the east property line of the Lands, the DA wrote to the Appellant to make him aware of the LUB requirements for fences in the Downtown Land Use District as set out in the LUB. The Appellant has indicated that the fence will comply with those bylaw requirements; if that is the case, the fence is exempt from requiring a development permit pursuant to LUB Section 5.15A(2).

vi. Rerouting of Storm Drainage

27. In response to a complaint regarding water being directed onto 52 McRae Street from the Lands, the DA requested the Appellant to reconfigure the storm drainage to comply with Section 5.2 of the Town's *Storm Drainage Bylaw*, by directing the stormwater across the rear yard to the storm drainage system in the rear lane, as opposed to 52 McRae Street.

28. Section 5.2 of the Okotoks *Storm Drainage Bylaw* states that:

> Downspouts from dwellings shall be installed to direct water towards a surface drainage facility and shall not be directed onto an adjacent property, including public property.

29. The caveat registered on the title for 52 McRae Street only allows for the placement of stormwater sanitary sewer lines at that property for the purpose of disposing of runoff and effluent from the Glorond Place condominium across the lane to the north. The caveat makes no reference to accommodating runoff from the Lands on to 52 McRae Street.

30. The Appellant was to request an inspection from the Town of the storm drainage reconfiguration system, but to date, no such inspection request has been received by the Town.

B. Questions of the Board to the DA

31. The Chair asked the DA for clarification on the purpose of the Permit and whether it addressed the garbage bin storage location. Mr. Davies replied that the 2018 Permit was to allow for a change of use to a Retail and Service with a Dwelling Unit above, and certain site changes. He confirmed that there was an indication in the Site Plan attached to the Permit that the garbage bins were to be stored inside.

C. Submissions of the Appellant, Hendrick Van Huigenbos

1. Appellant's Written Submissions

32. The Appellant alleged in his written submissions that the development of The Brew & Scoop Co. on the Lands was "singled out for enforcement" by the Town shortly after it opened, including "continuous emails" from the DA, inspections, on-site meetings, etc., with no other purpose than the "harassment of the economic wellbeing" of the Appellant and his business.

33. The Appellant set out numerous examples of this alleged continuous harassment from the Town and its representatives:

(a) Even though other businesses (such as the Big Dipper Ice Cream Shop) have identical signs without a development permit, the DA required the Appellant to obtain a development permit for a west-facing sign on the Lands. Instead of appealing this issue, the Appellant indicated the sign would be taken down.

(b) Even though another business called "French 50" has an attached enclosed structure used for commercial purposes on its property without a development permit, the DA ordered the Appellant to either remove the canopy that was installed on the patio/deck of the second floor of the building on the Lands or, alternatively, apply for a development permit approving the structure. After the DA was advised that the structure was a free-standing gazebo and supporting photographs were provided by the Appellant, the DA advised that the gazebo could remain on the property without the need for a permit. This uncertainty regarding the gazebo, however, caused the Appellant hardship, as he had to cancel a painting contract for the business in 2025.

(c) Even though similar garbage containers are allowed to be placed outside numerous other businesses, including the direct neighbours to the Appellant, the DA instructed the Appellant that the garbage containers on the rear of the Lands needed to be placed inside the garage. The Appellant advised the DA that he would move the bins inside the garage, which was acceptable to the DA. However, the bins were moved to the garage doors at the other side of the Lands, but were not moved physically inside, due to the Appellant "not understanding clearly" the requirement, as he saw the exact same waste containers placed outside "everywhere" else. The Appellant also did not put the garbage bins inside the garage because:

(i) The business needed to utilize the space in the garage; and

(ii) The melting of accumulated snow on the back alley causes the water to run onto and over the rear yard of the Lands, flooding the garage and parking area.

The Appellant states that the garbage container has now been placed in the garage, as ordered by the DA. However, the Appellant asserts that the DA has breached the rules of the "*Municipal Act*" to have "accepted the garage as an enclosed garbage structure". He further argues that it should simply be a "by-law issue" if the containers were found to be placed outside the garage, with an attendant warning or fine from a by-law officer for any non-compliance. The Appellant argues that the DA has instead elected to proceed with a Stop Order due to the "grudges" that Mr. Davies holds against the Appellant and the business.

(d) Mr. Davies has taken "personal vindictive action" with respect to an application for a food truck located in the rear yard of the Lands. The Appellant alleges that Mr. Davies has "done everything possible to sabotage the permit process" for the mobile vehicle unit (MVU), through the improper designation of the vehicle as a "Pop-Up". The Appellant asserts that the issuance of the Stop Order is simply a "way for Mr. Davies to sabotage the permit process for the MVU" on the Lands for 2026.

(e) The addition of 6 inches of gravel on the east side of the building on top of the sidewalk, and the placement of two treaded 4"x6" timbers placed as a retaining wall for the additional gravel, was done in order to comply with a previous order issued by Mr. Davies against the Appellant to move a pre-existing drainage pipe to the rear of the Lands so as to avoid water potentially spilling on to the 52 McRae Street lot. Mr. Davies further ordered the Appellant to move the downspouts approximately 100 – 120 feet north to the rear of the Lands. The Appellant claims that complying with these DA orders would create "huge water and ice issues".

