
RECORD OF DECISION

SASKATOON DEVELOPMENT APPEALS BOARD

APPEAL NO.: 2023 - 25

RESPONDENT: City of Saskatoon, Community Services Division, Planning and Development, Community Standards

In the matter of an appeal to the City of Saskatoon, Development Appeals Board by:

St. Mary's Parish on behalf of Episcopal Corporation of Saskatoon

respecting the property located at:

Lots: 5, 6, 7 and 7a	Block: 25	Plan: F5554
-----------------------------	------------------	--------------------

Civic Address: 211 Avenue O South
--

IN ATTENDANCE:

Before Len Kowalko, Chair
 June Bold, Vice-Chair
 Cherese Reemaul, Member

**Appeared for
the Appellant** Father Kevin McGee, Pastor, St. Mary's Parish

**Appeared for
the Respondent** Leanne DeLong, Bylaw Compliance Manager, Community Standards, Community Services, City of Saskatoon

The appeal was heard in Committee Room "E", City Hall, Saskatoon, Saskatchewan, on October 3, 2023.

PRELIMINARY ISSUES:

The parties were advised of the procedural instructions for the appeal.

Exhibits were entered into the record as no objections were put forth.

The Appellant and Respondent affirmed their testimonies would be the truth.

GROUND AND ISSUES:

An appeal was filed by St. Mary's Parish on behalf of Episcopal Corporation of Saskatoon under Subsection 219(1)(c) of *The Planning and Development Act, 2007*. The property is zoned RM1 – Low Density Multiple-Unit Dwelling District under Zoning Bylaw No. 8770, and the Appellant is appealing the following deficiency for the property:

Contravention:

Front Yard Fence Height

Definition as follows:

5.13 Fences:

(1) No wall, fence, or other structure not otherwise permitted shall be erected in a required front yard or on a site line adjacent to a required front yard, to a height of more than 1.0 metres above grade level.

The owner is hereby ordered to:

On or before August 31st, 2023:

- 1) Re-construct the front yard fence to 1.0 metres.
- 2) Move the fence 6.0 metres to be able to keep the height of the fence.
- 3) Remove the fence.

EXHIBITS:

Exhibit A.1	Notice of Appeal received August 21, 2023.
Exhibit A.2	PowerPoint presentation received September 28, 2023.
Exhibit A.3	Letters in Support (17) and Letter in Opposition (1) of the Appeal received September 28, 2023.
Exhibit R.1	Order to Remedy Contravention, Community Standards, Community Services Division, to Episcopal Corporation of Saskatoon, dated August 2, 2023.
Exhibit R.2	Location Plan and Site Plan from Planning and Development, Community Services Division, received September 27, 2023.
Exhibit B.1	Notice of Hearing dated September 1, 2023.

- Exhibit B.2 Email from John and Monica Loran in support to the application, received September 22, 2023.
- Exhibit B.3 Saskatoon Police Service – Crime Free Multi-Housing Security Assessment Report, St. Mary’s Church along with a request to speak from K. Farmer, Coordinator, CFMH, SPS, received September 27, 2023.

EVIDENCE AND ARGUMENT OF THE APPELLANT:

The Appellant representative, Father Kevin McGee, presented the evidence and arguments below.

A PowerPoint presentation to the Board provided a brief history of St. Mary’s Roman Catholic Parish. The Parish of Our Lady of Victory, later named St. Mary’s officially came into being on March 12, 1919. St Mary’s is one of the first Catholic parishes in Saskatoon and has served and supported the faith life of thousands of Catholic Christians for more than 100 years. It also serves Spanish and Indigenous faith communities.

The Board was directed to Exhibit A.2, pages 2 and 3, site photos. The property around St. Mary’s is seeing an increase of garbage and hazardous and human waste, cast-off needles, encampment, and graffiti. There is an increasing accumulation of debris and needles that need to be removed daily by the custodial staff as well as volunteers, which place them at risk. The safety of the parishioners, staff, volunteers and visitors needs to be a high priority.

