



AGENDA
Municipal Planning Commission Meeting
Thursday May 9, 2024
6:00pm

1. **Date/Place: May 9, 2024, 6:00pm at the Seniors Drop-in Centre 4918 50th Avenue, Bentley AB**

2. **Members Attendance:**

Mayor Rathjen
Deputy Mayor Grimsdale
Councillor Hansen
Councillor Valiquette
Councillor Eastman

CAO/Development Officer and Recording Secretary – Marc Fortais

3. **Amendments and Acceptance of Agenda**

4. **Previous Minutes:**

a) **Municipal Planning Commission Minutes February 20, 2024**

5. **New Business**

a) **Application for consideration: Jaspal Boparai (Constructschon) 4929 50th Ave, permit 06-24 - Secondary Dwelling Unit – Discretionary Use in Commercial (C) District**

The applicant is requesting the following:

- **Approval of a development permit for renovations to make illegal secondary dwelling unit into a legal secondary dwelling unit and to ensure code compliance.**



**Minutes of the Municipal Planning Commission Meeting of the Town of Bentley
Tuesday February 20, 2024**

Date & Place Minutes of the Municipal Planning Commission Meeting of the Town of Bentley held Tuesday February 20, 2024, at 6:00 pm, in the Seniors Drop-In Centre 4918 50th Ave, Bentley AB

In Attendance
Mayor Rathjen (Chair)
Deputy Mayor Valiquette
Councillor Hansen
Councillor Grimsdale
Councillor Eastman
CAO/Development Officer and Recording Secretary – Marc Fortais

Call To Order Mayor Rathjen Called the meeting to order at 6:00 pm

Indigenous Acknowledgement

“We acknowledge that we are meeting on Treaty 6 Territory and Home of Metis Nation Region 3, on land that is part of a historic agreement involving mutuality and respect. We recognize all the many First Nations, Metis, Inuit, and non-First Nations whose footsteps have marked these lands.”

Agenda

Motion MPC 5/2024 Moved by Councillor Eastman “THAT the Agenda of the February 20, 2024, Municipal Planning Commission Meeting be accepted.”

Carried

Previous Minutes

Motion MPC 6/2024 Moved by Councilor Hansen “THAT the minutes of the February 20, 2024, Municipal Planning Commission Meeting of the Town of Bentley be confirmed.”

Carried

New Business:

- a) **Application for consideration: Tim Rowley (Timco Quality Builders) – 4810 55th Ave, permit 02-24 – Permitted Use in the R1A District for Single Family Dwelling**

Motion 7/2024 Moved by Councillor Valiquette, “THAT the Municipal Planning Commission approve the Development Permit Application 02-24 from Tim Rowley (Timco Quality Builders), conditional and subject to the finalization of the sale of the property located at 4810 55th Ave (Lot 1, Block 2, Plan 152 1374) and in accordance with the Terms and Conditions as approved by mayor and council at their regular meeting on February 13, 2024; AND

THAT the house being moved onto (Lot 1, Block 2, Plan 152 1374) is placed on a permanent concrete foundation and is finished in accordance with the architectural guidelines as established through Bylaw 216/2020 and as shown in the rendering submitted as a part of the Development Permit Application 02-24.

It should be noted that prior to the vote taking place Deputy Mayor Grimsdale requested that the vote be recorded.

Deputy Mayor Grimsdale	Against
Councillor Hansen	Against
Councillor Valiquette	For
Councillor Eastman	For
Mayor Rathjen	For

Carried

Adjournment

Motion MPC 8/2024 Moved by Mayor Rathjen “THAT the municipal planning commission meeting of February 20, 2024, be adjourned at 6:15pm.

Carried

Mayor Rathjen

CAO Marc Fortais



REPORT TO MUNICIPAL PLANNING COMMISSION

Date	May 9, 2024
Item	4829 50 th Ave – Secondary Dwelling Unit – Permit 06-24
Prepared by	Marc Fortais, CAO

RECOMMENDATION

THAT the Municipal Planning Commission approve Development Permit Application 06-24 from Constructschon Inc on behalf of Jaspal Boparai owner of the property located at 4929 50th Ave (Lot 4, Block 1, Plan RN32) conditional that permits for buildings codes, electrical codes, and (plumbing codes if required) are submitted and received for a legal Secondary Dwelling Unit.