The Appellant points out that there is a catch basin for stormwater located approximately 6 feet away from the existing drainage pipe that had been in place at 52 McRae Street since at least 2018, well before the Owner purchased the Lands. There is a "stormwater easement" registered on the title to 52 McRae Street that would allow the catch basin on that property to accept any stormwater from the existing drainage pipe on the Lands.

Notwithstanding the easement and the nearby catch basin located on 52 McRae Street, the Appellant alleges that the DA continues to insist that he comply with the order to direct the stormwater and all downspouts to the far catch basin located in the rear lane behind the Lands. In order to comply with this previous order of the DA, the Appellant claims that the hedge between 46 McRae Street and the Lands will need to be removed and a fence built with downspouts running to the rear of the Lands. This diversion of water to the backyard, rather than to the catch basin located on 52 McRae Street, will flood the detached garage and basement of the building on the Lands, which is the reason why the Appellant placed the additional gravel at the rear of the Lands in order to prevent such flooding.

34. The Appellant requests the SDAB to:

(a) set aside the Stop Order in its entirety;

(b) alternatively, order that the gravel that has already been placed on the Lands can stay in place on the Lands until the water/ice runoff danger from the back lane has been resolved; and

(c) allow the Appellant to grade the gravel on the Lands in such a way as to prevent flooding of the detached garage in the rear yard.

2. Appellant's Supplemental Written Submissions

35. The Appellant replied to the Development Officer Report dated March 26, 2026 (the "**D.O. Report**") as follows:

(a) He was not aware that the Lands were even subject to the Permit until he received the D.O. Report in the course of these appeal proceedings;

(b) The Real Property Report or "R.P.R." shows the drain pipe located under the sidewalk on the Lands;

(c) The gravel placed on the Lands was done in response to the DA's demand that the Appellant direct the water to the far north side of the property;

(d) The garbage bins are now being stored in the detached garage; and

(e) Mr. Davies is "compromised" and "will do everything to sabotage" the food trailer permit request of the Appellant. Mr. Davies has designated the food trailer as a "Pop-Up", a maneuver which would allow the Town to revoke The Brew & Scoop Co.'s business licence once the Pop-Up's maximum days of operation had expired.

36. The Appellant responded to the March 8, 2026 letter in opposition to the appeal from the owner of the "Ginger Laurier" business as follows:

(a) A permit was required and in fact was issued for the installation of the gas permit on the Lands;

(b) There are no operating freezers in the detached garage on the Lands;

(c) The flooding of the garage on the Lands happened in March 2025, before the opening of The Brew & Scoop Co.; and

(d) The existing drain pipe on the Lands was neither installed nor "covered up" by the Appellant. The pre-existing pipe was evident and explicitly marked in the 2018 Real Property Report for the Lands.

3. Oral Submissions of the Appellant at Hearing

37. In his oral submission at the appeal hearing, the Appellant emphasized the following points:

(a) Because the business to be carried out on the Lands after its purchase by the Appellant was to change from a retail boutique to an ice cream coffee shop, the Town advised him that he did not need a development permit, but rather, only a business license. He was not aware of the need for, or the existence of, a development permit in relation to the Lands until after receipt of the DA's materials in this appeal.

(b) While the DA claims that the Stop Order is not based on the drainage of water from the Lands, that is false. Following a complaint from 52 McRae Street, the DA ordered that stormwater could not be directed from the Lands on to the property at

52 McRae Street, even though that was how it was drained prior to the Appellant's purchase of the Lands. The Appellant sent a Real Property Report dated April 2018 to the DA showing the existing drainage pipes, but it was disregarded by the DA, who indicated that a Real Property Report only indicated the location of building structures on the lands, and "no other items were affected by it."

(c) The DA ordered that the drainage pipe located under the sidewalk that currently drained water almost on to the property at 52 McRae Street be removed to the north side of the Lands. The Appellant was concerned that diverting all the water to the rear yard would result in the buildup of ice and flooding (as occurred in March 2025 when the catch basin in the back lane froze and flooded the garage). The Appellant "could not believe" the DA was actually ordering him to divert the water away from the nearby existing catch basin just a few feet inside the 52 McRae Street yard; it made no sense.

38. Included in the DA's written submissions were the Permit and the attached Site Plan, which the Appellant had not seen, but of which the DA was obviously aware. There was clearly shown on the approved Site Plan the existing drain pipe located under the walkway/sidewalk. This is important, as the owner of Ginger Laurier had complained to the Town that the Appellant had installed a pipe underneath the concrete, which was not compliant with the LUB. This complaint was the impetus to the DA's eventual order for the Appellant to remove that installed pipe.

39. On September 23, 2025, during an inspection on the lands, Mr. Davies and a "Team Lead" with the Town discussed the existence of a potential easement that granted a right of way and authorization to discharge water on to 52 McRae Street. Mr. Davies never advised the Appellant of the existence or nature of any such easement until the receipt of the DA's Report filed in this appeal.

40. There is only 6 inches of gravel placed on top of the sidewalk, not 30 inches. The grading of the Lot still needs to be completed, as the winter weather and the Stop Order intervened before it could be fully and properly graded. The Appellant has already arranged to have one of the downspouts run to the rear of the Lands, however, the work is "not perfectly finished".

