

**CITY OF AIRDRIE
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

Appeal No.: SDAB-2023-06

Permit No.: PL2300280

Permit Location: 47 Reunion Grove NW

Appellant: Greg Aldridge

Appellant: John Maxner, Dave Harris, Angela Harris, Chelsea Frayling, Mike Frayling, Art Evers, Sherry Rogers-Polley, Jeff Moorman, Jackie Moorman, Robert Polley, Charlotte Yantz, Matthew Kelly, Alyson Kelly, Sussy Andrea Soto de le Jara, Wes Van Tighem, Ada Alegre, Deanna Wons, Ryan Keysell, Robert Thiessen, Cora Thiessen, Erin Arsenault, Darren Dockter, Jeff Vecchio, Candice Vecchio, Mandy Worthen, Elizabeth Holman, Carlos Bengoechea, Danica Derpich, Holly Shepherd, Cody Shepherd

Applicant: Bright Adelegan on behalf Ever Bright Complex Needs Support Services, Inc.

Hearing Dates: May 24, 2023
June 20, 2023

Decision Date: July 4, 2023

Board Members: C. Kolson, Chair
H. Geddert
K. Ilochonwu
S. Lamoureux
R. Kleer

DECISION

Description of Application

1 The appeal before the Subdivision and Development Appeal Board (the “Board”) was brought by:

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(a) Greg Aldridge;

- (b) John Maxner on behalf of Dave Harris, Angela Harris, Chelsea Frayling, Mike; Frayling, Art Evers, Sherry Rogers-Polley, Jeff Moorman, Jackie Moorman, Robert Polley, Charlotte Yantz, Matthew Kelly, Alyson Kelly, Sussy Andrea Soto de le Jara, Wes Van Tighem, Ada Alegre, Deanna Wons, Ryan Keysell, Robert Thiessen, Cora Thiessen, Erin Arsenault, Darren Dockter, Jeff Vecchio, Candice Vecchio, Mandy Worthen, Elizabeth Holman, Carlos Bengoechea, Danica Derpich, Holly Shepherd, and Cody Shepherd.

3 On April 11, 2023, the Development Authority approved the Applicant's application for proposed Development Permit No. PL2300280 (the "Permit") for a Change of Use.

4 The Permit proposes to add a second use, *Supportive Housing, Limited* to the property located at 47 Reunion Grove NW (Lot 37, Block 12, Plan 1110748) (the "Property").

5 The registered owners of the Property are Walter and Frances Mitchell.

6 The Property has a land use designation of R1-L Narrow Lot Land Residential District.

Procedural History

7 The hearing was scheduled for May 25, 2023. On May 18, 2023, Mr. Maxner, spokesperson for the group appeal, requested an adjournment. After consulting the parties, the Board opened the hearing May 24, 2023 and adjourned to June 20, 2023.

8 The deadline for materials was May 19, 2023, after which Mr. Maxner submitted 21 emails in addition to his original submission. The Board determined that the additional submissions contained sensitive and personal information of third parties that was not publishable on the City of Airdrie's website pursuant to the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25. The Board issued a notice that the materials, with the third-party information redacted, was available for public inspection at City Hall in accordance with the *Municipal Government Act*. No one sought to inspect the materials.

9 On June 20, 2023, the Board held a hybrid hearing, both in person at City Hall and by Microsoft Teams.

Decision

10 The appeal is denied and Development Permit No. PL2300280 is approved.

Submissions

- 11 The Board received written and verbal submissions from:
- (a) Samina Tuli, Development Authority;
 - (b) Willow Czaban, Development Authority;
 - (c) Greg Aldridge, Appellant;
 - (d) John Maxner, Appellant, and spokesperson for Dave Harris, Angela Harris, Chelsea Frayling, Mike; Frayling, Art Evers, Sherry Rogers-Polley, Jeff Moorman, Jackie Moorman, Robert Polley, Charlotte Yantz, Matthew Kelly, Alyson Kelly, Sussy Andrea Soto de le Jara, Wes Van Tighem, Ada Alegre, Deanna Wons, Ryan Keysell, Robert Thiessen, Cora Thiessen, Erin Arsenault, Darren Dockter, Jeff Vecchio, Candice Vecchio, Mandy Worthen, Elizabeth Holman, Carlos Bengoechea, Danica Derpich, Holly Shepherd, and Cody Shepherd, Appellants; and
 - (e) Bright Adelegan on behalf of Ever Bright Complex Needs Support Services, Inc., Applicant.
- 12 The Board received no letters in support of the appeal.
- 13 The Board received letters in opposition to the appeal from:
- (a) Michael Korsh and Stacy Korsh;
 - (b) Deborah Wankel;
 - (c) Michel Belanger;
 - (d) Crystal Bliss-Belanger; and
 - (e) Kevin Mac Dougall and Susan Cousins.
- 14 At the hearing, the Board received verbal submissions from:
- (a) Brian Huang;
 - (b) Jaadaas Jagwa;
 - (c) Jessica Salkeld;
 - (d) Dixon Nelson;
 - (e) Frederick Khumba;
 - (f) Gloria Agada;
 - (g) Leonard Semayira;
 - (h) Simisola Bello;
 - (i) Idowu Alao;
 - (j) Adeola Akintimade; and
 - (k) Isreal Adegboye.

Preliminary Issues

- 15 The Board opened the hearing with comments about the Board's role and what it may consider in rendering a decision. The Board noted a series of issues raised in the Appellants' written submissions that looked to be outside the Board's jurisdiction. The

Board stated that if speakers addressed those issues at the hearing, speakers should take care to explain the issues' relevance to considerations within the Board's remit.

16 The Board confirmed that communications must go solely through the Clerk, as the Chair had been contacted directly by email and others had tagged her on Facebook.

17 No hearing participant:

- (a) raised any procedural issues;
- (b) objected to any of the members of the Board hearing the appeal.

Development Authority's submissions

18 The Development Authority provided written submissions to the Board and made verbal submissions at the hearing. A summary of those submissions follows.

19 The Property is located in the community of Reunion. It and surrounding properties are in the R1-L Narrow Lot Land Residential District ("R1-L District"). The Property is a standard rectangular shape of 321.20 m² (0.079 acres), developed with a single detached dwelling and a two-car parking pad accessed from the rear lane.

20 The *Land Use Bylaw* defines *Supportive Housing, Limited* as:

A type of accommodation integrated with other residential land uses in a neighborhood context and providing on-site professional care and supervision, where services might include regular housekeeping, nursing care, personal care, health, wellness, and recreational support. This use definition includes group homes and congregate care facilities. This use does not include an institution such as extended medical treatment centres or detention and correction facilities. Pg. 1-27.

21 *Supportive Housing, Limited* is not intended to be a shelter drop in halfway house or similar type of temporary accommodation. It is meant to maintain the Property's residential nature. However, the residents need extra help with everyday activities.

22 The Permit proposes 3 residents supported by 2 onsite staff who will provide around-the-clock care on rotation. The Permit proposes no exterior or interior changes. The business description activities are schooling, volunteering, and working.

23 The Development Authority evaluated the Permit application against the AirdrieOne Sustainability Plan ("AirdrieONE"), and the Airdrie City Plan, and the *Land Use Bylaw*.

24 AirdrieONE supports the development of diverse housing. Regarding the built environment, success is when:

“Neighbourhoods have a diversity of housing options that accommodate a broad range of ages, incomes and lifestyles.” Pg. 12.

25 AirdrieONE speaks to how Smart Growth principles, including creating a range of housing opportunity and choices, will foster more attractive, economically stronger, and more socially diverse communities.

26 The Airdrie City Plan provides an overall framework for land use planning decision-making geared toward creating liveable, sustainable communities. Its policies include the following:

“Ensure neighbourhoods are well-designed and offer a range of housing options to meet a broad range of needs.” Pg. 43.

Section 6.20 Affordable & Supportive Housing: “Affordable and below-market housing is encouraged to locate close to schools, shops, services and parks, and locations capable of being served by transit.”

Section 7.21 Transit-Supportive Network: “All residences in new subdivisions should be located within a 400 metre walking distance of a transit stop, with shorter walking distances encouraged for high density residential areas and developments intended for affordable and supportive housing”.

27 According to Airdrie’s Housing Policy Strategist, the City of Airdrie has an extreme deficit of housing types that serve vulnerable people. It has no homeless shelter and Calgary-area shelters are at capacity. Airdrie requires more Supportive Housing developments like the one proposed at the Property to help individuals with complex needs remain successfully housed.

28 The purpose of the *Land Use Bylaw* is to regulate and control the use and development of land and buildings in the City of Airdrie. The Development Authority evaluated the Permit application for regulatory compliance and compatibility with the neighbourhood, and for potential impacts on neighbouring properties.

