

Appeal File Numbers: 025-STU-013
Application Number: 305305-25-D0126
Appeal Against: Development Authority of Sturgeon County
Appellant: Lyle Pearce & Sandra Thomas
Date and Location of Hearing: October 29, 2025
Council Chambers and Through Electronic Communications
Date of Decision: November 12, 2025

SDAB Members: Julius Buski (Chair), Lee Danchuk, and Lili Terry.

NOTICE OF DECISION

IN THE MATTER OF an appeal by Lyle Pearce and Sandra Thomas against the Development Authority's conditional approval to construct an uncovered deck for an above ground swimming pool.

- [1] This is the decision of the Sturgeon County Subdivision and Development Appeal Board (the "SDAB" or "Board") on an appeal filed with the SDAB pursuant to section 678(1) of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (the "MGA" or "Act").
- [2] In making this decision, the Board reviewed all the evidence presented and considered provisions of the *Municipal Government Act*, Sturgeon County's Land Use Bylaw 1385/17 (the "Land Use Bylaw" or "LUB"), and Sturgeon County's Municipal Development Plan (MDP), and any amendments thereto.
- [3] The following documents were received and form part of the record:
 - a. The Notice of Appeal;
 - b. A copy of the development application with attachments;
 - c. The Development Authority's written decision;
 - d. Planning & Development Services Report; and
 - e. Appellant Submission.

PROCEDURAL MATTERS

- [4] There were no objections to the proposed hearing process as outlined by the Chair.
- [5] There were no objections to the composition of the Board hearing the appeal.

[6] The Board is satisfied that it has jurisdiction to deal with this matter.

PRELIMINARY MATTERS

[1] The Board noted that section 678(2)(b) of the *Municipal Government Act* requires the appeal of a development authority decision to be filed within 14 days after receipt of the written decision. The Development Authority's decision was issued on May 29, 2025, and the appeal was received 131 days later on October 7, 2025; 110 days past the appeal deadline. The Chair asked the parties to make submissions with respect to this preliminary matter.

APPELLANT'S SUBMISSION ON THE PRELIMINARY MATTER

[2] The Appellant, Lyle Pearce, submitted that the delay in filing the appeal was attributable to lack of notification of the development permit.

DEVELOPMENT AUTHORITY'S SUBMISSION ON THE PRELIMINARY MATTER

[3] Yvonne Bilodeau, representative of the Development Authority, stated that since the structure was considered a permitted use under the Land Use Bylaw notification to adjacent landowners was not required. She noted that all approved development permits are available to view on Sturgeon County's website.

[4] The Development Authority's decision was issued on May 29, 2025, and the appeal was received 131 days later on October 7, 2025; 110 days past the appeal deadline. The Development Authority requested that the Board dismiss the appeal.

DECISION OF THE BOARD

[5] **The Board determined that it does not have jurisdiction to hear the appeal.**

REASONS FOR THE DECISION

[6] Section 678(2)(b) of the *Municipal Government Act* requires the appeal of a development authority decision to be filed within 14 days after receipt of the written decision. The Development Authority's decision was issued on May 29, 2025, and the appeal was received 131 days later on October 7, 2025; 110 days past the appeal deadline.

[7] The Appellant acknowledged that the appeal was not filed in time, but submitted that they were not notified of the development permit.

[8] For these reasons, the Board finds that it does not have jurisdiction to hear the appeal.

Dated at the Town of Morinville, in the Province of Alberta, this 12th day of November, 2025.



Julius Buski, Chair

Pursuant to Section 688(1)(a) of the Municipal Government Act (MGA), an appeal of a decision of the Subdivision and Development Appeal Board lies with the Alberta Court of Appeal on a matter of law or jurisdiction. In accordance with Section 688(2)(a), if a decision is being considered, an application for permission to appeal must be filed and served within 30 days after the issuance of the decision and, notice of the application for permission must be provided to the Subdivision and Development Appeal Board and in accordance with Section 688(2)(b), any other persons that the judge directs.

APPENDIX "A"
List of Submissions

- The Notice of Appeal;
- A copy of the development application with attachments;
- The Development Authority's written decision;
- Planning & Development Services Report; and
- Appellant Submission