41. The entire Stop Order arises from the wrongful earlier order of the DA to remove the existing drainage pipe under the sidewalk. It is based on the false premise alleged by the neighbor, Ginger Laurier, that the Appellant had installed the impugned drainage pipe underneath the walkway, when Mr. Davies fully knew from the Real Property Report and Site Plan that the pipe had been there all along, well before the purchase of the Lands by the Appellant. The Town is responsible for pushing the Appellant in this direction; the gravel would never have been placed (and the Stop Order never been issued) if the Appellant had not been ordered by the DA to remove the underground drainage pipe and relocate the approved downspouts such that they will now discharge to the back pavement and create a "skating rink".

D. Questions of the Board to the Appellant

42. The Chair asked the Appellant if he had arranged for any surveying to be performed to determine if the Lot drained as contemplated before or after the placement of the gravel. The Appellant replied that there was no surveying done, as he was unable to complete the grading due to the cold conditions and the immediate enforcement action taken by the

DA. However, he purposefully placed this gravel so that when the pipe was removed, the water would drain to the backyard.

43. The Chair asked if there was anything in writing from the DA that required the movement of the pipe, to which the Appellant confirmed there was, and it was included in the submissions.

44. The Chair asked about the location and depth of the gravel that was placed on the Lands. The Appellant replied that the gravel was 6 inches high next to the house and up to the sidewalk, but dropped significantly at the edge of the property line on the east boundary of the Lot. There are two 4” x 6” pieces of lumber on the edge which, when added to the 6 inches of deposited gravel, results in a maximum of approximately 11 inches in height along the east property line of the Lands, with 52 McRae Street.

45. When asked about the plans for the garbage bin storage, the Appellant stated that it is a “real nuisance” with the low roofed garage, but that because the previous owner apparently agreed to have that condition included as part of the approved Permit, the bins will have to be stored inside the garage. However, the Appellant added that, in order to be consistent, the drain pipe under the walkway should be permitted to stay in place, as they, too, are addressed by the approved Site Plan attached to the Permit.

46. The Appellant wished to reiterate that Mr. Davies was “dishonest” with him with respect to his having (and not sharing) the issued Permit and Site Plan.

E. Parties in Support of the Appeal

47. The Chair asked if there was anyone in the audience who wished to speak in favour of the appeal. There were none.

F. Parties in Opposition of the Appeal

1. Submissions of Ken Braat, Royal LePage Solutions (“Royal LePage”) and J.K. Ferguson Ventures Ltd. (“J.K. Ferguson”)

48. J.K. Ferguson is the Owner of 52 McRae Street and Royal LePage is a commercial Tenant. Mr. Braat, an agent with Royal LePage, expressed his concerns regarding the Appellant making exterior changes to the building on the Lands that: (a) do not comply with the LUB; (b) create drainage concerns; and (c) negatively affect the visual and aesthetic appeal of Downtown Okotoks.

49. Mr. Braat further alleged that the Appellant raised the level of the Lands by approximately 2 feet and has removed the handicapped parking stall in the backyard of the Lands. Mr. Braat is concerned that the Appellant has directed the downspouts from the Lands towards 52 McRae Street, rather than containing the drainage on the Lands. That, together with the added gravel impacting the grade, will only worsen the build up of water draining into the parking lot at 52 McRae Street and further negatively impact the handicap ramp leading up to Royal LePage’s business, which is “nothing but ice” now.

50. Mr. Braat further complained that the Appellant:

(a) Keeps a large mobile food truck/smoker trailer parked permanently in the rear yard of the Lands, which is unsightly and not conducive to the area;

(b) Stores items outside the premises, making the area look “cluttered”;

(c) Has erected an unsightly enclosure on the balcony with stuffed animals placed too close to the gas heaters;

(d) Has a lack of garbage enclosures for their bins;

(e) Has erected an unsightly fence with two large cattle guards with metal chains, that is not in compliance with the LUB; and

(f) Has installed a gas line without a permit.

i. Questions of the Board to Mr. Braat

51. In response to questions of clarification from the Board, Mr. Braat indicated that the Appellant shovels the snow from the Lands through the erected "cattle fence" on to his property, and the diverted snow is now melting and pooling on 52 McRae Street. High levels of water and ice are accumulating in Royal LePage's handicapped parking stall located at the end of their building on 52 McRae Street. Prior to the Owner purchasing the Property, drainage was never raised as an issue on the site.

52. Mr. Braat stated that the "six to eight loads" of gravel that were stockpiled on the Lands have changed the grading of their property and have caused the melted snow and water to run on to 52 McRae Street, contrary to how grading is supposed to work. Contrary to the Appellant's assertions, there is more than 6 inches of gravel placed on the Lands.

53. Mr. Braat concluded that the Town and the Appellant "need a reset", to put things back to the way they were before the unauthorized work was undertaken by the Appellant on the Lands. Just like every other property owner, the Appellant should be compelled to comply with all the pre-conditions, steps and limits set by the Town before developments can proceed.