SUMMARY AND BACKGROUND

Development permit application 06-24 (**Attachment #1**) has been completed and all information has been provided to the Development Officer. It has been completed and officially submitted as of April 26, 2024, by Dean Kamaldin (Constructschon for the construction of a legal secondary suite in the property owned by Jaspal Boparai. Mr. Kamaldin has been designated as a representative for Mr. Jaspal Boparai as confirmed multiple times by Mr. Boparai. .

It should be noted that the property has a lengthy history with the Town of Bentley and has been rented previously as an illegal suite in the Town of Bentley. Many concerns have been brought to the Town of Bentley regarding the condition of the property and by tenants or potential tenants for the building over the past four years. Several inspections of the property have occurred in November and December of 2020 and again in October of 2023. The inspections included a fire codes inspection, Alberta Health inspection and a building codes inspection. The inspections raised concerns including:

- Second Floor egress windows and stairwells to exterior do not meet code
- No smoke detectors in the building
- Handrail to second floor needed maintenance
- Apparent water and mold issues
- Current residential dwelling was not approved for use as a residential secondary suite
- No active commercial use of the property
- No proper fire separations
- Electrical for secondary suite does not meet code (GFCI breakers)
- Heating and ventilation for a secondary suite will need to be isolated and separate from commercial space

As there was continued non-compliance and contravention of safety codes two orders were issued on the property by the Town of Bentley and an additional order was issued by Alberta Health. The Town of Bentley orders issued were as follows:

- 1.) **645 Compliance Order – Contravention of the Land Use Bylaw** – this order was issued due to the continued use of the property for residential purposes by renting to tenants or allowing occupants in a building not actively being used for a commercial purpose as specified by Land Use Bylaw 189-2016 and without the approval of a Secondary Dwelling.
- 2.) **545 Compliance Order – Contravention of Community Standards Bylaw #165/2013** – property not in good repairs and is in a condition unfit for occupation contrary to the Safety Codes Act, RSA 2000, c. S-23 and the Public Health Act, RSA 2000, C. P-37, and pursuant to the provisions of the Municipal Government Act.

It is a positive step that the permitting process has started to ensure codes compliance for a Secondary Dwelling Unit. Public safety is of the utmost concern to the development officer. The proposed development meets the requirements as outlined by Land Use Bylaw 189/2016 and amendments thereto for the placement of a Secondary Dwelling Unit in the Commercial District as discretionary use as long as code compliance for a Secondary Dwelling Unit is met and the commercial space continues to be active.

It should also be noted that the following conditions are also listed in the Land Use Bylaw regarding a Secondary Dwelling Unit:

- a) **Approved dwelling units are permitted as long as the principal use is active.** (this means it needs to either be an active commercial space or that the landlord is seeking out a tenant for the commercial space through active advertising);
- b) All dwelling units shall have an entrance separate from that of the commercial establishment;
- c) Secondary dwelling units shall be located above or at the rear and attached to the principal commercial use; and
- d) Secondary dwelling units shall have a floor area smaller than or equal to the floor area in the commercial use;
- e) The minimum floor area for each dwelling unit shall be 46m²;
- f) Once parking site per dwelling unit shall be provided in the rear yard;
- g) **Secondary dwelling units shall conform to the current Alberta Building Code Regulations and the Alberta Fire Code Regulations and have a secondary fire exit.**

The application has been brought to the Municipal Planning Commission due to the fact that it is a discretionary use in the commercial district (C). It is in the opinion of the Development Officer that the development permit is a step in the right direction to help ensure public safety with regards to the Secondary Dwelling Unit and the commercial space and it shows that the intention of the owner is to finally meet code compliance.

It will be critical that the building codes, electrical codes and (plumbing codes permit if required) are completed and all final inspections happen, prior to the Town of Bentley allowing occupancy. In addition, the landlord needs to show a commitment to actively pursuing a commercial use in the commercial space in order for the Secondary Dwelling Unit to continue to be authorized.

PLANNING and DEVELOPMENT ANALYSIS

Secondary Dwelling Unit is a discretionary use in the Commercial District (C). The property owner is proposing to ensure that the secondary dwelling unit will meet proper code compliance by applying for the building codes and electrical codes permits.