29 *Supportive Housing, Limited* is a listed use in most residential, mixed use, and commercial districts. It is listed as a discretionary use in section 8.5.6, the R1-L District. The purpose of the district “is to provide for residential development in the form of single-detached dwellings on small lots with access from a rear laneway.”

30 *Land Use Bylaw* section 6.24 outlines development regulations for Supportive Housing. They ensure that the development maintains consistency with the existing residential neighbourhood character, and they mitigate any cumulative impacts of supportive housing.

31 *Land Use Bylaw* section 6.24(2) prohibits exterior alterations inconsistent with the residential character of the building, property, and neighbourhood, and a condition to

that effect was added. Section 6.24(3) requires Supportive Housing developments to be consistent with the form and scale of the area residential dwelling types.

32 No exterior alterations are proposed. The Property will continue to present and function as a single-detached dwelling which the Development Authority anticipates will be well integrated with the surrounding residential uses.

33 *Land Use Bylaw* section 6.24(8) requires the Development Authority to mitigate any cumulative impacts of Supportive Housing developments:

“In the review of Development Permit applications where Limited or General Supportive Housing is listed as a Discretionary Use, consideration shall be given to the proximity of the proposed development to other similar facilities, the location of the facility on the block and in the neighbourhood, and the street classification to ensure that there shall not be cumulative land use impacts on the neighbourhood in which the proposed facility is to be located.”

34 The Development Authority had no cumulative impact concerns because there are no *Supportive Housing, Limited* or similar facilities in Reunion.

35 Regarding amenities, the Property is within walking distance to neighbourhood parks, open spaces, major roads, and 3 proposed transit stops. Airdrie’s on-demand transit service is currently available at a virtual stop within 350 metres. A school site and a mixed-use district are within 450 metres.

36 A condition limits the Permit to 3 residents with 2 full-time employees at a time. The residents are not expected to have vehicles. *Land Use Bylaw* section 4.4 requires 2 parking spots for the Property, which are provided onsite at the rear of the Property.

37 The Development Authority followed the notification process set out in *Land Use Bylaw* section 2.4.6. The notice of decision was published online in the local newspaper and on the City of Airdrie’s website. It was also sent to adjacent landowners. A notice of decision sign was sent to the Applicant to post on the Property for the duration of the appeal period.

38 The City of Airdrie received complaints that the Applicant had not posted the notice of decision and had started operations prior to Permit issuance. On April 28, 2023, the City of Airdrie issued a warning notice. On April 29, 2023, the Applicant confirmed compliance with the notice.

39 The *Land Use Bylaw* regulates the use of land, not users of land. No *Land Use Bylaw* sections control future occupants of this or any supportive housing use. Indicators such as age, race, gender, background, income, disability, and religious belief are not part of the Development Authority’s review process. While the *Land Use Bylaw* can address specific interference concerns like noise, odor and visual impacts, in

most cases Airdrie's Community Standards Bylaw B-09/2012 provides general standards for maintenance and occupancy, noise, and unsightly conditions.

40 The City of Airdrie does not monitor whether a business has applied for other external approvals such as from Alberta Health Services or other professional governing bodies. Typical municipal practice is to advise applicants that other approvals may be required. The Applicant is responsible to have necessary permits and inspections in place before operation. This application was circulated to Alberta Health Services, which did not respond in due time.

41 The Development Authority's responsibility is to exercise fair, honest, and independent judgment to best facilitate good development. This application involved due consideration of high-level policy direction and the *Land Use Bylaw*, and was approved based on three main factors:

- (a) The Permit aligns with high-level policy and the Land Use Bylaw regulations.
- (b) The use is compatible with the surrounding neighborhood and would not cause any undue impacts on nearby properties.
- (c) Airdrie has an extreme deficit of housing types serving vulnerable people.

42 In response to Board questions, the Development Authority submitted that:

- (a) It did not review the Applicant's other properties for land use complaints because each application is reviewed on its own merit.
- (b) Airdrie has a total of 15 approved Supportive Housing units.
- (c) The community of Reunion has zero Supportive Housing units.
- (d) The Applicant's use of the Property prior to issuance of the Permit was resolved through a warning notice and confirmation of compliance.

Appellant Greg Aldridge's submissions

43 At the hearing, the Appellant Greg Aldridge of 54 Reunion Grove NW directed the Board to his written submissions rather than making verbal submissions. Mr. Aldridge submitted that the *Land Use Bylaw* does not consider or discuss the overall impact of the Permit on the existing neighbourhood. The first issue to address is the type of clients to be housed and the second is the possibility of inadequate client intake and referrals. Mr. Aldridge submitted concerns about housing "potentially dangerous individuals" and about Ever Bright earning income as a "for-profit company". Mr. Aldridge submitted that the location is not appropriate for the use as it lacks shopping, medical or mental health offices, and public transit. Finally, he noted suspicions about changes to the Ever Bright website.

44 Mr. Aldridge delegated his presentation time to Catherine Ziegler of Balzac, Rocky View County. Her submissions are thus considered as part of the Appellants' submissions in the Board's reasons below. Ms. Ziegler stated that she was the

spokesperson on a recent development permit appeal for an Ever Bright property next to her property. A temporary permit was granted.

45 Ms. Ziegler submitted that her purpose was to provide context for the current appeal and show what is happening at the Balzac property. Permitting Ever Bright to develop group homes in Airdrie directly affects Balzac residents as it is the same clients and staff. Ms. Ziegler submitted that their concerns are for fair and ethical treatment of clients, neighbourhood safety, and upsetting the peaceful existence of residents. She submitted that there are no risk assessments, no wraparound services, and no fencing or gates to stop clients fleeing. She addressed Ever Bright's commencement of operations prior to permit issuance, its for-profit status, and its operation of a business in a residential area.

46 Ms. Ziegler explained that Ever Bright's locations are not licensed and supervised under the *Supportive Living Accommodation Licensing Act, SA 2009, c S-23.5*, which applies where a home has at least 4 residents. She submitted that Inuit people are culturally isolated here. Ms. Ziegler described an Ever Bright client's comments and an incident in Balzac with another client.

47 Ms. Ziegler submitted that the Property is an Indigenous group home. The Board should recognize there are significant issues here beyond its scope and deny the Permit. Elected officials need to collaborate with the Indigenous community and neighbourhoods on new rules supporting the safety of clients and neighbours, including requiring at least 4 clients per home to ensure that licences are required under Provincial legislation.

- 48 In response to questions from the Board, Ms. Ziegler submitted that:
- (a) If Indigenous concerns, which are the essence of the application, are beyond the scope of the Board, it should not be permitting the application: "You can't split use and user here."
 - (b) This whole set up is importing people from Nunavut. If these group homes served Airdrie residents, it would be different.
 - (c) While it is reasonable to help Nunavut, a very small jurisdiction with very limited resources, the guidelines need to change to require at least 4 residents to ensure supervision and licensing by governing bodies.

Group Appellant submissions

49 Multiple members of the group appeal provided written submissions. The group consisted of 32 people representing 23 properties. Issues and concerns in written submissions that were not raised in verbal submissions by the group's spokesperson, John Maxner, are summarized below.

50 Appellants raised concerns about their families' safety. They are concerned that clients residing at the Property may behave in a violent, predatory, or unstable ways towards others in the community. Appellants submitted that clients may pose a

significant safety risk to themselves, others, and property, and requested that the Property be fully fenced.

51 Appellants submitted that there is a lack of infrastructure and amenities within walking distance. The community lacks medical services, grocery stores, clothing stores, first responder services and has poor transit access.

52 Appellants submitted that the proposed use would increase and negatively impact street parking. The Applicant's business requires staff and may require first responders to come to the Property. Parking and road congestion is an existing issue on Reunion Grove, which is narrow.

53 Appellants raised concerns regarding changes to Ever Bright's website. They also submitted that:

- (a) The City's notice of decision area was too small.
- (b) A for-profit business operation like this is not in keeping with the residential nature of the community.
- (c) Clients at the Property will cause an increase in nuisance and crime.
- (d) This development will decrease area property values.

54 Appellants requested that the City of Airdrie and Board investigate various issues, and stated that regulating the use not the user is wilfully ignoring the larger issues for our vulnerable people.

55 At the hearing, the group spokesperson John Maxner of 47 Reunion Grove NW, made verbal submissions as summarized below.

56 Mr. Maxner referred to the systemic abuse of Indigenous and Inuit people in group homes. He submitted that the Board needs to look at people and not treat them as paycheques or ratepayers. He submitted that the Inuit and people from Nunavut have a distinct culture that is different than southern Alberta, and that Nunavut is 3,000 kilometres away and has 40,000 people. In contrast, 80,000 people live in Airdrie.

57 Mr. Maxner submitted that Indigenous allies say the residential school system has been downsized into residential group homes. Ever Bright operates 15 or 16 homes, which is a lot of people. Mr. Maxner cited a news article related to children at Ever Bright properties, and their schooling.