2. Submissions of Rastislav Seffer

54. Mr. Rastislav Seffer resides on the second floor of 52 McRae Street. Mr. Seffer, both in his written and oral submissions at the appeal hearing, raised the following concerns:

(a) A tall fence was erected on the property line between the Lands and 52 McRae Street, and the foundations are simply 2'x10' pieces of lumbar nailed to the ground;

(b) Draining of the Lands has been redirected along the top of the fence, resulting in the water being drained directly onto 52 McRae Street;

(c) A smoker trailer has been placed in the rear yard;

(d) A drainage pipe was installed by the Appellant and his nephew under the sidewalk;

(e) An unsightly door was installed at the entrance to the Lands, and the property is littered with construction debris and other garbage;

(f) Several loads of gravel have been dumped on the Lands, raising the ground level approximately 30cm. The retaining wall for this gravel is the bottom of the fence that is simply nailed to the ground;

(g) Gravel has been pushed on his land as a result of shoveling from the Lands through the fence, and water is now pooling;

(h) An unsightly mobile kitchen was placed on the gravel on the Lands and is wired with extension cords;

(i) The sign for disabled parking was removed from the Lands and was never re-installed;

(j) A natural gas line was installed to the patio on the second floor;

(k) There is a garbage bin together with freezers in the detached garage that are powered with extension cords from the main building; and

(l) The overall appearance of the Lands is “hideous” and the whole setup is “repulsive”.

55. Mr. Seffer concluded with his belief that none of the work being done on the Lands complies with the LUB and no permits were obtained. He further submits that the Appellant has an adversarial relationship with the Town and all his neighbours, and provided select examples of the Appellant’s lack of consideration for his neighbours.

i. Questions of the Board to Mr. Seffer

56. In response to questions of clarification from the Board, Mr. Seffer confirmed that he used the term “smoker” to describe the food truck located in the rear yard of the Lands.

57. When asked by the Chair about what he understood the catch basin located at 52 McRae Street was meant to do, Mr. Seffer indicated that it was intended that the water would drain into the catch basin, and not back into the alley.

3. Written Submissions of D. Beaulieu, Owner of Ginger Laurier

58. Ginger Laurier owns two of the six units at 52 McRae Street. In its written submission, Ginger Laurier expressed concerns that the various construction that has taken place at the Lands does not meet the Town of Okotoks’ guidelines under the LUB. The alleged contraventions include:

(a) The gas line recently added along the outside of the building to the second storey deck;

(b) The approximately 18 inches of gravel that has been added to the Lands which has changed the grade and drainage from the Lands to 52 McRae Street;

(c) A pipe runs along the top of the fence and drains on to 52 McRae Street, causing “major leakage” in the parking lot of 52 McRae Street, particularly at the handicap stall;

(d) An additional drainage system was buried under the sidewalk draining on to 52 McRae Street;

(e) Snow is shovelled by the Appellant from the new sidewalk on to the property line with 52 McRae Street, causing further water leakage;

(f) A food truck sitting in the rear yard of the Lands since fall 2025 is “questionable”; and

(g) A freezer in the garage is used for food storage for the coffee shop, and the garage recently flooded as a result of the newly installed gravel walls around the garage.

59. Ginger Laurier believes there are no approved permits issued for the work that has been performed on the Lands and urges the Board to "follow up" with the Appellant regarding the need for permits and compliance with the LUB.

4. Submissions of Dave Heron

60. Mr. Dave Heron is the owner/manager of Pace Setter Travel and Tours (1995) Inc., a business located approximately 300 metres from the Lands. In his written submission, Mr. Heron stressed that no further work should be carried out until a full and complete inspection of the Lands and its structures has been completed, and that all existing modifications to the Lands be brought up to acceptable standards before any additional work is performed.

G. Appellant's Rebuttal Submissions

61. The Appellant's rebuttal submissions were as follows:

(a) He produced recent photographs of the rear yard of 52 McRae Street, which show that all the water from that property is directed to the lowest spot, being the handicapped parking stall, due to that property's grading. This area of the 52 McRae Street's yard was already the effective collection basin for the drained water prior to the Appellant placing the gravel or making any changes to the grading or elevation of the Lands. The flooding has absolutely nothing to do with the placement of gravel by the Appellant on the Lands.

(b) The metal fence is located 3 feet inside the property line of the Lands. As a result, any snow being shovelled by the Appellant should not impact the neighbouring property. Further, the Appellant is agreeable to converting the currently constructed open fence to a solid, closed one, in order to accommodate his neighbours and avoid any snow being transferred from the Lands to the adjacent property.

(c) The Food Truck is not in operation because the DA has wrongfully designated it a "Pop-Up", and not the MVU that is.

(d) There is no longer any freezers (or food) in the garage; they have been relocated to the basement of the house.

(e) The gas line that was installed has an approved permit and inspection, as required.

(f) The complaints about the fencing are unfounded, because the neighbors failed to provide their prior input when asked. However, he will make the fence solid and erect proper planks.

(g) The Appellant denies that he ever installed the discharge pipe on the Lands that is alleged by the neighbors and Mr. Davies.

(h) The owners of Ginger Laurier located in the front of 52 McRae Street flood the sidewalk in front of their business due to the fact that they have their downspout installed in such a way that the water crosses the sidewalk in front of their house, which then regularly freezes. This freezing could be easily avoided if they would simply move the downspouts 10 feet, and the water would instead be diverted to the catch basin.