The Development Officer recommends that Development Permit Application 06-24 be approved by the Municipal Planning Commission

FINANCIAL AND BUDGET IMPLICATIONS

None

ATTACHMENTS

- 1) Development Permit Application 06-24



TOWN OF BENTLEY
 Box 179
 Bentley, AB T0C 0J0
 Ph: (403) 748-4044
 Fax: (403) 748-3213

Permit # 06-24
 Fee: \$ 180.00
 Tax Roll # 106 000

DEVELOPMENT PERMIT APPLICATION

I/We hereby make application of a development permit pursuant to the Town of Bentley's Land Use By-law. The plans, supporting documents and application fee attached herewith form a part of this application.

Applicant(s) Constructschon Inc Home Phone _____
Please Print
 Address: 5314 Tebiwillegal Blvd Cell Phone 780 238 5776
Edmonton, AB Fax: _____
T6R-3H8 Email: dean@Constructschon.ca

Legal: (Lot(s)) 4 Block 1 Plan RN32

Municipal Address: 4929 50th Ave Bentley AB

Description of Development: fire separation & legal suite

Value of Development \$ 13,000.00

Land Use District: Bentley Current Use of Lands & Buildings: Commercial Use & Rental Suite upstairs

Proposed Use of Lands & Buildings: Commercial & legal suite

Site Area Size: 1,065 Total Floor Area: _____

Ground Floor Area: 950 Upper Floor Area: 950

Building Height (from ground elevation): 18'

(if applicable) Number of Parking Spaces: 2 Loading Spaces: 1

Side-yard Set-backs: Front (m) 0 Rear (m) 25

Side (m) 4.43 Side (m) 1

Other Information: Please provide any other pertinent information below or on separate sheet

Approval of legal suite & fire separation
Electrical GFCI Backing, Ventilation code Requirements

I/We hereby certify that I am/we are the registered owner(s) or authorized to act on behalf of the registered owner(s) and that the information on this form and on the attached plans and supporting materials is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.

Date Signed: 04/26/2024 [Signature]
 Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