58 Mr. Maxner noted a pattern of violating the law related to commencing the use of property before receiving a permit. He took issue with how the Development Authority handled that.

59 Mr. Maxner submitted that the Board has the authority to determine whether the documents and information provided by the Applicant met the requirements of *Municipal Government Act* subsections 683.1(2) and (10). The Board has the authority to ask for additional information.

60 Mr. Maxner explained that the Appellants want proof of the training, licensing and certifications, and a more detailed business description. Mr. Maxner described dissatisfaction with the Applicant's statements and described the Appellants' investigations. He referenced the characteristics of clients at various properties, and appeals of Ever Bright's development permit applications.

61 Mr. Maxner submitted that Reunion is a welcoming neighbourhood, that he has no problem with a group home being in the neighbourhood, and that all are welcome. He submitted that if an entity wishes to operate a business for profit, it has to do it the right way. Bylaws cannot be ignored.

62 Mr. Maxner submitted that his group's biggest concern is that the user is not deserving of the Permit because he is abusing the Permit, lying to different municipalities, withholding the evidence and the truth for people that want to know and have the right to know if he wants to operate in our community.

63 Mr. Maxner submitted that he was disappointed that City of Airdrie's Planning and Development Department changed the rules for how *Supportive Housing* development permit applications are handled. Gail Gibeau's May 3, 2023 Memo notes neighbours' complaints about residential group home applications. *Supportive Housing, Limited* applicants will now have to provide a list of their professional certifications and licences and a more robust business description, which the Appellants did not receive. Certification was one of the Appellants' biggest concerns, and the Appellants were not satisfied with the Applicant's responses.

64 Mr. Maxner submitted that he talked to the Applicant regarding the type of clients who would reside at the Property, and that the Applicant was not qualified to look after them. Mr. Maxner referred the Board to the Alberta Council Disability Services organizational framework certificate in the Appellants' written materials, and submitted that higher service tiers have not been granted including for the type of clients who would reside at the Property.

65 Mr. Maxner submitted that he had talked to the Auditor General of Canada which is doing an open investigation and audit of Family Services of Nunavut Territory. They drew Mr. Maxner's attention to a protocol for transfers between provinces and territories, which Mr. Maxner submitted had not been followed.

66 Mr. Maxner referenced an individual in Ever Bright's care whose personal information and photographs he had provided in written submissions, and stated that the Appellants had sent that material to the Advocate for Persons with Disabilities. He noted photos and videos of children and their caregivers at an Ever Bright property.

67 Mr. Maxner noted that Ever Bright has \$5,000,000 a year gross revenue including \$3.2 million from Nunavut. He raised concerns with the City's failure to

consult with the RCMP and encouraged the Board to talk to the RCMP. He noted to his discussions with Alberta Health regarding licensing.

Applicant's submissions

68 The Applicant Bright Adelegan attended the hearing over Microsoft Teams from Nigeria where it was after midnight. Mr. Adelegan is Ever Bright's Executive Director and resides in Airdrie. Ever Bright is an Alberta-based company that was founded in 2018.

69 Mr. Adelegan submitted that Ever Bright is not only supporting people from Nunavut but from all over Canada, and that a lot of education needed to be done tonight. He submitted that the people set to reside at the Property have lived in Airdrie for the past 3 years without incident. He submitted that he would not speak to their diagnoses, and that people with disabilities have the right to live anywhere.

70 Mr. Adelegan submitted that Ever Bright staff consists of well-trained, educated professionals. He submitted that they have accreditation and are part of a "better service providers" group, which ensures that all necessary documents and certifications to operate are in place.

71 Mr. Adelegan provided details about regular third-party checks on clients. He submitted that Ever Bright works with a group of professionals, including Indigenous mental health caregivers. They have Elder sessions that incorporate smoking, smudging, and other spiritual and cultural practices.

72 Mr. Adelegan submitted that most Ever Bright's homes are new or fairly new. Compared to places he has worked, they are not just ordinary group homes. Ever Bright refers to its clients as members because they are members of our family and community.

73 Mr. Adelegan provided information on Alberta Health Services inspections, and Ever Bright's training and accreditation. He noted that Ever Bright has inspections done without needing to.

74 Mr. Adelegan explained his understanding that other organizations do not apply for permits and that certain supportive living arrangements do not require development permits. Ever Bright applies for change of use permits because it has nothing to hide.

75 Mr. Adelegan noted his track record and grounding in the field. He started his career over 20 years ago in Ontario and moved to Alberta over 10 years ago. He worked with different organizations including Wood's Homes. He also worked with governments, helping people with disabilities.

76 Mr. Adelegan described some of Ever Bright's clients' involvement with his own family and in his church. He noted that sometimes when clients don't get their way, they try to manipulate. He has understood that for 20 years.

77 Mr. Adelegan submitted that in response to a contact from someone in Reunion, Ever Bright hosted a question-and-answer meeting for the community at its office. Neighbourhood residents primarily asked about the licensing and staff qualifications.

78 Mr. Adelegan relayed his experiences with Mr. Maxner's demands for staff files and other certificates, and for publication of them on Ever Bright's website – which no other similar provider does or is requested to do. Mr. Adelegan provided examples of Mr. Maxner's conduct toward Ever Bright including contacting and making comments to staff. Mr. Adelegan expressed indignation at this and noted his sense that Ever Bright has been singled out since other similar organizations have not been subjected to such treatment.

79 In response to Board questions, Mr. Adelegan submitted that:

- (a) In terms of traffic, staff would transport residents to doctors' appointments and the weekday program at Ever Bright's head office.
- (b) In addition to the 2 staff, visitors to the Property would include Mr. Adelegan and Ever Bright's other staff.
- (c) Any parking overlap due to visitors or shift changes will be accommodated by the onsite parking and the street parking, which everyone else on the street uses as well.
- (d) Staff will help residents with minor things here and there, and with their safety as well.

Submissions in support of the appeal

Brian Huang's submissions

80 Brian Huang of the City of Calgary spoke in favour of the appeal. He noted his 20 years' experience as a social worker. He referenced his involvement in the situation with the Ever Bright news story, stating that it involved many issues within the systems, rules, policies, and decisions. He stated a preference for the process to be slowed down by all governments to install more checks and balances to benefit clients. Mr. Huang submitted that vulnerable people deserve to live in a home. Displacement creates difficulty for both child and social worker. While successful housing is stable housing, when asked, most children will say they want to go home.

Jaadaas Jagwa's submissions

81 Jaadaas Jagwa of the Bayspring neighbourhood in Airdrie spoke in favour of the appeal. She noted her Haida and Nisga'a heritage and belief that she has a good understanding of what Ever Bright's clients might go through as she is a long way from home. Ms. Jagwa submitted that Airdrie has inadequate cultural supports and

infrastructure for Indigenous people from differing nations across Canada. She submitted that Inuit people are a distinct culture, different from the First Nations. Ms. Jagwa made submissions on the historic and continuing systemic abuse of Indigenous people, exploitation of Indigenous people with disabilities who are unable to adequately advocate for themselves, misappropriation of Indigenous funding from local communities, commission of acts of cultural genocide, and jurisdictional prisons.

82 In response to a question from the Board regarding where Ms. Jagwa feels is appropriate for persons with disabilities to receive support services and make their homes, Ms. Jagwa responded that if she were not allowed to live her existence as an indigenous person, she would rather be dead, and thinks they feel the same way. So, they should be or feel at home and with proper support.

Jessica Salkeld's submissions

83 Jessica Salkeld of the Town of Cochrane spoke in favour of the appeal. She noted her citizenship of the Chickasaw Nation. Ms. Salkeld submitted that Indigenous clients should be repatriated to their sovereign nation from which they have been stolen. She addressed colonial barriers, the history of residential schools, and systemic barriers including travel barriers. She talked about the Board's power to stop this Permit and its participation in the placement of barriers and the people being stolen from sovereign nations. Ms. Salkeld referenced the state of emergency for murdered and missing Indigenous women, girls, and two-spirit people, which also affects Indigenous men. She urged the Board to bring these issues to the public's attention for investigation.

84 Ms. Salkeld stated that she is not targeting Mr. Adelegan, doesn't really know a whole lot about him, and doesn't care. She noted that she believes his statements that other facilities are doing the same thing. She submitted that we need to start looking into all of them.

Submissions against the appeal

Michel Belanger

85 Michel Belanger of 2354 Reunion Street NW, Airdrie made written submissions against the appeal, providing his "wholehearted support the presence of group homes in our community".

86 Responding to a community letter he received promoting the group appeal, Mr. Belanger submitted that he is familiar with group homes. He stated that the requests for fencing of the Property to address community safety stem from misconceptions about group home residents' characteristics and support needs. He noted group homes' robust safety protocols. He cited the mandatory staff training requirements to be employed at a PDD-funded company (such as Ever Bright) including first aid, crisis intervention, ASIST (suicide prevention/intervention), and basic non-violent restraint intervention, along with the general benefit of having trained staff in the neighbourhood.