(i) The Appellant requests that the Board set aside the Stop Order. The gravel will be properly graded towards the back such that the water will not be diverted to the neighboring properties. The Appellant acknowledges that it is in violation of the LUB to divert storm water onto a neighbor's property. The Board should not compel the Appellant to remove the gravel now, as to do so would cause the water to drain directly into the neighboring property in contravention of the *Drainage Bylaw*.

H. Questions of Clarification of the Board to the DA

62. The Board asked the DA why it told the Appellant to direct stormwater to the rear, within the site. The DA indicated that upon inspection, the Town determined that the downspout was directing the water on to 52 McRae Street, which was in violation of the Okotoks *Drainage Bylaw*, which requires that downspouts not direct water on to neighbouring property.

63. The Board then asked the DA whether the catch basin was installed for only 52 McRae Street, or both 50 and 52 McRae Street, and why the Appellant was told to remove the drainage pipe when it was approved originally in the Permit Site Plan. The DA responded that while the approved Site Plan did show the drainage pipe on the Lands, nowhere did it approve the discharge or draining of stormwater on to the adjacent site at 52 McRae Street. The Site Plan does not indicate the grade of the property, which in this case falls materially towards 52 McRae Street east of the existing drainage pipe. The pipe terminates approximately one metre from the shared property line of the Lands with 52 McRae Street. If the Lands were properly graded such that the water flowed from the drain pipe east towards the boundary with 52 McRae Street, but not across the property line of the Lands, that would be acceptable. However, because the actual grade drops between the Lands and 52 McRae Street (something that is not shown on the approved Site Plan), the water drains on to 52 McRae Street, contrary to the *Drainage Bylaw*.

64. When asked if the water from the Lands was intended to drain that way, the DA indicated that it was not; all drainage must remain within the property in accordance with the *Drainage Bylaw*.

65. The Chair then asked questions of clarification regarding the Easement registered on the title to 52 McRae Street. The DA indicated that the easement is strictly limited to the placement of storm/sanitary sewer pipes from the Glorond Place development to the north. The purpose of the Easement is to provide a route for the storm sewer and sanitary sewer pipes through 52 McRae Street to hook up with the sewer mains on McRae Street. The Easement does not, however, permit storm water run off from the Lands to 52 McRae Street. The DA indicated that the grade located on 52 McRae Street likely leads to the storm drain.

66. The Board then asked when a development permit is issued, is there a general requirement to include a grading plan as part of that submission. The DA indicated that it depends on the type and purpose of the development permit application. If the permit is being sought for a true redevelopment application (such as a demolition and rebuilding of a site), a site grading plan would typically be required to be included in the submission. However, as in this case, where the permit only seeks a change of use on an already-established and landscaped site, there would generally be no requirement for a grading plan to be submitted. For the Lands in question here, there was only a site plan and landscaping plan that were submitted and approved by the DA. There was no grading plan in the DA's records, and the approved Site Plan did not contain any grading details on it.

67. When asked by the Board whether it was the grading aspect that required a development permit here, the DA reiterated that it is the "placement of fill on the site and changing modification to the grades" that triggers the need for a development permit.

68. The DA also reconfirmed to the Board that if the garbage container is kept inside the garage on the Lands, this would not require the Appellant to apply for and obtain a new development permit, as the previously issued 2018 Permit expressly authorizes that scenario.

I. <u>Questions of Clarification of the Board to the Appellant</u>

69. In response to the Chair's question, the Appellant confirmed that when he submitted his application for a Business Licence, no additional development permit was required for the ice cream/coffee business being contemplated on the Lands.

70. The Appellant then wished to provide further "background" for the Easement issue that had been discovered. He advised that "Lot 52" and the Lands used to be one single parcel. The owner of the parcel back in the 1970's granted an 18 foot right of way to allow access to the site for the purposes of storm sewer drainage in perpetuity. A catch basin was installed on that portion of the land that is now 52 McRae Street.

71. Subsequently, the lot was subdivided, and the Easement intended to benefit Glorond Place became part of the 52 McRae Street parcel. At that time, all the lot was properly graded to drain the storm water into the catch basin located on 52 McRae Street.

72. A drainage pipe was built under the walkway, as was approved in the 2018 Permit. The pipe ends short of the property line of the Lands, but there is a risk of the water going onto 52 McRae Street. If the water did happen to flow on to the property at 52 McRae Street, it would simply be diverted into the catch basin that had been constructed on 52 McRae Street to handle such drainage for the once joined property.

73. The Appellant claims that Mr. Davies misrepresented the facts to him by failing to provide him with the Permit and associated Site Plan showing the existence of the drainage pipe on the Lands and the catch basin. Because the Town allowed the drain pipe to be built, the current owners of the property should be subject to the Permit requirements and allowances.

74. When asked about whether the Easement is still registered on title, the Appellant confirmed that the easements and caveats are still registered on title and have not been discharged.

IV. ANY ADDITIONAL COMMENTS NOT IN APPEAL PACKAGE

75. The Chair asked the Clerk if the Board received additional comments or letters not previously contained in the appeal package. There were none.