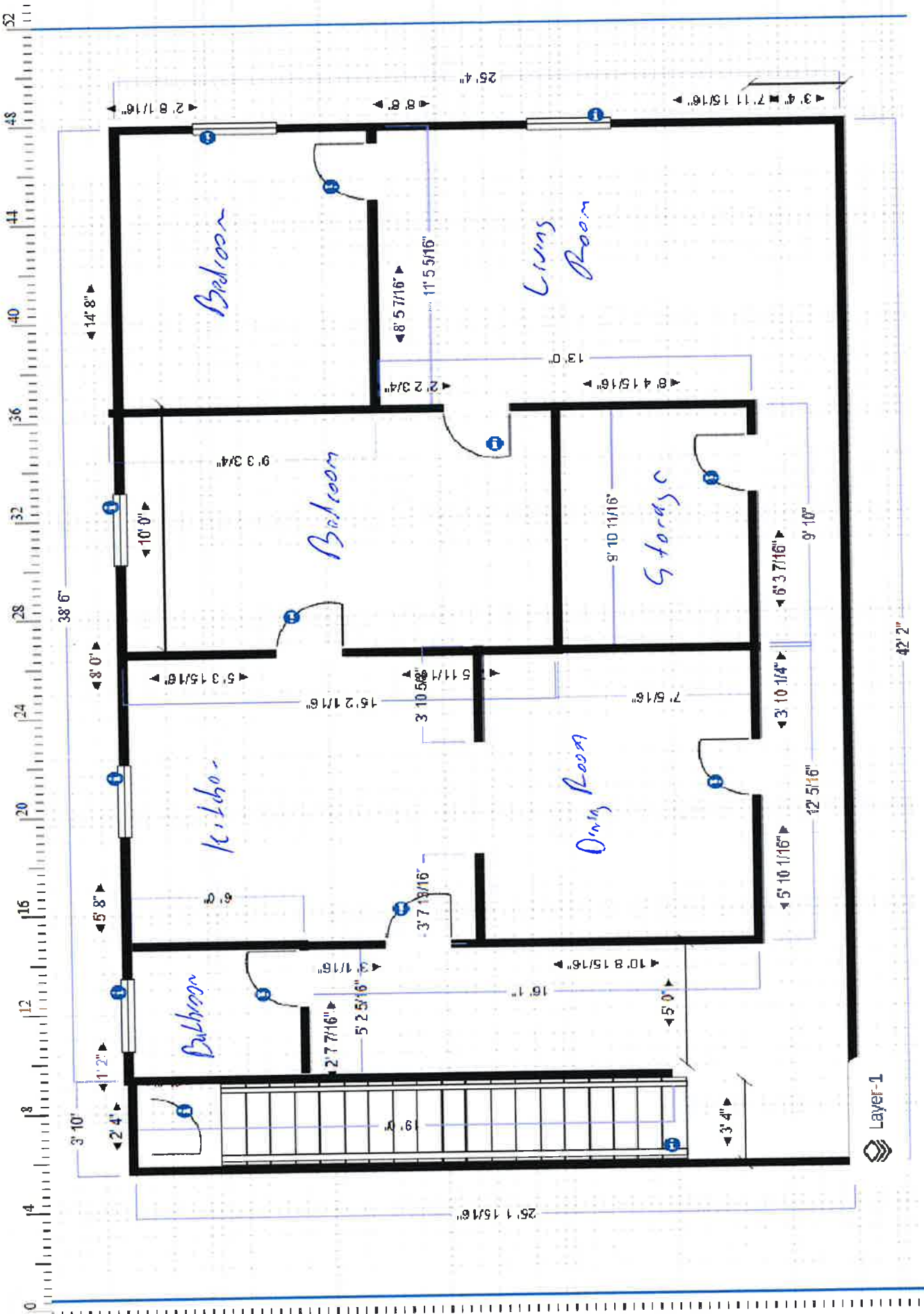
RIGHT OF ENTRY

I/We, being the registered owner(s) or person(s) in possession of the land and building(s) thereon, hereby consent to an authorized person designated by the Town of Bentley entering upon the said property for the purpose of inspection.