87 Regarding amenities, Mr. Belanger noted that staff would typically transport Property residents to appointments and other outings. Reunion has many amenities, including a playground 240 meters away, numerous walking paths within a 500-meter radius, seasonal scooter rentals, a gathering space with fire pits, picnic areas, and a gazebo, as well as a pond used for ice skating 350 meters away.

Crystal Bliss-Belanger

88 Crystal Bliss-Belanger of Airdrie made written submissions against the appeal. She noted her 9 years' work in the disability sector. She worked for different PDD funded agencies and described her extensive experience providing care in group homes. Ms. Bliss-Belanger noted the mandatory Positive Behaviour Supports course supportive housing staff take to support residents. She noted the Property has residents and that the Permit will allow an additional resident, making it a congregate group home. Ms. Bliss-Belanger cited the benefits of congregate living for residents. She submitted that the Permit is part of Airdrie being inclusive, per the City's vision statement.

Deborah Wankel

89 Deborah Wankel of 2310 Reunion Street NW, Airdrie made written submissions against the appeal. She submitted her belief that every person deserves to have a home, and that people who require support deserve no less than the people who already live in the neighbourhood.

Michael Korsh and Stacy Korsh

90 Michael Korsh and Stacy Korsh of 2359 Reunion Street NW made written submissions against the appeal, noting their support of the Ever Bright Group Home for individuals with developmental disabilities. Mr. and Ms. Korsh explained their view that the pamphlet distributed through the community "with bias and fear-based messaging" is counterproductive and does not foster open and honest communication between residents and organizations. They also urged protection of the current residents of the Property, who have been living there without incident and who deserve the same respect and privacy as other community members.

Kevin Mac Dougall and Susan Cousins

91 Kevin Mac Dougall and Susan Cousins of 2358 Reunion Street NW made written submissions against the appeal. They noted their belief that the Permit will cause no heightened security or safety concerns for the community as the full-time supervision will be sufficient to offset threats real or imagined. They submitted that Ever Bright's clients have a right to live in a residential community, enjoy the same quality of life as other neighbours, and be shown the same respect and kindness.

92 Mr. Mac Dougall and Ms. Cousins also submitted that people currently having no idea what is occurring behind the closed doors of their unsupervised neighbours.

Dixon Nelson

93 Dixon Nelson of the Bay Springs neighbourhood in Airdrie spoke against the appeal. Mr. Nelson stated the supportive housing is a good idea because otherwise clients may not have a place to live and could be on the streets. The service Ever Bright provides contributes to Airdrie being a relatively safe city.

Frederick Khumba

94 Frederick Khumba of the City of Calgary spoke against the appeal. He noted his background as a social worker since 2005, arrival in Canada as a landed immigrant, and work with Ever Bright from 2019 to 2022. He cited Ever Bright's careful scrutiny and selection of its workers, its focus on saving lives and treating clients as family, and the involvement of clients and staff in Indigenous cultural practices.

Gloria Agada's submissions

95 Gloria Agada of the King's Heights neighbourhood in Airdrie spoke against the appeal. She noted her background as a social worker since 1999, passion for her work with vulnerable people, and work with Ever Bright since 2020. Ms. Agada highlighted the difference in Ever Bright's approach, which is to relate to clients like family – seeing ability in disability and using a person-centered approach. She explained Ever Bright's belief in and approach to reuniting clients with their families and described visits to their families. She noted that the government sends clients to Ever Bright because it believes that clients improve under Ever Bright's care.

96 Ms. Agada questioned where clients will go if individuals in the community do not want the clients to stay. Ms. Agada stated we should welcome other people into the community because, "when we give them that love, show them that love, we give them hope that tomorrow is better than where they are today."

Leonard Semayira's submissions

97 Leonard Semayira of the Midtown neighbourhood in Airdrie spoke against the appeal. He noted his passion to support people struggling with any type of discrimination, and to support their rights. He noted mental health workers' best efforts to make sure that clients are safe – because they are vulnerable. Clients are in Ever Bright organization's custody for a reason – to help them get better so they can be repatriated to their hometown. His work includes helping clients learn basic skills like personal hygiene, laundry, and cooking. He submitted that a person must understand what is happening inside a home to criticize or advocate for it.

98 Mr. Semayira stated that we are human beings first and that, “You can’t come and say you’re advocating for someone when you are denying him an address.”

Simisola Bello’s submissions

99 Simisola Bello of the City of Calgary, spoke against the appeal. She noted that she is a nursing student and works for Ever Bright. Ms. Bello acknowledges that Indigenous children were taken from their families and denied their beliefs and culture. She submitted that Ever Bright is trying its best to make sure that clients live a better life, have a voice of their own, and are well taken care of.

100 Ms. Bello stated that Ever Bright started in 2018, and that its growth to so many homes is because the organization is doing something right.

Idowu Alao’s submissions

101 Idowu Alao of the Windsong neighbourhood in Airdrie spoke in favour of the development. Mr. Alao has been educational counsellor for 11 years and a teacher for eight years before moving to Canada. Mr. Alao completed a diploma in Addiction and Community Services worker. He works for Ever Bright in the field of supporting very vulnerable people from all over. Ever Bright supports clients at their own pace to help them achieve their stated goals with the goal of returning them home to their family members.

102 Mr. Alao explained that the clients in the photos the Appellant submitted are people with disabilities, including mental disabilities. Sometimes clients are triggered. It is unfair to have the world turn against them because of a single incident.

103 Mr. Alao submitted that Ever Bright is licenced to run a children’s home. The licence is for one year and the children reside with Ever Bright within that period. Further, Ever Bright has not gone into the client’s community to take them. Instead, clients are at the homes for treatment. Clients who complete their treatment can be reunited with their home community. They can live independently of their community and may not stay in Airdrie for the rest of their life.

Adeola Akintimade’s submissions

104 Adeola Akintimade of the neighbourhood of Bayside stated that Ever Bright works with lots of different people. She explained that the staff allow clients to do what they want, if it doesn't harm them. The staff spend a lot of time with the clients and build a family-based relationship with them. Clients visit and have been reunited with their families.

105 Ms. Akintimade stated that Ever Bright’s clients haven’t created any nuisance in the community and that staff put their life on the line to make sure that that doesn't happen because these are people with complex needs.

Isreal Adegboye's submissions

106 Isreal Adegboye of the City of Calgary spoke in support of the development. Mr. Adegboye stated that Ever Bright is doing a good job helping clients to be able to be independent and eventually some will return back to the community.

Development Authority's rebuttal

107 In rebuttal, the Development Authority addressed three themes from the evening.

108 First, regarding the processing of development permit applications, the City of Airdrie updates its guidelines, operational practices, and *Land Use Bylaw* in response to new information. This includes the May 3, 2023 Planning & Development Services Memo, whose timing is understandably frustrating to the Appellants. That said, 2 of 544 complaint investigations and warning letters issued by the City of Airdrie between 2020 and 2023, pertained to *Supportive Housing* operations. This is to contextualize the staff process in relation to concerns raised in the appeal. The Development Authority emphasized that the City's planning policies aim to support housing for vulnerable populations. The *Land Use Bylaw* supports integration of these uses into residential neighborhoods, rather than institutionalizing people.

109 Second, regarding the number of occupants and Alberta Health Services licensing requirements, the Development Authority and Alberta Health Services have discussed the interface between province and municipal requirements for under 4 people. Although a provincial licence is not required, the Land Use Bylaw requires a *Supportive Housing, Limited* development permit. The Development Authority circulates permit applications to Alberta Health Services and other jurisdictions to gather insight. Better alignment and what elements could be considered differently in bylaw amendments are outside of the scope of the appeal.

110 Third, a significant part of the submissions were about operational violations, misrepresented applications, and bad faith actors representing Administration and the City's planning department. The Development Authority acknowledged these comments in their gravity regarding abuse, neglect, systemic oppression, relocation of children and people that are failed by our support systems. These are terrible and can't be reduced to setbacks and land use classifications. The Development Authority, as planners and public servants, makes every effort to lead with considering the people that are affected by our decisions.

111 The Development Authority tries to make the best and most sound decisions, and must balance the merits of applications as presented. The Development Authority recognizes there are measures to enforce rights and ensure community safety. These measures are through the *Community Standards Bylaw* the Municipal Enforcement Division, the RCMP, and other jurisdictions, and there can be gaps in bylaws, licences, and jurisdictional standards.

112 The *Land Use Bylaw* is not sufficiently robust or multidisciplinary to resolve systemic social injustices. It does contain provisions where misrepresented permits or repeated violations can cause a development permit to be cancelled or revoked.