V. CLOSING COMMENTS

A. Closing Comments of the DA

76. Mr. Davies reminded the Board that the easement for the storm/sanitary lines being referenced and relied upon by the Appellant is importantly registered on the title for 52 McRae Street, exclusively, and not on the title of the Appellant's Lands.

77. Mr. Davies also alleged that the Appellant had notice of the Development Permit at least as early as August 22, 2025, as the Permit (and its identification number) were expressly referenced in an email from Mr. Davies to the Appellant in response to a number of questions regarding the waste bin enclosure (page 43 of the PDF of the Board Agenda materials), as follows:

> The development permit for 50 McRae Street (DP120-18) approved the garbage bins to be kept in the garage and placed outside the garage for collection purposes only. If you are planning on keeping all of the bins, including the large "T&T" bin, in the garage, no development permit would be required. [Emphasis added]

78. Ms. Sykes, counsel for the DA, clarified that the Stop Order does not compel the Appellant to remove the gravel that has already been placed on the Lands; rather, it simply says to stop putting additional gravel on the Lands and apply for a development permit. This is necessary so that the DA can properly investigate the design being proposed and ensure that the revised grading does not cause flooding or drainage issues to neighbouring affected parties.

79. Ms. Sykes further clarified that the Stop Order only requires the Appellant to get a new development permit if he wishes to keep the waste storage bin outside. This is because the DA would then need to review the permit application to ensure it complies with the standards and requirements (e.g. buffered/screened from view, etc.) for waste disposal set out in Section 3.8.L.3. of the LUB.

80. Section 3.8.L.3 of the LUB sets out the "Additional Standards" for Waste and Recycling, specifically:

> All uses must provide a solid waste storage area suitable for 3 – 4-stream waste diversion for the intended Use and designed to the satisfaction of the Development Authority. All waste and recycling areas must be:
>
> A. Located at the side or rear of a Site and Buffered from view;
>
> B. Accessed from a public roadway or Lane; and
>
> C. Placed in a location easily Accessible for users and pickups.
> [Emphasis added]

81. She confirmed that no new development permit would be required if the Appellant wishes to keep the waste bin inside the garage, as that is allowed by the existing Permit. In response to the Appellant's claim that it is a "nuisance" to keep the bin(s) inside the garage, the DA states that the Appellant can apply for a new development permit to allow it to store

the bin(s) outside, if he so chooses. Otherwise, the Appellant is essentially attempting to amend the Permit condition through this appeal, which is not allowed.

82. Ms. Sykes further argued that while the development permits are not registered against title to a property, they do stay with the property and are publicly available. She also said that, contrary to his evidence at the oral hearing, the Appellant had notice of the Permit prior to the Development Officer's Report dated March 26, 2026.

83. Ms. Sykes also stated that the interpretation and enforcement of easements is generally not managed by the DA or the SDAB in its consideration of these appeals.

84. Ms. Sykes reiterated that the ultimate question for the SDAB to determine is whether there has been a breach of the Permit or the LUB by the Appellant. She asserted that the Appellant has not really denied either of the alleged breaches set out in the Stop Order. At no time has the Appellant indicated that he obtained a development permit that would allow him to alter the grade of the Lands. Nor has he maintained that the garbage bins were not being stored outside the garage. Through his admissions, the Appellant has effectively dictated that this appal must be denied on the agreed facts. As a result, the Stop Order was properly issued and should be upheld.

85. Finally, Ms. Sykes indicated that the compliance date set out in the Stop Order could be amended by the Board. Given that the original date for compliance set out in the Stop Order was about a month, a similar compliance date extension may be reasonable. However, she urged the Board to keep in mind in setting any revised date that, with spring thaw, the drainage aspect of the Stop Order is of top priority.

B. Closing Comments of the Appellant

86. The Appellant alleged that it was in fact Mr. Davies who acted in breach of the Permit when he ordered the Owner to remove the pre-existing drainage pipe that had been approved and included in the Site Plan and Real Property Report for the Lands. If Mr. Davies had not wrongfully ordered the Appellant to move the approved drainage pipe, there would have been no need for the placement of the loads of gravel on the Lands. Had Mr. Davies shared the Permit with him, the Appellant would have pointed to the Site Plan and refused to have moved it, as it had already been approved (without the Appellant's knowledge).

VI. ANY FURTHER OBJECTIONS

87. The Chair asked if there were any objections or concerns about the hearing process that had not already been addressed. There were none.

VII. DECISION

88. The appeal is denied and the Stop Order is upheld. However, the Board varies the deadline for compliance set out in the Stop Order to May 10, 2026, in order to allow the Appellant more time to meet the conditions of the Stop Order.

VIII. REASONS

89. Section 645 of the *Municipal Government Act* ("**MGA**") states, in part, as follows:

> **645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

(a) this Part [Part 17 of the *Municipal Government Act*] or a land use bylaw or regulations under this Part, or

(b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

90. On February 9, 2026, the Development Authority issued the Stop Order as against the Owner, finding that the Lands are not in accordance with the LUB on account that:

(a) The waste bin was being kept outside the garage on the rear driveway contrary to the conditions of the Development Permit; and

(b) Gravel had been deposited in the east side and rear yard of the Lands and was being retained with boards along the east property line of the Lands. The Development Authority found that this constituted “landscaping” where the existing grade has been altered, which requires a development permit application and approval.