The Appellant shared a story with the Board as relayed to him by a mother and her son leaving church one day where they witnessed a man on the church steps injecting himself. The Board was told that St. Mary’s school is located in the neighbourhood and children attending the school witness these events daily.

The Appellant told the Board that because of safety issues, the parish moved ahead with erecting a fence. Then in July 2023 they received a letter from the City of Saskatoon stating a complaint had been lodged against the property. The Appellant is appealing the Order to Remedy Contravention, seeking to keep the higher fence. The Board was further told that when the Appellant spoke to the Manager of Rite-Way Fencing who installed the fence, he said he could not understand why this was an issue. His business has constructed many 6-foot fences for commercial businesses. St. Mary’s office functions as a business where people work.

The Board was presented photos of other fences in the neighbourhood. Exhibit A.2, page 4 shows the Sisters of St. Joseph, The Eparchy located on Avenue M South, Saskatoon, and page 5 shows the fence around Sacred Heart Roman Catholic Church of the First Peoples in Edmonton that serves the inner-city much as St. Mary’s does.

The Board was advised that the parishioners were surveyed and asked if they felt having a fence around the church property was important, this included the office building and residence and to explain why or why not. Approximately 160 replies were in favor citing reasons for safety and six replies stated 'no'.

The Appellant told the Board that the key issue is the tragic realities in the neighbourhood that have made the fence necessary. The Board was further told that a letter signed by 220 people was sent in July 2022 to the Saskatchewan Premier along with numerous Provincial Ministries asking that the parish, community partners, and Provincial Government work together, revisit the provincial budget, and dedicate other resources to address the complex issues, listing a number of considerations. To this day, no response was received.

The Appellant noted that based on statistics from the Saskatchewan Coroners Service there have been 225 suspected drug toxicity deaths from January to the end of August of this year. The Appellant further noted that more activity is taking place on the front steps of the church where drug use continues and needles are abandoned. Urine and human waste are becoming a daily issue.

The Appellant disclosed to the Board that as a result of the activities around the parish, the church is losing more and more parishioners. In 2019, 503 tax receipts were generated, while in 2023 there were 325.

The Appellant told the Board that if they had to reconstruct the front yard fence to 1.0 metres in height they would encounter the following issues: encourage camping, drug use, urination, defecation and associated activities on church property, especially in the green space around the church offices and residence; discourage parishioners from attending church events; discourage volunteers coming out for activities such as the neighborhood hamper program; tie up their very limited resources in clean-up, safety, and security activities; tie up city resources such as police and other workers in responding to calls for assistance in the parish; and make the grounds of the office and residence vulnerable to criminal activity such as the sale of illegal drugs.

The Board was advised that the Saskatoon Police Crime Free Multi-Housing (CFMH) staff assessed the area around the church property on August 17 and 28, 2023. They noted that a newly installed fence around the church and church residence has succeeded to significantly reduce the vandalism, graffiti and discarded needles immediately beside the church and within the building's alcoves. CFMH supports the installation of this fence as it marks the property as your own, offers clear sightlines for surveillance, and makes it harder for illegal trespassing and activity.

The Appellant stated that they were requesting an exemption to the fence bylaw to enable a more safe and secure environment for the church and those that attend it. They have had discussions with people who had previously attended but no longer do so because of concerns for their safety. As parishioners feel less safe, the attendance is diminishing, and people are finding alternate locations to worship. This will in turn limit the parish's

volunteer base and financial ability to perform outreach to the Pleasant Hill community. The parish is saddened that the community has become less safe over the last few years but feel the higher fence is a necessity. Ideally, if the corridor between the church property and the adjacent church offices/residence could become a Corridor of Hope with symbols or signs of hope, where community members such as people on the street or elders accompanying those with mental health issues could be comfortable, the fenced area could be an outreach area and not a boundary.