- 113 In response to Board questions, the Development Authority submitted that:
- (a) This permit is specific to a group home. It is not specific to Indigenous people or children or adults or any specific age group or other division. The *Supportive Housing* land use is simply a residential accommodation providing some form of supportive services to the people living there.
 - (b) As long as the Property is operating within the *Supportive Housing* land use classification, no further development permits are required when someone moves in or out.

Appellant Greg Aldridge's rebuttal

114 Greg Aldridge stated that he had no rebuttal submissions. When asked whether he had been adequately heard at the hearing, Mr. Aldridge agreed that he had.

Appellant John Maxner's rebuttal

115 In rebuttal, Mr. Maxner referred the Board to the Applicant's reference to his substantial donation to the City of Airdrie before the Rocky View County Subdivision and Development Appeal Board. He asked the Board to do its due diligence to look at that, and that it also involves Mayor Peter Brown who attended Ever Bright's April 15, 2023 Open House. Mr. Maxner stated that the Appellants had not been given a fair and transparent hearing, nor had the permitting process been fair and transparent.

116 When asked whether he had been adequately heard at the hearing, Mr. Maxner said no. He stated that the Board did not hear his full testimony tonight because of the time limit.

117 When asked whether he had other submissions outside of what he had provided to the Board, Mr. Maxner confirmed that he had provided the Board his materials before the hearing.

Applicant's rebuttal

118 In rebuttal, Mr. Adelegan noted his first-hand information about the subject matter, as he works in it, and has a child who is half black/half Inuit from Nunavut. He noted Ever Bright's intention for the Property to have adult residents, not children. He submitted that Ever Bright's clients include but are not limited to Indigenous people, and that its support of people with disabilities was ignored in the Appellants' appeal.

119 When asked whether he had been adequately heard at the hearing, Mr. Adelegan agreed that he had.

Reasons

120 Under the *Land Use Bylaw*, the Property is located in the R1-L District, which lists *Supportive Housing, Limited* as a discretionary use. As such, the Board finds it has jurisdiction in this appeal pursuant to the *Municipal Government Act*, RSA 2000, c M-26.

121 The Board reviewed all evidence and arguments, both written and verbal, submitted by the parties and others and will focus on the most relevant evidence and arguments in outlining its reasons. The Board considered the merits of the application in the context of the applicable legislation, plans and policies, the *Land Use Bylaw*, and sound planning considerations.

122 The Board received verbal submissions from Ms. Jagwa and Ms. Salkeld regarding Ever Bright's Indigenous and Inuit clients. From a land use planning perspective, Ms. Jagwa and Ms. Salkeld are not "affected persons" in the sense of individuals whose property interests may be affected by this Permit. The Board nevertheless appreciates their submissions, their advocacy for Indigenous peoples, and their interest in the appeal.

123 The Board received verbal submissions from Mr. Huang, Mr. Nelson, Mr. Khumba, Ms. Agada, Mr. Semayira, Ms. Bello, Mr. Alao, Ms. Akintimade, and Mr. Adegboye. These submissions varied. Some related to the personal characteristics and needs of *Supportive Housing* residents. Some responded to negative comments about the Appellant, Ever Bright and its staff members, and the care they provide. From a land use planning perspective, these individuals are not "affected persons", in the sense of individuals whose property interests may be affected by this Permit. The Board nevertheless appreciates their submissions, their advocacy for their clients, and their interest in the appeal.

124 The Board received submissions from the Applicant and Appellants regarding motivations for the Appellants' conduct in and around this appeal proceeding. Those submissions are not detailed in this decision, which focuses on substantive matters. While submissions in this appeal were at times charged, the Board appreciates the commitment of the Applicant, Appellants and affected persons to their respective causes.

125 In written and verbal submissions, the Appellants asked the Board to investigate various issues. The Board is a quasi-judicial body. It lacks investigatory powers.

126 The Board finds that the Appellants' submission that the Permit is for Indigenous or Inuit people is factually incorrect. As the Development Authority submitted, the Land Use Bylaw does not make a such a distinction. The Board finds that it received no convincing evidence that the Permit is for Indigenous or Inuit people.

127 The Appellants submitted that they do not object to “disabled” or “Special needs” people and that they welcome a group home. The Appellants agreed that there is a need for such homes “in the City of Airdrie for its residents”. On the other hand, the Appellants objected to “criminals”, “dangerous offenders”, people who are not from Airdrie, and people who may disturb the neighbourhood peace. The Board finds as a fact that such submissions establish that the Appellants’ opposition to the Permit is grounded in the “type” of person who may reside at the Property. The Board finds these submissions to be about “user” as opposed to land “use”. The Board finds such submissions to be irrelevant and gives them no weight.

128 The Board notes that conduct-related issues are addressed through other processes. The Board accepts, for example, the Development Authority’s evidence that there were 544 complaint investigations and warning letters issued by the City of Airdrie between 2020 and 2023, which indicates that other processes are in fact in use. Notably, only 2 investigations / warning letters pertained to *Supportive Housing* uses.

129 The Appellants objected to Ever Bright’s for-profit status. The Board finds these submissions to be irrelevant and gives them no weight. The Board does not and cannot make decisions based on “user” – including whether an entity is for-profit. The Board observes that page 48 of the Airdrie City Plan contemplates all kinds of entities providing affordable housing: “Affordable housing may be provided by the private sector, non-profits, cooperative and public sectors....”

130 The Appellants objected to the operation of a business in a residential area. However, the *Land Use Bylaw* indicates that *Supportive Housing, Limited* is a residential use. The *Land Use Bylaw* allows various businesses in residential areas. For example, the R1-L District lists *Home Business, Limited* and *Child Care, Limited* as permitted uses and *Home Business, General* as a discretionary use.

131 The Appellants challenged the integrity and conduct of the Applicant and Ever Bright with language such as: “lies”, “misrepresentations”, “fraud”, “abuse”, and “conflict of interest”. The Board draws the inference that the purpose of bringing such submissions to the attention of the Board was to create prejudice, not to assist considerations of good planning. The Board finds that it received no convincing evidence supporting these submissions. The Board further finds these submissions to be irrelevant and gives them no weight. To be relevant to a development permit decision, an applicant’s conduct must relate to a planning issue or features of operational performance of the development. For example, a past construction default might justify additional monetary security to ensure that infrastructure is constructed, and past noise issues might justify noise or operating hour limits. The Board is not currently aware of an integrity or conduct issue that could justify refusal of a development permit.

132 The Appellants raised Ever Bright’s commencement of operations prior to issuance of development permits. The Board does not find that this supports denial of the Permit as the Appellants suggest. The Board finds that the Development Authority

is well-equipped to handle commencement issues under the MGA and retains discretion over enforcement proceedings. The Board finds that the Development Authority handled the early commencement appropriately and that Ever Bright responded to the Development Authority's notice swiftly.

133 The Appellants challenged the training, licensing, and accreditation of Ever Bright and its staff in relation to the care of Ever Bright's clients. The Board draws the inference that the purpose of bringing such submissions to the attention of the Board was to create prejudice, not to assist considerations of good planning. The Board accepts the Appellants' evidence that they have contacted Provincial, Territorial and Federal bodies along with advocates and the media. The Board accepts the parties' evidence that Ever Bright has 15 Supportive Living locations in Airdrie, and contracts with one or more funding bodies. Based on the evidence, the Board is satisfied the appropriate bodies either have ensured or will ensure that appropriate training, licensing and accreditation is in place. Additionally, the Board finds these submissions to be irrelevant to the matter before the Board and gives them no weight.

134 The Appellants challenged the quality of care provided to clients by Ever Bright. The Appellants did so in part by submitting personal information and photos of a person under guardianship and by submitting photos and referencing videos taken of children in care. The Board finds these submissions inappropriate. It also finds these submissions to be irrelevant and gives them no weight.

135 On June 13, 2023, Mr. Maxner submitted an appeal form signed by a person under guardianship to have the person join the group appeal. The person does not live at or near the Property. The Board finds that the appeal form was submitted out of time. The Board finds that the person is not an "affected person" in the sense of individuals whose property interests may be affected by this Permit.

136 The Appellants raised concerns about the alignment between municipal bylaws and Provincial legislation and asked the Board to deny the Permit or delay it until those documents are amended. The Board finds that it is unable to do that. Its statutory mandate is to render timely decisions based on existing law and policy, not to delay or deny permits while new law and policy may be debated and developed.

137 The Appellants submitted that the Board should approve only *Supportive Housing* permits with at least 4 residents to ensure certain provincial licensing requirements apply. The Board declines to do so, as provincial licensing requirements are irrelevant to approval of a development permit, which is focused on and limited to relevant planning considerations.

138 The Board notes that a 4-resident requirement could exclude a large portion of Airdrie's housing stock or require residents to share bedrooms as many units lack 4 bedrooms. The Property itself has 3 bedrooms. The Appellants may address their suggestions regarding licensing to the Province.