91. Accordingly, by virtue of the Stop Order, the Owner was ordered to comply with the LUB by:

(a) Immediately ceasing the placement of gravel/fill material on the Lands and ceasing all grading and landscaping work on the Lands.

(b) Submitting a complete development permit application for a solid waste storage area that meets the requirement of Land Use Bylaw Section 3.8.L.3.

(c) Submitting a complete development permit application for the change in grades and any proposed landscaping.

92. In the Stop Order, the Development Authority set the deadline for compliance with the LUB for March 6, 2026.

93. If a development authority issues a stop order under section 645 of the MGA, a “person affected” by the stop order may appeal the decision to the SDAB [s. 685(1)(c)].

A. The Board’s Mandate

94. In determining an appeal of a stop order, the SDAB must first determine whether or not the stop order was properly issued by the Development Authority; in other words, whether the mandatory procedures prescribed by the MGA were properly followed by the

Development Authority in issuing the stop order. If so, the SDAB must then move on to the second consideration; namely, whether or not there was a breach of the LUB or Development Permit of the type contemplated by s. 645(1) of the MGA that would warrant issuing the stop order.

1. *Were the proper procedures followed by the DA in issuing the Stop Order?*

95. Section 645(2.1) of the MGA mandates that the written stop order notice must: (a) specify the date on which the order was made; (b) contain any other information required by the regulations; and (c) be given or sent to the person or persons referred to in subsection 645(2) (i.e. the owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them) on the same day that the decision is made.

96. There has been no allegation made that the Development Authority failed to follow the proper procedures when issuing the Stop Order relating to the Lands. On its face, the Stop Order specifies the date on which the Order was made, and contains sufficient information relating to the nature of the alleged contraventions such that the Owner and the Appellant can determine the allegations being made. The materials filed by the DA indicate that the Stop Order was sent via email to the Appellant personally and via registered mail to the Owner on the same day (February 9, 2026) when the decision was made.

97. As a result, the Board finds that the Stop Order was properly issued by the DA in that the prescribed procedures were properly followed.

2. *Was there a breach of the LUB or Development Permit of the type contemplated by s.645(1) of the MGA?*

98. In making this determination, the SDAB necessarily must have reference to the specific facts of the case, the provisions of the MGA, the LUB and the terms and conditions of any existing development permit applicable to the Lands.

B. Waste Bin Issue

99. The Permit issued for the Lands is clear on its face. The development condition set out in section 2(h)(ii) of the Permit states:

> (h) Waste, recycling and organics receptacles must be provided by the applicant and must be:
>
> …
>
> (ii) stored inside the detached garage in accordance with the approved site plan. [Emphasis added]

100. The evidence of both the Development Authority and the Appellant himself was consistent that at various times prior to the issuance of the Stop Order, the waste bin was not being stored inside the detached garage on the Lands. When the bin is located outside in the Lands' rear yard, the Appellant is not in compliance with the express conditions of the subsisting Permit.

101. Although the Appellant finds this imposed condition to be a "nuisance", there is no evidence before the Board that the Appellant has applied to the Development Authority to amend or remove the condition of the Permit relating to the storage of the waste receptacles inside the garage. Rather, the Appellant has indicated that he is now

complying, and will comply in the future, with the condition of the Permit to store waste bins inside the detached garage.

102. The Board therefore finds that the Stop Order should be affirmed as it relates to this matter.

103. In the event that the Appellant finds compliance with this condition of the Permit to be arduous or otherwise unacceptable, he may elect to apply for a new development permit, which application would then be reviewed by the DA to ensure compliance with Section 3.8.L.3 of the LUB.

C. Placement of Gravel

104. There is no dispute that the Appellant has deposited an amount of gravel on the Lands. Thus, in assessing whether the Stop Order should be upheld in this respect, the question is: does the Appellant's depositing of gravel and fill on the Lands constitute a "development", and thereby require a development permit?

105. Section 5.14 of the LUB generally sets out when development permits are required:

> A. Except as expressly otherwise provided in the Bylaw, the approval of a Development Permit application and the release of a Development Permit must be obtained before Development can commence or be allowed to continue. [Emphasis added]

106. The Okotoks LUB defines "Development" at Part 6 as including "an excavation or stockpile of soil and the creation of either of them".

107. Section 5.15 of the LUB sets out the circumstances where a development permit is not required; namely, so long as: (a) the development complies with the provisions of the LUB in all respects; and (b) does not form part of a Development which requires a Development Permit.

108. Section A.12 states that a permit would not be required in the above circumstances for "Landscaping where the existing Grade and natural surface drainage pattern is not materially altered" [emphasis added]. "Grade" is defined in the LUB as meaning "the elevation of the existing ground in an undisturbed natural state or an approved design Grade as described in a Grading Plan".

109. There has been no allegation made by any of the parties to the appeal that this development is legally exempt from the necessity of obtaining a development permit. Nothing in the *Planning Exemption Regulation* nor the LUB would appear to offer the Appellant an exemption from the requirement to obtain a development permit for this stockpile of gravel, nor has there been any suggestion that the newly placed gravel/fill could constitute a "non-conforming use".