No questions were put forth from the Respondent.

The Board put forward questions to the Appellant and were further informed of the following:

- What street is the Corridor of Hope located on? It runs from Avenue O South to Avenue P South, between the church building and the office/residence.
- What is the current fence height? It is six feet (1.89 metres).
- A survey was done by the parish with 160 replies in favor of the fence and 6 not in favor. What were the reasons for not being in favor? People stated the fence looks ugly, looks like a prison, and others said no without a reason.
- What process did you undertake to decide to erect the fence? The church leadership was made aware of the situation and suggestion for the fence and had a discussion about how to provide safety for visitors, parishioners, and volunteers who come to St. Mary's Parish. There was a sense of urgency on how to manage the property. The leadership agreed the fence was necessary.
- Did you notice an increase of issues/concerns after the approval of the Prairie Harm Reduction Centre? The Appellant noted he has only been at St. Mary's Parish for two years, but even in this short time he has seen drug use, encampments, discharged needles, and human waste increase drastically.

The Board advised the Appellant that it does not represent the City of Saskatoon. They are ordinary citizens who have been selected to serve in a neutral position and operate under the authority of the provincial *Planning and Development Act*.

EVIDENCE AND ARGUMENT OF THE RESPONDENT:

Leanne DeLong, Bylaw Compliance Manager, Community Standards, Community Services, City of Saskatoon, presented the evidence and arguments below.

In response to a complaint, an investigation of this property confirmed that a 1.89 metres high fence, at 211 Ave O South, was constructed in a required front yard.

Section 5.13 (1) of the Zoning Bylaw states that no wall, fence, or other structure not otherwise permitted shall be erected in a required front yard or on a site line adjacent to a required front yard, to a height of more than 1.0 metres above grade level.

In noting their reason for appeal, the Appellant indicated that they constructed the fence for security reasons and are seeking approval to keep the same fence height on church property for the safety of the users of the property and to discourage camping, drug use and associated activities.

The City does not support the granting of this appeal at this time. In consideration of the three tests of entitlement by which the Board is required to base its decision the following comments were given:

1. It is felt that granting this appeal would be granting the applicant a special privilege inconsistent with the restrictions on the neighbouring properties in the same district.

The Appellant has established the fence to enclose a portion of the front yard of the site. It is the City's opinion that there is nothing unique or unusual about the site such as site constraints that would result in the need for a fence in excess of the maximum requirement.

When considering this test of entitlement, the City is viewing the request from a land use perspective. The opposite block face contains residential sites to which the same fencing requirement applies. The granting of this appeal would set a precedent for constructing larger fences in the front yards of residential areas.

2. It is felt that granting this appeal would amount to a relaxation so as to defeat the intent of the Zoning Bylaw.

The purpose and intent of the maximum fence height requirement is to minimize the visual impact of fence structures in the front yard and to provide for public amenity, providing views and vistas through the neighbourhood. While the Community Services Division sympathizes with the situation, supporting this appeal would be contrary to its purpose and intent as the fence has become an opposing structure on the streetscape as evidenced by the complaint.

Additional site and building design considerations such as use of dense shrubbery to address safety considerations can be implemented to help address the concerns that the Appellant has noted.

In terms of a previous appeal granted at 215 Avenue M South, that site is zoned RM5. In this zoning district fences are permitted to be erected in the front yard of a dwelling group to a maximum height of 2.0 metres above grade level provided the fence is located at least 3.0 metres from the front property line. The Appellant appealed twice, the first time was to have the same regulation applied to their site given the RM5 zoning, and the monastery use being located in a mainly non-residential area. The City supported this appeal by concluding that it was reasonable to apply the same regulation to the monastery as for a dwelling group; the Appeal Board granted the appeal. During the second appeal, the property owner sought to have the fence located 1.0 metres from the property line, instead of 3.0 metres and the City did not support this position. The property

owner did have some of the same concerns as expressed here today. The Appeal Board also granted the second appeal.