139 The Appellants raised communication and coordination issues within and between the governments of Alberta, Nunavut, and Canada. Such issues are outside the Board's jurisdiction.

140 The Board notes that the Appellants did not explain how any of the above submissions were, or were related to, relevant planning considerations. Relevant planning considerations include items such as planning criteria and community interests that transcend or are in addition to the interests of the parties before it, considerations found in the City of Airdrie's statutory and non-statutory policies, details such as building design, character, appearance, mass, height, setbacks, lot coverage, density, site context, landscaping, privacy, shadowing, compatibility with surrounding properties, cumulative impacts, site layout, access and transportation requirements, impact on the transit system, servicing requirements, vehicle and pedestrian circulation, parking, traffic, intensity of use, and nuisance factors such as smoke, airborne emissions, odours and noise.

141 The Appellants questioned the conduct and integrity of the Mayor of Airdrie. They cited evidence of the Mayor's attendance at an Ever Bright Open House and his expression of support for Ever Bright's work, along with the Applicant's comment about having made a significant donation to Airdrie. The Board finds that it received no convincing evidence of improper conduct. The Board received no evidence of a financial donation to Airdrie and gives that submission no weight. The Board takes judicial notice that elected officials commonly attend constituent and local business events, and express support for efforts, all of which is commonly reported in the media and elsewhere. The Board notes that the Mayor does not render decisions on development permits. It finds the noted submissions to be irrelevant and gives them no weight.

142 The Appellants submitted that they could not get a fair hearing before the Board because of the Mayor's conduct and the Applicant's alleged donation. The Board clarifies here that it does not defer to the Mayor or to the City of Airdrie. The Board is an independent quasi-judicial body whose decisions reflect the majority vote of its panel members. The majority of the Board consists of Airdrie citizens. Further, the Board asked at the start of the hearing whether anyone objected to the members of the Board hearing the appeal. In response, no one objected nor did anyone raise any concerns during the course of the hearing. The Board finds that the hearing participants attorned to the Board's jurisdiction and accepted the composition of the panel.

143 The Board considered Mr. Maxner's statement at end of the hearing that he was not fully heard at the hearing. Mr. Maxner received 15 minutes for his presentation along with an extension, like the Development Authority, the other Appellant, and the Applicant. The Board reviewed the slides and speaking notes that Mr. Maxner did not present at the hearing. They reflect Mr. Maxner's extensive written submissions. They do include new evidence and comments regarding a text exchange with an Ever Bright staff member. The Board draws the inference that the purpose of bringing those new submissions to the attention of the Board was to create prejudice, not to assist considerations of good planning. The Board finds the new evidence to be irrelevant and

gives it no weight. The Board finds that Mr. Maxner was able to present all of his submissions and materials.

144 The Appellants asked the Board to require new information from the Applicant under *MGA* section 683.1. That section applies to only the Development Authority. It is operational until an application is determined or deemed to be complete. *MGA* section 683.1 provides the Board no power.

145 The Board notes its concern regarding the validity of the May 3, 2023 Planning & Development Services Memo as it creates a pre-condition to submitting a permit application, requires notice of a potential application, and requires disclosure of information irrelevant to the evaluation of planning considerations for the purpose of a development permit application.

146 From a planning perspective, the Board finds that the Permit is supported by the applicable City plans and policies, complies with the *Land Use Bylaw*, and does not require relaxations.

147 The non-statutory AirdrieONE unequivocally supports the development of diverse housing options that accommodate a “broad range of...lifestyles” (Pg. 12) and using Smart Growth principles to foster “more socially diverse” communities (Pg. 55).

148 The statutory Airdrie City Plan supports the development of “diverse” and “accessible” residential developments (sections 6.10 and 6.23).

149 The Board accepts the Appellants’ submission that there are roughly 80,000 residents in Airdrie, the parties’ submissions that Airdrie has 15 Supportive Living units, and the Development Authority’s submissions regarding the advice of Airdrie’s Housing Policy Strategist. The Board accordingly finds that the City of Airdrie has an extreme deficit of housing types serving vulnerable people.

150 The Board finds that the Permit responds to the City’s policy direction to develop diverse housing and “socially diverse” communities. The Board finds that the Permit will add one unit of housing for vulnerable people thereby reducing the extreme deficit.

151 The Board notes a minor terminology alignment issue between the 2014 Airdrie City Plan and the 2016 Land Use Bylaw. The Land Use Bylaw uses the term “*Supportive Housing*”. The Airdrie City Plan uses “seniors housing”, “special needs housing”, “specific-needs housing”, and “supportive housing”. Based on a plain reading, the Board finds that those Airdrie City Plan terms refer to *Supportive Housing*.

152 The Board notes that the Airdrie City Plan does not provide one set of policies for the low-density residential *Supportive Housing, Limited* use, and another set for multi-residential facilities under the *Supportive Housing, General* use.

153 Airdrie City Plan Chapter 6 covers Community Design & Development. Under “Housing Affordability”, section 6.20 encourages supportive housing to locate as follows:

Affordable & Supportive Housing

6.20 Affordable and below-market housing is encouraged to locate close to schools, shops, services and parks, and locations capable of being served by transit.

154 Airdrie City Plan Chapter 7 addresses Sustainable Transportation. While section 7.21 applies to the design of new subdivisions – which excludes Reunion – it also addresses transit access for supportive housing:

7.21. All residences in new subdivisions should be located within a 400 metre walking distance of a transit stop, with shorter walking distances encouraged for high density residential areas and developments intended for affordable and supportive housing.

155 Regarding amenities, based on the parties’ evidence, the Board finds that a school site and a multi-use site are within 450 metres. The Reunion Neighbourhood Structure Plan map shows four “key neighbourhood parks” within 400 metres, along with “key pathway linkages” providing “Strong pedestrian linkages through the open space...providing connectivity within the plan area and beyond to Nose Creek and to the north”. Mr. Maxner provided a photograph of the storm pond, indicating an attractive waterfront park. Mr. Belanger noted the nearby playground, seasonal scooter rentals, gathering space with fire pits, picnic areas, a gazebo, and an ice-skating pond.

156 Based on the parties’ evidence, the Board finds that no shops and services are within 400 metres of the Property. However, the Board finds that Airdrie’s policies do not require such proximity, and that transit service policies ensure access to distant amenities. The Board accepts the Development Authority’s evidence that 3 proposed transit stops are within 400 metres per the Reunion Neighbourhood Structure Plan, and finds that this satisfies the phrase “locations capable of being served by transit”. Regarding existing transit service, Mr. Maxner provided Google map evidence that transit access is over a kilometre away. The Board prefers the Development Authority’s unchallenged evidence that a “virtual bus stop” served by Airdrie’s “on demand” bus service “Hello-to-Go” is within a 4-minute (350 metre) walk.

157 “Specific Needs” housing is also separately addressed under Airdrie City Plan Chapter 6. Sections 6.23 and 6.24 on “Age in Place Options” are followed by the following “Evaluation Criteria – Special Needs Housing”:

- a) When reviewing any proposal for the purpose of developing seniors or specific-needs housing, the City shall consider the following criteria:
- b) Traffic generation: traffic generated from the facility shall be sufficiently accommodated by the road network;

- c) Safety: developments accommodating mobility-restricted and/or vulnerable populations shall be located in areas that can be easily accessed by emergency services;
- d) Design: the facility shall be of a design which maintains the scale, density, appearance, character of existing land use in the surrounding neighbourhood; and
- e) Parking: the City may vary parking requirements from the floor-area based standards in the *Land Use Bylaw*, and give consideration to the use intensity, facility type, staffing levels and visitor requirements.

158 While the “Evaluation Criteria” language is more typical of multi-residential developments (“facility”, “floor-area based” parking standards), the Board reviewed the Permit using the Criteria.

159 The Board received no convincing evidence regarding insufficient road network capacity or showing that the development will generate significantly more traffic than a residence. Maps and aerial photographs show two undeveloped multi-residential sites nearby, suggesting excess network capacity. Accordingly, the Board finds that the road network will sufficiently accommodate the development’s traffic.

160 The Appellants submitted that emergency vehicles can be expected to attend the Property. The Board takes judicial notice that this is typical of residences and that some receive more visits than others depending on residents’ personal circumstances.

161 The Board finds that Mr. Maxner’s Google map, showing an Airdrie Fire Department Station roughly 1 kilometre away, establishes that emergency services have easy access to the Property.

162 Regarding design, the Property is developed with a single-family dwelling, no exterior changes are proposed, and the Permit is for a residential use integrated with other residential uses. As such, the Board finds that the design maintains the scale, density, appearance, and character of the existing land use in the surrounding neighbourhood.

