



CITY OF
Lethbridge

Office of the City Clerk

November 8, 2013

RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

An appeal has been filed on the issuance of an Order by the Development Officer to comply with the Land Use Bylaw by January 31, 2014 regarding an illegal dwelling unit at 388 McMaster Boulevard West,

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 200 feet or 60 meters of the development are notified of the hearing by way of this letter. In addition, the owner of the property, the applicant of the development permit, the Community Association and the person(s) who filed the appeal will also receive a copy of this letter.

The Subdivision and Development Appeal Board (SDAB) will hold a Public Hearing as follows:

DATE: Thursday, November 28, 2013
TIME: 4:00 p.m.
LOCATION: Council Chambers, Main Floor, City Hall
910 – 4 Avenue South

Persons affected by this development have the right to present a written, verbal and/or visual submission to the Board. When making a presentation, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision. It is recommended that you limit your presentation to five minutes.

If you wish to submit written material to the Board, it should be delivered to the Secretary of the SDAB, no later than 12:00 noon on the Wednesday prior to the hearing. If you are unable to meet this submission deadline, please bring 12 copies of the materials to the Hearing and it will be distributed at the start of the Hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations to the Board. Please feel free to contact me at 403 329 7329 if you have any questions.

Yours truly,

David Sarsfield
Board Secretary,
Subdivision and Development Appeal Board



CITY OF
Lethbridge

NOTICE OF A SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

DATE: Thursday, November 28, 2013

PLACE: Council Chambers, 1st Floor
City Hall - 910 - 4th Avenue South

TIME: 4:00 p.m.

AGENDA:

1. CALL TO ORDER

PRESENTATIONS:

2.1 4:00 p.m.

SDAB No. 2013-012
APPEAL OF ORDER

Appellant: Margaret Jenkins
Address: 388 McMaster Boulevard West

Appeal of Order dated October 10, 2013

Land Use District: R-L (Low Density Residential)

October 23, 2013



City of Lethbridge
Planning & Development Services
Attn: Pam Colling, Development Officer
910 - 4th Ave. South
Lethbridge, AB T1S 0P6

Re: Secondary Suite 388 McMaster Blvd. West

This letter is a request to appeal the Order I received October 10, 2013 from the City of Lethbridge, to "stop" the use of, and remove all kitchen facilities and hook-ups in the basement of my rental property at 388 McMaster.

On July 31, 2013 I received a letter from the City advising they had received a complaint that I have a secondary suite at the above noted address. On August 9, 2013 I made contact with Pam Colling, via telephone and confirmed that I do have a suite at said address. Pam advised me that a suite is not permitted as the additional dwelling in the basement brings the total number of dwelling units in this home to three. She further indicated all kitchen facilities had to be removed and that I could no longer rent out the suite. In compliance, I have not rented out the suite since the last tenants moved out at the end of June, 2013, but am hopeful I will be able to do so in the future, as I questioned Pam about the numerous

secondary suites throughout the city which do not comply with City by-laws. I am confirmed that the City is aware there are numerous suites which do not comply, and because of the number are dealt with on a one by one basis when a complaint is made. I would be most appreciative if you would re-examine the nature of the complaint, take into consideration that I have been a dedicated & vigilant landlord over the years ensuring the safety of occupants and attempting to abide by City standards as I have outlined below.

I purchased the property in 1995 for my children to occupy while attending the university, since our home was not in Lethbridge at the time. Upon completion of their education I attempted to rent the property. With a living space both upstairs and down, 2 bedrooms up and a bedroom and den down, and inside doors to both the basement and the upper level for energy efficiency I found I continually had to evict tenants. They would rent out living areas and bedrooms, so that at times there were upwards of 10 and 12 occupants and use of hot plates, microwaves, extra washing machines, and dishwashers, both upstairs and down. As well, on street parking became of issue.

Concerned for the safety of occupants and my property as well as liability, ~~and~~ considering that my property had the perfect set up for a suite and thinking that a suite may alleviate the above mentioned

issues I inquired at the City about a secondary suite. At the time I was informed that secondary suites are allowed in low-Density (R-L) districts and that my location qualified.

It was at that time that I hired a well-known reputable carpenter in the city to develop a suite that met with City safety standards including developing a parking area in the rear of the property to alleviate on street parking issues. Even with the shortage of rental property at the time the addition of the suite did reduce the problems noted above. It was about this time, I believe, that I recall articles in the Kethbridge Herald recognizing that secondary suites provide an important, affordable and much needed housing option, especially on the west side for students attending the university.