3. In terms of injurious affection, we note that numerous letters as part of the Appellant's submission have been received in support and two letters in opposition were received. One other letter was also submitted to the board in support. In terms of injurious affection, the fence was brought to our attention because of a complaint.

No questions were put forth from the Appellant.

The Board asked the Respondent whether a building permit is required to construct a fence, and was advised that a permit is not required. The Respondent noted that the fence located at the Sisters of St. Joseph property on Avenue M South was part of a building permit process in 2001.

The Board acknowledged it had a number of requests to speak from members of the public who were in attendance. All speakers took the truth affirmation oath separately prior to speaking and spoke individually on the matter as follows:

Reverend Paul Labelle of Our Lady of Guadalupe, Saskatoon's First Nations and Metis Roman Catholic Parish spoke opposing the existing fence. He told the Board that he holds Mass at St. Mary's Church on Sunday afternoons for his parishioners along with other functions and Easter celebration. Even though they consider St. Mary's a temporary home, they were not consulted regarding the building of the fence. Reverend Labelle disclosed that he was the complainant against the fence. He commented that Our Lady of Guadalupe was only consulted after the fence was built. He feels it provides strange optics as it does look like a prison. He commented that the decision to erect the fence was in disregard of the Bylaw and the City should have been consulted. Reverend Labelle further commented that the fence does nothing to cure the problems occurring in the community and that is beyond the purview of the Board. People still camp out there but cannot even access green space. In final comment, he encouraged the Board to not accept the appeal and enforce the Bylaw.

Karen Farmer, Coordinator, Crime Free Multi-housing, Saskatoon Police Service spoke in favor of the appeal. She noted that she was requested by St. Mary's Parish to perform a security assessment of the subject property and that report is provided to the Board as Exhibit B.3. She commented that she would like to request special privilege for the fence to remain because of the security concerns for the people who live there and who attend the church. There is a high incidence of crime in the immediate area. There are small houses (residences) across the street from the church. Karen does not think that the fence looks like a prison fence; she has worked in prisons and this fence is nothing like those fences. The fence has a clear surveillance line and you can easily see into the property which is a well-maintained property. In closing, she stated that it was the opinion of her office and the Vulnerable Persons Unit that the fence is a good idea and should stay. The church has many alcoves around it where people can hide and do drugs. Now there is more visibility and anyone in distress can be seen.

Father Greg Smith-Windsor spoke in favor of keeping the fence. He commented that it was not correct to equate putting up the fence with any particular group in the community; being racially sensitive is important. He does feel that exceptional circumstances surround this property; it is not like other properties. Father Smith-Windsor stated that the highest law of the land is the Canadian Charter of Rights and Freedoms, and freedom of religion is a foundational value in Canada. If people feel their security is compromised in their ability to attend the parish that has nourished their faith and that of their family then their freedom of religion is compromised because they cannot exercise it in the manner in which it should be done. The subject property is a place of worship and there are special legal protections in Canada that apply.

Eric Carrie spoke in favor of keeping the fence. Eric stated that he has lived in Saskatoon for over 10 years and over the past 10 years he has seen an increase in drug use and homelessness in the streets. He noted that people who live in the neighbourhood and who worship at the church should feel safe. He commented that the Federal Government can shut down safe injection sites; however, until the problems that surround the church and community are solved, the fence should be allowed to remain.

Carl Baumgardner spoke in favor of the fence. Carl told the Board that his first experience with St. Mary's Parish was in 1956 when he was a student teacher. While attending Teacher's College he was advised to not go into the area unaccompanied. This is a perception of this part of Saskatoon. In his later years he sat for over 20 years as a member of the St. Mary's Credit Union Board and the Affinity branch had to hire a security person, especially on pay-days. St. Mary's Parish with the help of volunteers used to prepare food hampers, but this is no longer possible because of issues they had with people forcing their way inside the premises. The church is struggling to maintain membership and revenue. In final comments, he noted that the Bylaw was created for a different Saskatoon that does not exist now.