163 The Appellants’ evidence is that street parking on Reunion Grove is congested. Because no commercial uses are nearby, this evidence suggests residents routinely park on the street. *Land Use Bylaw* section 4.4 requires 2 onsite parking stalls per dwelling unit. The Board finds that this requirement is intended to ensure that street parking is generally available for non-residents. Based on the Development Authority and Applicant’s evidence, the Board finds that the development’s parking demands are in the general range typical to residential uses. Staff can be expected to typically use the 2 onsite parking stalls, and street parking will accommodate shift change overlap and visitors.

164 The Board finds that the Permit meets the purpose and intent of the R1-L District, which describes the existing built form: "...residential development in the form of single-detached dwellings on small lots with access from a rear laneway."

165 *Land Use Bylaw* section 6.24 sets out regulations for *Supportive Housing* developments. Section 6.24(8) provides specific considerations to address "cumulative land use impacts" in districts where the *Supportive Housing* use is listed as discretionary:

(8) In the review of Development Permit applications where Limited or General Supportive Housing is listed as a Discretionary Use, consideration shall be given to the proximity of the proposed development to other similar facilities, the location of the facility on the block and in the neighbourhood, and the street classification to ensure that there shall not be cumulative land use impacts on the neighbourhood in which the proposed facility is to be located.

166 Regarding proximity, the parties' evidence is that Airdrie has a total of 15 Supportive Housing, Limited developments with none in the Reunion community. The Board received no evidence regarding *Supportive Housing*, *General* developments or other similar facilities in Reunion, and infers there are none. The Board finds that the development creates no proximity-related land use impacts on the neighbourhood.

167 The Board received no submissions related to the particular location of the Property on the block and in the neighbourhood. The Board reviewed the location for impacts, and finds that the development creates no location-related land use impacts on the neighbourhood.

168 The Board received no submissions on street classification. However, the Reunion Neighborhood Structure Plan map provided by the Development Authority supports the Appellants' submission that Reunion Grove is narrower than surrounding collector roads. The evidence is that the development's traffic and parking requirements will be in the range of typical residential uses. Any existing street congestion can be remedied by residents using their own parking stalls and leaving street parking for non-residents. The Board finds that the development creates no street classification-related land use impacts on the neighbourhood.

169 The Board finds that any potential traffic and parking impact of the development on the neighbourhood is addressed by the condition limiting the number of residents and employees.

170 The Board finds that that the Permit proposes a reasonable use of the Property.

171 The Appellants requested that the Board add a condition requiring the Property to be fully fenced to address the potential that residents will be violent or unstable, will flee, will disturb the neighbourhood peace, etc. The Board declines to add such a condition, which would address the Appellants' speculation about the personal

characteristics and conduct of “users”. The Land Use Bylaw defines *Supportive Housing* as a type of accommodation integrated with other residential land uses. It does not suggest any detention aspect. Ever Bright may choose to fence the Property, just as others do to provide privacy, protect gardens, and manage their own and others’ children and animals.

Conclusion

172 For the reasons set out above, the appeal is denied and the Permit is approved.

Dated at Airdrie, Alberta on July 11, 2023.

Chair

An appeal of this decision may be made to the Alberta Court of Appeal in accordance with section 688 of the *Municipal Government Act*, RSA 2000, c M-26 within 30 days of the date of this decision.

Appendix A – List of Written Submissions

Date received	Submitter	Description
May 2, 2023	Greg Aldridge	Notice of Appeal form
May 2, 2023	Greg Aldridge	Reasons for appeal
May 2, 2023	John Maxner	Notice of Appeal form
May 2, 2023	John Maxner	Reasons for appeal
May 2, 2023	John Maxner	Emails between John Maxner and Susan Tally last dated April 26, 2023 15:40
May 2, 2023	John Maxner	ACDS Service Tier Tool
May 2, 2023	John Maxner	Adjacent landowner notification
May 2, 2023	John Maxner	Emails between John Maxner and Samina Tuli last dated April 25, 2023
May 2, 2023	John Maxner	Notice of decision re PL2300280 issued April 11, 2023
May 2, 2023	John Maxner	Change of use permit re PL2300280 - Application for development permit
May 2, 2023	John Maxner	<i>Land Use Bylaw</i> , B-01/2016 (excerpts)
May 2, 2023	John Maxner	Photographs of 47 Reunion Grove NW
May 2, 2023	John Maxner	AirdrieToday news article by Scott Strasser, "Nunavut government investigating after seven children were placed in unlicensed Airdrie group homes last year" dated April 17, 2023
May 2, 2023	John Maxner	Ever Bright Complex Needs Support Services website excerpts
May 2, 2023	John Maxner	Email between John Maxner and Susan Tally last dated April 26, 2023 08:39
May 2, 2023	John Maxner	Ever Bright Complex Needs Support Services website excerpts
May 2, 2023	John Maxner	Wayback Machine report on https://ebconss.ca/
May 2, 2023	John Maxner	"About the Internet Archive" from https://archive.org/about
May 2, 2023	John Maxner	Land title certificate for 1110748;12;31
May 2, 2023	John Maxner	Sections 8 (partial) to 17 of City of Airdrie SDAB Board order 2022-05
May 2, 2023	John Maxner	Screen capture of zolo.ca
May 2, 2023	John Maxner	Screen capture of ebconss.ca "Everbright has been commissioned by the Airdrie Mayor Peter Brown" dated April 15, 2023
May 2, 2023	John Maxner	Screen capture of photograph
May 2, 2023	John Maxner	Ever Bright Complex Needs Support Services website, "Ever Bright Office Grand Opening Ceremony"
May 2, 2023	John Maxner	Rocky View County Subdivision and Development Appeal Board April 20, 2023 hearing exhibit list
May 2, 2023	John Maxner	Excerpts from Rocky View County Subdivision and Development Appeal Board Agenda for April 20, 2023
May 2, 2023	John Maxner	Discover Airdrie article from September 21, 2022 "Big Springs residents concerned over proposed supportive housing" (Bd Rpt pages 174 -176)
May 2, 2023	John Maxner	<i>Residential Facilities Licensing Regulation</i> , A.R. 161/2004
May 2, 2023	John Maxner	<i>Supportive Living Accommodation Licensing Act</i> , SA 2009, C. S-23.5
May 2, 2023	John Maxner	Supportive Living Accommodation Standards and Checklist (Government of Alberta, effective April 2010)
May 2, 2023	John Maxner	Procurement Activity Report (Government of Nunavut, Fiscal Year 2019/20)
May 2, 2023	John Maxner on behalf of Danica Derpich	Notice of Appeal Form Attachments to the form include 2 written pages
May 2, 2023	John Maxner on behalf of Danica Derpich	Airdrie SDAB Decision 2022-05 (15 Springs Crescent NE PL 2201583), with notations

May 2, 2023	John Maxner on behalf of Danica Derpich	Change of Use Permit Application Form for 47 Reunion Grove
May 2, 2023	John Maxner on behalf of Danica Derpich	Land Title Certificate for Lot 37, Block 12, Plan 1110748
May 2, 2023	John Maxner on behalf of Danica Derpich	Web pages of Ever Bright Services
May 2, 2023	John Maxner on behalf of Danica Derpich	Facebook post of screenshot of email from Samina Tuli of April 24, 2023
May 2, 2023	John Maxner on behalf of Danica Derpich	Photographs from a Facebook post of April 24, 2023
May 2, 2023	John Maxner on behalf of Danica Derpich	<i>Criminal Code of Canada</i> , excerpts from Table of Contents
May 2, 2023	John Maxner on behalf of Danica Derpich	Airdrie Today online article "Nunavut government investigating after seven children were placed in unlicensed Airdrie group homes last year", dated April 27, 2023
May 2, 2023	John Maxner on behalf of Danica Derpich	CBC News online article "Eight children from Nunavut placed in unlicensed group homes in Alberta", dated March 27, 2023
May 2, 2023	John Maxner on behalf of Dave Harris and Angela Harris	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Chelsea Frayling and Mike Frayling	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Art Evers	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Sherry Rogers-Polley	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Jeff and Jackie Moorman	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Robert Polley	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Charlotte Yantz	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Matthew Kelly and Alyson Kelly	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Sussy Andrea Soto de la Jara	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Wes Van Tighem	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Ada Alagre	Notice of Appeal Form