110. To the contrary, the Appellant in his submissions admits that he has arranged to have 6 inches of gravel placed on the Lands in order to avoid flooding of the garage and basement of the building located on the Lands. For example, in his "Supplemental Filing", the Appellant acknowledges as follows:

> The gravel placed at [the Lands] is the response to the demand of the [Development Authority], who demanded that after receiving a complaint about water run off and downspouts and demanded I direct the water to the far north side of the property. [Emphasis added]

111. Further, during his Rebuttal Submissions at the appeal hearing, the Appellant urged the Board to not compel him to remove the gravel placed on his land, as doing so would drain the water directly on to the neighbours' property, which would violate Town Bylaws.

112. While there may be disagreement as to the exact amount of gravel that has been placed by the Appellant, it appears settled from the evidence of the parties and the admissions of the Appellant that the gravel did (and was intended to) materially alter the elevation of the existing ground (i.e. Grade) and the natural surface drainage pattern. This does not constitute the type of "landscaping" that would be exempt from the requirement of a development permit under the LUB.

113. In light of the above, the Board finds that the placement of gravel on the Lands does constitute a development, the type which requires a development permit pursuant to the Okotoks LUB.

D. <u>Evidence Relied Upon by the Board</u>

114. As indicated above, the Board received substantial written and verbal submissions on a number of matters relating to the Lands and the development(s) thereon. It was clear from the nature and tone of the submission received that many of these matters are controversial and very important to both the Appellant and the various affected parties who provided evidence. The Board acknowledges and thanks all the parties who participated in the process and provided their comments relating to the Lands.

115. However, the Board must only consider evidence that is <u>relevant</u> to the appeal of the specific Stop Order under review. It is well-established that the SDAB cannot take irrelevant considerations into account in making their decision. The relevancy of a consideration is determined by Part 17 of the MGA and the Stop Order that is actually under appeal.

116. Given the wide-ranging nature of the evidence that was received from the parties by the SDAB, it is imperative to indicate the evidence that <u>was</u> relied upon by the SDAB in making its decision, and conversely, what evidence was <u>not</u> relied upon by the SDAB, because it was deemed not relevant to the issues to be determined in this appeal.

117. The Stop Order under appeal here is fairly narrow in its focus and scope. It addresses: (a) the garbage bin on the Lands not being stored in the detached garage, contrary to the conditions to the approved Permit for the Lands; and (b) the placement of gravel on the Lands, without obtaining a Development Permit, contrary to the LUB's requirement. That is the ambit of the Stop Order.

118. The Stop Order does <u>not</u> purport to address other controversial matters associated with the Owner's conduct of its business or its development of the Lands.

119. Matters such as the licencing characterization and location and operation of the food vending trailer, for example, while obviously of great importance to the Appellant and other affected parties, are not matters that are relevant to this specific appeal. Similarly, other items, such as the removal of the accessible parking sign on the Lands, the construction of the fence, the placement of the roof structure over the second floor deck, and the overall aesthetics of the Lands are all matters that may well need to be dealt with by, and be the subject of, future development permit applications or enforcement proceedings; however, they are not matters that are relevant to the particular appeal issues in question here.

120. The Board wishes to note that it received and considered significant submissions regarding the impact of the direction of the DA to the Appellant on August 29, 2025 to "reconfigure storm drainage to meet *Storm Drainage Bylaw* 24-21 section 5.2". This direction related to the pipe which is routed underground beneath the north/south sidewalk on the Lands and reaches the surface near the east property line of the Lands. The DA found that this configuration was in contravention of the *Drainage Bylaw* as it would cause storm water to potentially discharge from the Lands onto 52 McRae Street.

121. The DA stated that the proper direction for the storm drainage is to the north, across the rear yard landscaped area of the Lands, and to the storm drainage system located in the rear lane.

122. The Appellant argued that this order from the DA dated August 29, 2025 to reconfigure the Land's storm drainage was improper, in light of the fact that the existing drainage pipe was identified in the 2018 approved Permit Site Plan and the Real Property Report.

123. The Appellant alleges that the issues being raised in this appeal were caused in large part by the improper August 29, 2025 order from Mr. Davies; the Appellant only proceeded to place the gravel on the Lands in an attempt to comply with that previous order.

124. As part of its review of a Stop Order, it is not within the Board's purview to review prior orders or directions of the DA that may have impacted the Appellant's actions. Through this appeal, the Appellant is not permitted to pursue what amounts to a collateral attack on the DA's previous decisions regarding the location of a drainage pipe. That issue, and that prior order, are not part of this appeal. Rather, this appeal only concerns the Appellant's placement of gravel to alter the grade on the Lands without first obtaining a Development Permit.

125. As a result, the SDAB will not comment further on the merits of these submissions, either in support or defence of these allegations. As acknowledged by the DA, those matters may be the subject of future development applications or enforcement proceedings.

IX. SUMMARY

126. For the reasons ser out above, the Board denies the appeal and confirms the Stop Order of the Development Authority.

Dated this 10th day of April, 2026.

Shane Hansma,
Subdivision and Development Appeal Board Chair

IMPORTANT INFORMATION

This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the Municipal Government Act, RSA 2000, c. M-26.