Maria Fortuna spoke in support of the fence. Maria noted that the problems being discussed today are North American problems. These issues happen when you leave them to continue and have a permissive approach. Good fences make good neighbours; this statement has truth to it. She grew up in the neighbourhood as did her mother and now driving through the area is heartbreaking. She supports the fence until something helpful is done about the situation.

Father Graham Hill advised he wanted to clarify a few comments made today. He noted that reduction in church membership is not only occurring at St. Mary's Parish but is occurring across the country. On average every church membership is down by 25%. This is not caused by the fence or the neighbourhood; a lot of it is caused by people's reaction to the residential schools and their abuse. A decrease in revenue can be attributed to the last three years and Covid and church hall bookings not being accepted for much of this time. Father Hill further commented that the fence is an obstacle to people just by its height and its nature.

Judi Weber spoke in support of the fence. Judi has attended St. Mary's Parish for 50 years and has been part of various church committees. She relayed a story of answering the St. Mary's Church's back door before the fence was built and when she answered it, she had to step over two people using needles. She lives on the west side of the city and used to be able to leave her own door unlocked. However, she got to a point where she was afraid to come to the church. The fence is not a matter of compassion, kindness or reconciliation but a matter of safety and that is all that it is.

Van Tran told the Board that he has lived in the rectory at St. Mary's Church since May. Before the fence was constructed, people were sleeping right under his room's window. He could smell human waste. Van volunteered to help the custodian clean up the garbage, human waste, and used needles every day in front of the church and in the corridor. He picks up at least 20 needles per day. He commented that people are worried about the height of the fence, but how about the concern for his safety.

In final comment, the Appellant noted that the realities around St. Mary's Church and of the neighbourhood are ones for which they need support in handling. If these issues did not exist, then he would be the first to want to take down the fence. However, there is a need for the fence -- it is a safety issue.

RULES AND STATUTES:

Section 219, Subsections (1) to (5) of *The Planning and Development Act, 2007*, governs the right of appeal, as follows:

- 219 (1) *In addition to any other right of appeal provided by this or any other Act, a person affected may appeal to the board if there is:*
- (a) *an alleged misapplication of a zoning bylaw in the issuance of a development permit;*
 - (b) *a refusal to issue a development permit because it would contravene the zoning bylaw; or*
 - (c) *an order issued pursuant to subsection 242(4).*
- (2) *Notwithstanding subsection (1), there is no appeal pursuant to clause (1)(b) if a development permit was refused on the basis that the use in the zoning district for which the development permit was sought:*
- (a) *is not a permitted use or a permitted intensity of use;*
 - (b) *is a discretionary use or a discretionary intensity of use that has not been approved by resolution of council; or*
 - (c) *is a prohibited use.*
- (3) *In addition to the right of appeal provided by section 58, there is the same right of appeal from a discretionary use as from a permitted use.*
- (4) *An appellant shall make his appeal pursuant to subsection (1) within 30 days after the date of the issuance of or refusal to issue a development permit, or of the issuance of the order, as the case may be.*

- (5) *Nothing in this section authorizes a person to appeal a decision of the council:*
- (a) *refusing to rezone the person's land; or*
 - (b) *rejecting an application for approval of a discretionary use.*

Section 221 of *The Planning and Development Act, 2007*, governs the determination of an appeal as follows:

221 *In determining an appeal, the board hearing the appeal:*

- (a) *is bound by any official community plan in effect;*
- (b) *must ensure that its decisions conform to the uses of land, intensity of use and density of development in the zoning bylaw;*
- (c) *must ensure that its decisions are consistent with any provincial land use policies and statements of provincial interest; and*
- (d) *may, subject to clauses (a) to (c), confirm, revoke or vary the approval, decision, any development standard or condition, or order imposed by the approving authority, the council or the development officer, as the case may be, or make or substitute any approval, decision or condition that it considers advisable if, in its opinion, the action would not:*
 - (i) *grant to the applicant a special privilege inconsistent with the restrictions on the neighbouring properties in the same zoning district;*
 - (ii) *amount to a relaxation so as to defeat the intent of the zoning bylaw; or*
 - (iii) *injuriously affect the neighbouring properties.*

Section 4.2(1) of the City of Saskatoon *Zoning Bylaw No. 8770* states that no person shall erect, construct, locate, alter, reconstruct or maintain any building or structure, or locate or carry on any industry, business, trade or calling, or use any land or building, within any district, except as permitted by this Bylaw, and subject to all the regulations contained in this Bylaw.

Section 4.3.1(1) of the City of Saskatoon *Zoning Bylaw No. 8770* states, except as specifically exempted by this Bylaw, no person shall undertake a permitted or discretionary form of development or commence a permitted or discretionary use without having first obtained a development permit. A building permit or sign permit is not valid unless a subsisting development permit, where such permit is required by this Bylaw, has been issued and remains valid.

Section 5.13(1) of the City of Saskatoon *Zoning Bylaw No. 8770* states the following:

“5.13 Fences

1. *No wall, fence, or other structure not otherwise permitted shall be erected in a required front yard or on a site line adjacent to a required front yard, to a height of more than 1.0 metres above grade level.”*

APPLICATION/ANALYSIS:

In determining the appeal, the Board was governed by Section 221 of *The Planning and Development Act, 2007*.

1. Does the granting of this appeal grant to the applicant a special privilege inconsistent with the restrictions on the neighbouring properties in the same zoning district?

In assessing special privilege, the Board considered whether there were any special or unique circumstances that would warrant granting the appeal by which the Board would grant the same privilege to another applicant on appeal where the same circumstances exist in the same zoning district and with the same regulations.

The Appellant explained that the fence encloses a portion of the front yard of the subject property. Encampments, discarded needles, human waste and garbage are found around the property. There is an increasing accumulation of debris and needles that need to be removed daily by the custodian staff as well as volunteers, which place parishioners, staff and volunteers at risk.

The Appellant indicated that the St. Mary's Church hired a fencing company to construct the chain link fence that would enhance the safety for parishioners attending the church and volunteers supporting the church's outreach and hamper programs. In hiring the fencing company, the Appellant was of the understanding that the company was aware of any City regulatory requirements. No permit was required for the fence; therefore, there was no check for compliance until the public complaint.

The Appellant presented information in Exhibit A.2 that explained the unique circumstances and the special need for having a higher fence. As a result of illegal trespass and activities and vandalism parishioners feel less safe to attend. The Appellant pointed out that tax receipts generated for 2019 to 2022 declined as a result of fewer people attending the church and public safety was cited as a significant reason for this fact. Ultimately this could impact the financial viability of the historic St. Mary's Church.

The Respondent argued that allowing a variance would be a special privilege as there was nothing unique about the subject site warranting approval of the appeal. The Respondent noted that granting a variance could set a precedent for others to construct high fences in the front yard. The Board disagreed. Each appeal is assessed on its individual merit based on the specific circumstances, conditions, and needs.

In this case, the subject site contains a public church building. The Appellant demonstrated a need for the higher chain link fence in the front yard to ensure the safety of the parishioners and to limit any negative impact on the financial viability of the St. Mary's Church due to increased maintenance costs required due to trespass and degradation of private property, and the potential loss of parishioners due to safety concerns.

The circumstances and evidence presented support the need to vary the Zoning Bylaw fence height regulation in this case. The Board determined that granting the appeal would not be a special privilege inconsistent with the restrictions on the neighbouring properties in the same zoning district.

The appeal, therefore, passes the first bar of entitlement.