May 2, 2023	John Maxner on behalf of Deanna Wons	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Ryan Reysell	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Robert Thiessen and Cora Thiessen	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Eric Arsenaault	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Darren Dockter	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Jeff Vecchio and Candice Vecchio	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Mandy Worthen	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Elizabeth Holman	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Carlos Bengoechea	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Holly Shepherd and Cody Shepherd	Notice of Appeal Form
May 2, 2023	John Maxner on behalf of Holly Shepherd and Cody Shepherd	Airdrie SDAB Decision 2022-05 (15 Springs Crescent NE PL 2201583)
May 2, 2023	John Maxner on behalf of Holly Shepherd and Cody Shepherd	GoFundMe page, "Please support Deborah Onwu's Funeral"
May 2, 2023	John Maxner on behalf of Holly Shepherd and Cody Shepherd	Metro online article "Friends plan funeral for slain Nigerian social worker in Canada", November 4, 2019
May 2, 2023	John Maxner on behalf of Holly Shepherd and Cody Shepherd	Global News online article "Calgary care worker speaks out following colleague's death; 'Injury a constant reality', October 30, 2019
May 2, 2023	John Maxner on behalf of Holly Shepherd and Cody Shepherd	Land Title Certificate for Lot 37, Block 12, Plan 1110748
May 2, 2023	John Maxner on behalf of Holly Shepherd and Cody Shepherd	CBC News online article "Eight children from Nunavut placed in unlicensed group homes in Alberta" dated March 29, 2023 with notations
May 2, 2023	John Maxner on behalf of Holly Shepherd and Cody Shepherd	Photographs of subject property

May 2, 2023	John Maxner on behalf of Holly Shepherd and Cody Shepherd	Change of Use Permit Application Form for 47 Reunion Grove
May 18, 2023	Michael Korsh and Stacy Korsh	Letter of opposition
May 19, 2023	Samina Tuli	Development Authority's report to the board
May 19, 2023	John Maxner	Letter from John Maxner to Airdrie Subdivision and Development Appeal Board, dated May 19, 2023 re: City of Airdrie Development Permit PL2300280 (47 Reunion Grove NW; Supportive Housing, Limited), to request hearing dated be reschedule to June 25, 2023.
May 19, 2023	Deb Wankel	Letter of opposition
May 19, 2023	Michel Belanger	Letter of opposition with copy of handout
May 19, 2023	Crystal Bliss-Belanger	Letter from Crystal Bliss-Belanger, re: response in support of group home (not dated) (Bd rpt p. 453 -454)
May 24, 2023	John Maxner	[10:35 AM] Email with attachments: 47 Reunion Grove Occupancy 2 Picture taken April 22nd at 10 19 pm.jpg; 47 Reunion Grove Occupancy 3 - Picture taken Friday April 28 11 18 pm.jpg; 47 Reunion Grove occupancy Picture taken April 22 at 9 43 pm.jpg; Indicating that Permit remains not displayed even though occupied. Permit Violation 1.jpg; Indicating that Permit remains not displayed even though occupied. Permit Violation 2.jpg
May 24, 2023	John Maxner	[10:39 AM] Email with attachments: Observation of 47 Reunion Grove NW Property 1.MOV; Observation of Reunion Grove - Street - Workers and Clients 2.JPG; Observation of Reunion Grove - Street - Workers and Clients 3.JPG; Observation of Reunion Grove - Street - Workers and Clients 4.JPG; Observation of Reunion Grove - Street - Workers and Clients.MOV; Powerpoint taken at Ever Bright Complex Needs Open House -Confirming clients at the house April 29th 2023.jpg; Driving in back alley - Video confirming on April 22nd that property is occupied and in operation.MOV
May 24, 2023	John Maxner	[10:42 AM] Email with attachments: Observation of 47 Reunion Grove NW Property 4.MOV
May 24, 2023	John Maxner	[10:48 AM] Email with attachments: Observation of Reunion Grove - Street - Workers and Clients 2.JPG; Observation of Reunion Grove - Street - Workers and Clients 3.JPG; Observation of Reunion Grove - Street - Workers and ClieE4.JPG; Observation of Reunion Grove - Street - Workers and Clients.MOV; Powerpoint taken at Ever Bright Complex Needs Open House -Confirming clients at the house April 29th 2023.jpg; Driving in back alley - Video confirming on April 22nd that property is occupied and in operation.MOV
May 24, 2023	John Maxner	[11:03 AM] Email with attachments: Q&A Audio (3).m4a; Q&A Transcript with Footnote References 47 Reunion Grove NW Open House Meeting with Bright Adelegan at Ever Bright Complex Need Services - Highland Park Common Airdrie AB April 29th, 2023.pdf
May 24, 2023	John Maxner	[11:11 AM] Email with attachments
May 25, 2023	John Maxner	Email with attachments - Re: SDAB hearing for PL2300280 adjourned to June 20, 2023; image.png; image.png; image.png; image.png; image.png
May 30, 2023	John Maxner	Email - Re: Supportive Housing Application Requirements - 47 Reunion Grove NW - Ever Bright Complex Needs Support Services Inc
May 31, 2023	John Maxner	[10:02 AM] Email - Re: Supportive Housing Application Requirements - 47 Reunion Grove NW - Ever Bright Complex Needs Support Services Inc
May 31, 2023	John Maxner	[4:06 PM] Email - Re: Response from Legislative Services - Supportive Housing Application Requirements - 47 Reunion Grove NW - Ever Bright Complex Needs Support Services Inc
June 1, 2023	John Maxner	[3:39 PM] Email - Re: [EXTERNAL] Re: SDAB hearing for PL2300280 adjourned to June 20, 2023; Attachments: Q&A Audio (3).m4a; City of Airdrie Supportive Housing Memo as of May 3rd, 2023 Gail Gibeau Team Lead, Planning and Development.docx; City of Airdrie Timeline - Amended and Annotated as of May 31st, 2023.docx
June 1, 2023	John Maxner	[3:58 PM] Email - Auditor General of Canada News Articles and Information: SDAB hearing for PL2300280 adjourned to June 20, 2023; Attachments: nun_202305_e_44270.pdf; Child and Family Services in Nunavut.pdf
June 5, 2023	John Maxner	[10:01 AM] Email -Requesting Name of Airdrie Housing Policy Strategist and Name of Report for Group Housing.

June 5, 2023	John Maxner	[1:00 PM] Email - Re: Housing Report Information and Clarification on 2, 000 Affordable Homes Required in City of Airdrie.
June 6, 2023	John Maxner	Email - Re: Comment from 47 Reunion Grove NW Appeal Group - Permission to speak at June 20 appeal - 47 Reunion Grove, Airdrie
June 13, 2023	John Maxner	Email - [11:21 AM] Request for Nunavut and Alberta Advocates to Contact --- regarding Ever Bright Complex Needs Services Inc; Attachments: IMG_5580.JPG; IMG_5581.JPG; IMG_5577.JPG; IMG_5578.JPG; IMG_5579.JPG
June 13, 2023	John Maxner	Email - [4:10 PM] --- Email 1 - There will be a Final Email to Confirm Total Emails for Conversation; Attachments: IMG_5521.PNG; IMG_5499.PNG; IMG_SS00.PNG; IMG_5506.PNG; IMG_5507.PNG; IMG_5508.PNG; IMG_5509.PNG; IMG_5510.PNG; IMG_5511.PNG; IMG_5512.PNG
June 13, 2023	John Maxner	Email - [4:20 PM] Email 2 - There will be a Final Email to Confirm Total Emails for Conversation; Attachments: IMG_5582.jpg; IMG_5583.jpg; IMG_5584.jpg; IMG_5585.jpg; IMG_5586.jpg; IMG_5587.jpg; IMG_5588.jpg; IMG_5589.jpg; IMG_5590.jpg; IMG_5591.jpg; IMG_5592.jpg; IMG_5593.jpg; IMG_5594.jpg; IMG_5595.jpg; IMG_5596.jpg; IMG_5597.jpg; IMG_5599.jpg; IMG_5600.jpg; IMG_5601.jpg; IMG_5603.jpg; IMG_5619.jpg; IMG_5620.jpg; IMG_5621.jpg; IMG_5622.jpg; IMG_5623.jpg; IMG_5624.jpg; IMG_5625.jpg; IMG_5626.jpg; IMG_5627.jpg
June 13, 2023	John Maxner	Email - [4:33 PM] --- Appeal Form for 47 Reunion Grove NW - Final Email 3 of 3 - Regarding Moses and Ever Bright; Attachment: 47 Reunion Grove NW Appeal-form Moses Totalik.pdf
June 13, 2023	John Maxner	Email - [4:59 PM] SBDA {sic} Letter to Address Code of Conduct Issues - Municipal Bylaw - 47 Reunion Grove NW PL2300280; Attachments: Alberta Municipal Government Act.pdf; City of Airdrie Supportive Housing Memo as of May 3rd, 2023 Gail Gibeau Team Lead, Planning and Development.pdf; City of Airdrie Supportive Housing Memo as of May 3rd, 2023 Gail Gibeau Team Lead, Planning and Development.docx
June 14, 2023	Kevin Mac Dougall and Susan Cousins	Letter of opposition
June 20, 2023	Catherine Ziegler	Letter of support
June 20, 2023	Development Authority	PowerPoint presentation
June 20, 2023	John Maxner	PowerPoint presentation