A few years ago, in an effort to ensure I had done all I could to address safety standards in the suite and, in the future, be able to sell my home with a legal, conforming suite making it more saleable and attractive to buyers, when the Fire Prevention office with the City offered a financial incentive program to encourage landlords to legalize their secondary suites, I met with Safety Codes Officer, Gerrit Simke. You can only imagine my "shock" when he explained to me that, although secondary suites are permitted in single family homes in my area, and I may consider my home a single family home as

I own only one side of the duplex and only one family lives in it, secondary suites are not allowed in duplexes.

Because I was aware there were numerous illegal suites throughout the city I inquired at the city how they were being dealt with. I was informed that because they do not have the manpower to deal with the issue, they are dealt with on a "one-by-one" basis when a complaint is made. I was also advised that on street parking was one of the biggest issues complained about, and I had already addressed this issue with my rear parking spaces.

With this information, and the work I had already done to ensure the safety of occupants, even though I could not legalize the suite I hired a carpenter at my own expense, to address any issues needed to be done as per the Inspection Sheet provided by Fire Prevention.

Unlike many landlords, including my neighbors who have unsightly yards, numerous tenants coming and going, and on street parking problems, I have been a dedicated and vigilant landlord over the years. I have maintained and up-graded both the interior and exterior of my property on an ongoing basis including, but not limited to, ongoing painting, duct cleaning, upgrading of floors

on both levels; replacement of hot water tank to a low energy unit; replacement of toilets to low flow unit on both levels; replacement of basement windows; mowing and fertilizing the lawn including the boulevard; control of weeds within yard, on boulevard, and both inside and outside of fence which borders on a city walkway; trimming trees, and keeping the fence painted both inside and out. New shingles have been approved by insurance and old ones to be replaced.

However, it is because of this dedication to providing my occupants with a safe and well-maintained home that each time I have someone in to do work, fix appliances, etc., I am aware I run the risk of being reported for having an illegal basement suite. Moreover, each time I have to evict tenants which have been for everything from not paying their rent, to causing damage, and even illegal drug use, or dealing with trades people who do not accept responsibility for their work, people are not happy and often threaten to report me to the City for various reasons to do with the basement suite.

Most recently I have had to deal with tenants who continually wrote NSF cheques, caused extensive damage and left without sufficient notice but still expected return of their damage deposit. They threatened to report me to various agencies

including the City, for various issues from improper ventilation and window size to cheap flooring some of which have been in contact with me. A complaint was filed with the Alberta Health Services, for example. An inspection took place and all complaints filed were unfounded. The Inspection Report addressed all the areas, noted all areas were in acceptable condition, and concluded the "premise is in good condition."

Also, I have recently dealt with a reputable flooring company in the city who damaged the toilet when replacing the floor in the basement. Considerable damage, and expense, on their part was incurred, including bringing in an on-site restoration company, which I am sure you can well imagine made them less than happy.

Although Pam advised me that FOIP does not allow for me to know who filed the complaint. I detail these incidents to show that, because I have been a diligent landlord and have care & concern for the safety of my tenants and the City standards that there are any number of people, tenants or otherwise, who may have filed the complaint. I suggest that the complaint may have been in retaliation, but whether it was or not, I can assure it ~~is~~ is not ~~because~~ ^{true if it addressed not} of ensuring safety standards and maintenance & upkeep of the property.

Pam did advise me that I have the option to apply for rezoning of the area in which my property is located. However, because I recently retired due to health reasons, and to care for my 87 year old mother who suffered two serious heart attacks last spring I am not in a financial position to do so. With early retirement I was relying on the monies from this rental property to supplement my retirement income, and had hoped the suite would add to the resale value in the future. However, I received not rental income from this property for the last four months. I also am not in a position to pay for removal of the facilities and hook-ups as directed.

Because I have been a conscientious, diligent and vigilant landlord

- first and foremost always considering the safety of occupants
- developing the suite to reduce unsafe cooling practices
- developing the suite to reduce the number of tenants / occupants
- providing ongoing interior and exterior maintenance and upgrading to the dwelling and property
- creating rear parking to alleviate on street parking issues and
- providing a safe and needed housing option especially in times of housing shortage in the City

I ask that you reconsider my situation, deal with the complaint on a one-by-one basis, and would be most appreciative if you would withdraw your Order at this time. I thank you for your time and consideration.