2. Does the granting of this appeal amount to a relaxation of the provisions of the Zoning Bylaw so as to defeat the intent of the Zoning Bylaw?

The Respondent noted that the purpose and intent of the 1.0 metres maximum fence height requirement is to minimize the visual impact of fence structures in the front yard and to provide for public amenity, providing views and vistas through the neighbourhood. The Zoning Bylaw regulations also ensure that fences and structures do not unduly block sightlines or create an unsightly condition.

The Board heard that church property has been defaced with graffiti creating an unsightly condition. A high fence will help to minimize trespassing. In addition, the Board noted that the fence does not jeopardize any sightlines or obstruct views, and increasing the setback of the fence does not alter the appearance of the fence nor the height. Furthermore, Exhibit R.2 photos shows that there is a wide public grassed boulevard separating the built street from the sidewalk providing a visual buffer. Views of the historic building are not blocked as there is clear visibility through the chain link fence.

The Board determined that granting the appeal would not defeat or compromise the intent of the Zoning Bylaw.

The appeal, therefore, passes the second bar of entitlement.

3. Does the granting of this appeal injuriously affect the neighbouring properties?

The Board noted that the fence was brought to the City's attention because of a complaint as indicated above.

The Board heard from the Appellant that St. Mary's parishioners were petitioned and approximately 160 replies were received from individuals in favor citing safety reasons while six individuals were not in favour of the higher fence. The appearance of the chain link fence was a concern. There was no evidence indicating if any of these individuals were neighbouring property owners.

Two submissions were received by the Board as provided as part of the neighbour notification process. One letter was received from the property owners across the street from the church property in support of the appeal noting that the higher fence has helped to decrease the number of encampments, open drug use, and related activities that were visible from the home. The other correspondence was received from the Saskatoon Police service in favour of the higher fence for added security of the church grounds.

At the Appeal Hearing, the Board heard from nine members of the public with seven of those individuals being in support of the appeal for security reasons for the church property and parishioners.

Based on the evidence, it is the opinion of the Board that granting the appeal would not directly result in the unreasonable interference in the use and enjoyment of the neighbouring properties in the immediate area. Therefore, granting this appeal does not injuriously affect the neighbouring properties.

The appeal, therefore, passes the third bar of entitlement.

DECISION:

THAT the appeal be **GRANTED**.

DATED AT SASKATOON, SASKATCHEWAN, THIS 19th DAY OF OCTOBER 2023.

CITY OF SASKATOON DEVELOPMENT APPEALS BOARD



Len Kowalko, Chair

TAKE NOTICE that in accordance with Subsection 226(1) of *The Planning and Development Act, 2007*, the minister, the council, the appellant or any other person may appeal a decision of the Development Appeals Board to the Saskatchewan Municipal Board. In the event that no such appeal is made, this Decision becomes effective after the expiry of 30 days from the date of the Decision of the Development Appeals Board.

A notice of appeal form can be downloaded from www.publications.gov.sk.ca (select Saskatchewan Municipal Board from the Ministry list, and select Notice of Appeal to the Planning Appeals Committee). The notice of appeal must be filed, **within 30 days after being served with this Record of Decision**, to:

Planning Appeals Committee
Saskatchewan Municipal Board
4th Floor, Room 480
2151 Scarth Street
Regina, SK S4P 2H8
(Telephone: 306-787-6221; FAX: 306-787-1610; info@smb.gov.sk.ca)

An appeal fee of \$50 is also required by the Planning Appeals Committee. Cheques should be made payable to Minister of Finance. Your appeal will be considered received on the date the appeal fee and the notice of appeal have both been received.

Please note a copy of the notice of appeal must also be provided to the Saskatoon Development Appeals Board, c/o The Secretary, Development Appeals Board, City Clerk's Office, City Hall, Saskatoon, SK, S7K 0J5.

For additional information, please contact the Planning Appeals Committee, Saskatchewan Municipal Board, at the address and/or telephone number indicated above.