Sincerely

Margy Jenkins.

cc: Doug Hudson, City Solicitor
Tim Jorgensen, Senior Solicitor
Davis Sarsfield, Secretary, Appeal Board
Jeff Greene, Director, Planning & Development Services
Cynthia Stevenson, Senior Development Officer
Kerry Camp, Manager, Building & Inspection.

Margy Jenkins
2 Grizzly Terrace. - leth. T1H 6S5
403 381 6517

email margyjenk@gmail.com



CITY OF
Lethbridge

PLANNING AND DEVELOPMENT SERVICES

910 – 4 Avenue South
Lethbridge, AB T1J 0P6

Phone No. 403-320-3920
Fax No. 403-327-6571
E-Mail: developmentservices@lethbridge.ca

ORDER

REGISTERED MAIL

August 12, 2013

Margaret Jenkins
388 McMaster Boulevard West
Lethbridge, AB T1K 4L3

Re: Three Dwelling Units in an approved Two-Unit Dwelling at 388 McMaster Boulevard West, Lethbridge, AB

It has been brought to our attention through a complaint and confirmed by you during our phone conversation on August 9, 2013 that your half of the approved two-unit dwelling at the above noted address has an additional dwelling unit in the basement bringing the total number of dwellings units in this building to three.

The building is located in the R-L Low Density Residential District and as such a three-unit dwelling is neither a permitted nor discretionary use.

The Alberta Municipal Government Act (Section 645) authorizes a development authority to order the owner, the person in possess of the land or building, or the person responsible for the contravention, or any or all of them, to stop the use of the land or building and to require any other action so that the use of land or building complies with the Land Use Bylaw.

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FOIPP

Any personal information provided in response to this letter is collected under the Alberta Municipal Government Act and in accordance with Section 33(c) of the Freedom of Information and Protection of Privacy Act. ***Please note that such information may be made public.*** If you have any questions about the collection or use of the personal information provided, please contact the Director of Planning & Development at 910 – 4 Ave S, Lethbridge, AB T1J 0P6 or phone 403-320-3920.

Thus, the City of Lethbridge hereby orders Margaret Jenkins to:

1. Stop the illegal use of the building as a three-unit dwelling;
 - a. Remove all kitchen facilities and hook ups in the illegal dwelling unit located in the basement of 388 McMaster Boulevard West including but not limited to: gas and/or electric hookups for cooking facilities including 220v outlets, wires, breakers or gas pipes and connections, kitchen cupboards, kitchen sinks and plumbing, dishwashers, microwaves, any and all locking doorways separating the main floor from any units in the basement;
 - b. Remove all laundry facilities and hook ups in the illegal dwelling unit located in the basement of 388 McMaster Boulevard West including but not limited to: gas and/or electric hook ups for dryer facilities including 220v outlets, wires, breakers or gas pipes and connections;
2. Comply with this Order by November 30, 2013. This will allow adequate time to give existing tenants the three months written notice as required by the Residential Tenancies Act.

An inspection will be requested on or about December 30, 2013 to determine if this order has been complied with. Failure to comply with this order will result in legal action.

Any interior alterations necessary to bring this building into compliance may require Building, Mechanical or Electrical Permits. Contact our office for assistance with these requirements.

You have the right to appeal this order to the Subdivision and Development Appeal Board within 14 days of receipt of this order.



Pam Colling
Development Officer

cc: Doug Hudson, City Solicitor
Tim Jorgensen, Senior Solicitor
Davis Sarsfield, Secretary – Subdivision and Development Appeal Board
Jeff Greene, Director – Planning and Development Services
Gepke Stevenson, Senior Development Officer
Kerry Crump, Manager – Building and Inspection Services

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CITY OF
Lethbridge

PLANNING AND DEVELOPMENT SERVICES

910 – 4 Avenue South
Lethbridge, AB T1J 0P6

Phone No. 403-320-3920
Fax No. 403-327-6571
E-Mail: developmentservices@lethbridge.ca

ORDER

October 10, 2013

Margaret Jenkins
2 Grizzly Terrace North
Lethbridge, AB T1H 6S5

HAND DELIVERED

**Re: Three Dwelling Units in an approved Two-Unit Dwelling
at 388 McMaster Boulevard West, Lethbridge, AB**

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3. **Remove all laundry facilities and hook ups in the illegal dwelling unit located in the basement of 388 McMaster Boulevard West including but not limited to: gas and/or electric hook ups for dryer facilities including 220v outlets, wires, breakers or gas pipes and connections;**
4. **Comply with this Order by January 31, 2014. This will allow adequate time to give existing tenants the three months written notice as required by the Residential Tenancies Act.**

An inspection will be requested on or about February 28, 2014 to determine if this order has been complied with. Failure to comply with this order will result in legal action.

Any interior alterations necessary to bring this building into compliance may require Building, Mechanical or Electrical Permits. Contact our office for assistance with these requirements.

You have the right to appeal this order to the Subdivision and Development Appeal Board within 14 days of receipt of this order.

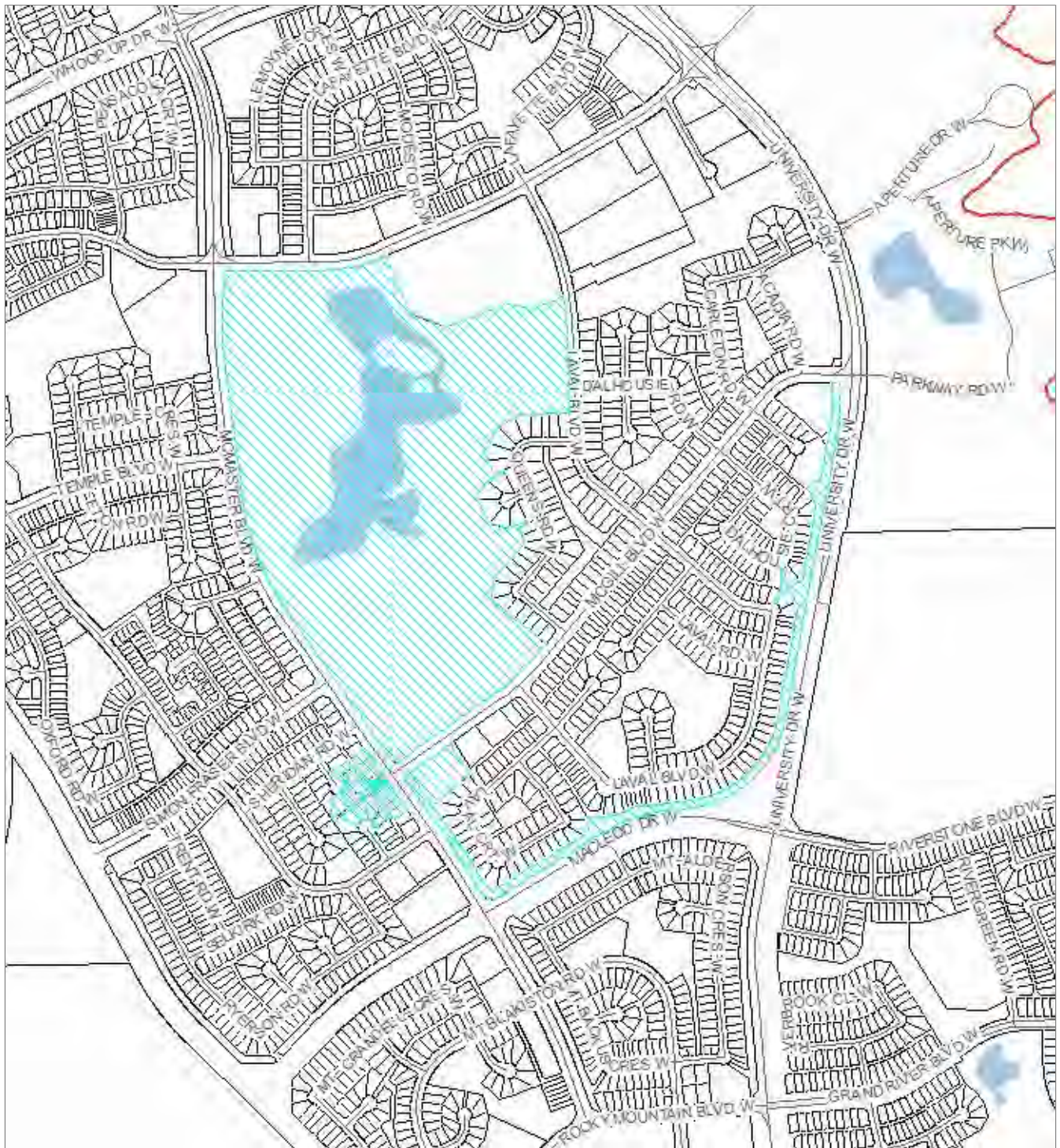


Pam Colling
Development Officer

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CITY OF
Lethbridge

SDAB - 388 McMaster Blvd W

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