Date Signed: 04/26/2024 _____
 Signature of Owner or Authorized Agent

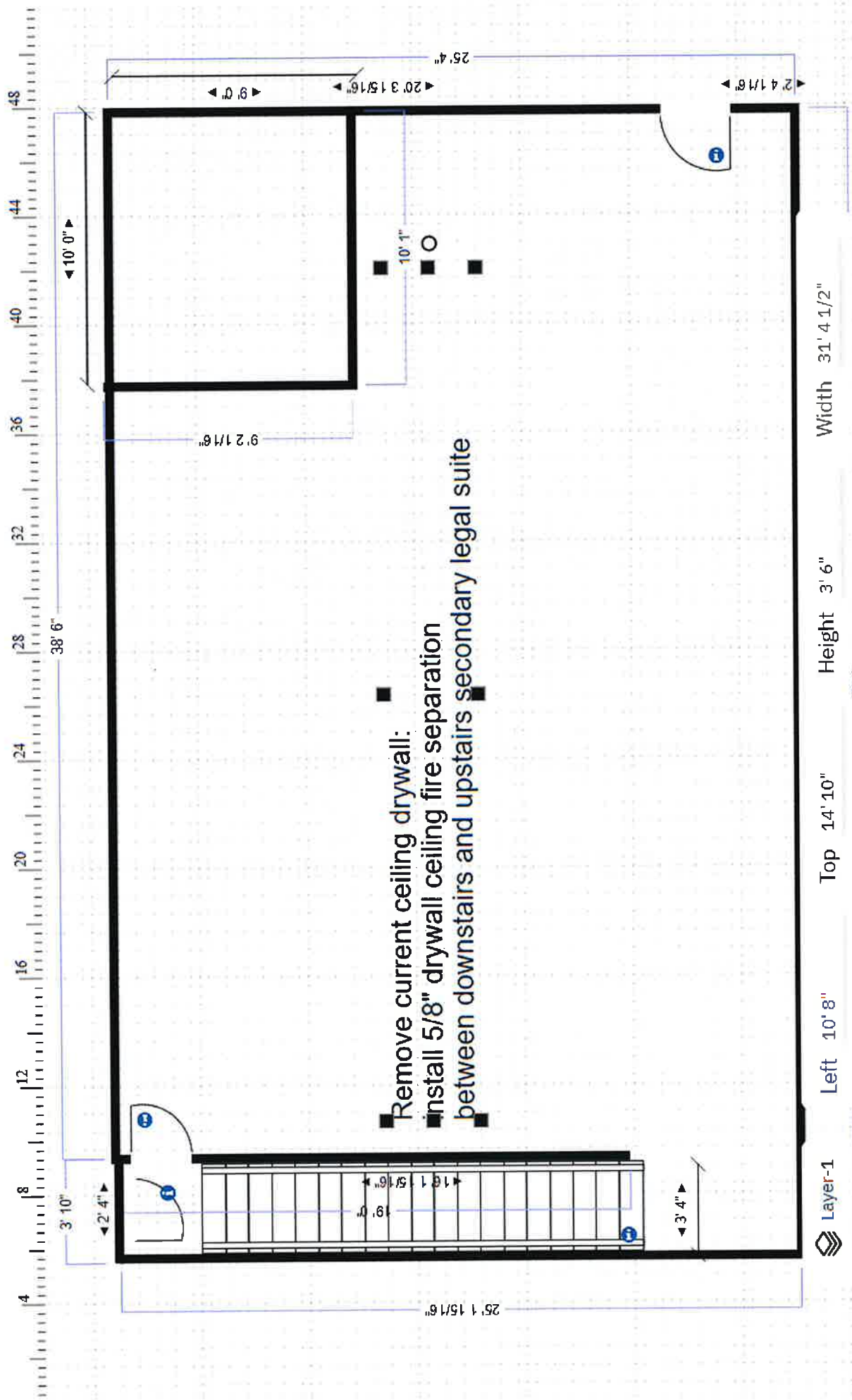
Signature of Owner or Authorized Agent

4929 50th Ave Second Floor Layout



Layer-1

4929 50th Ave Main Floor Layout



Remove current ceiling drywall:
 install 5/8" drywall ceiling fire separation
 between downstairs and upstairs secondary legal suite

Note: Get Electrical and Plumbing trades to pull permits to inspect all plumbing and electrical lines: Check Electrical panel:



Alberta Safety Codes Authority



Superior Safety Codes Inc.
100,14535-118 Avenue NW
Edmonton, AB T5L 2M7
Phone: 780-489-4777 or 1-866-999-4777
Fax: 780-489-4711 or 1-866-900-4711
Email: info@superiorsafetycodes.com

Building Permit Application

Permit Applicant: [] Owner [X] Contractor
Application Date (mm/dd/yyyy): 04/11/2024
Development Permit No. (if applicable):
Builder License ID No. (if applicable):
New Home Warranty No. (if applicable)
Estimated Start Date (mm/dd/yyyy) 04/11/2024
Estimated Completion Date (mm/dd/yyyy) 06/11/2024
Value of Work (labour & materials): 15,000.00

Owner Name (printed) Jaspal Boparai
Mailing Address: 24520 Meridian Street
City/Town/Village: Edmonton Province: AB Postal Code: T5Y6E9
Email: edmontontrucking@gmail.com Owners Phone #: (780)984-4158 Fax #:

Contracting Company Name (printed) Constructschon Sustainable Urban Development
Mailing Address: 5314 Terwilliger Blvd N.W
City/Town/Village: Edmonton Province: AB Postal Code: T6R3H8
Email: dean@constructschon.ca Owners Phone #: (780) 238-5776 Fax #:

Project Location
Municipality: Bentley Alberta Subdivision/ Hamlet Name: Town of Bentley Tax Roll No.
Street/ Rural Address: 4929 50th Avenue Unit
Legal land description is required
Lot 4 Block 1 Plan: RN32 LSD: Quarter Section Township Range West of
Directions

Description of Work (please provide a complete and detailed description of the work to be completed including all applicable drawings/ documents)
Check proper breaker panel and GFCI breaker electrical, and plumbing need permit to commerce work onsite. Also, install fire separation between the commercial space downstairs from the secondary suite upstairs/ Legal suite.

[X] Work has not started [] Work is in progress [] Work is complete
WORK SHOULD NOT COMMANCE BEFORE PERMIT IS ISSUED / WORK MUST BE INSPECTED BEFORE COVERING

Table with 3 columns: TYPE OF OCCUPANCY, TYPE OF WORK, BUILDING AREA. Includes checkboxes for residential, commercial, industrial, etc., and area calculations in feet and meters.

FOIP Notification: Personal information collected on this form is collected under the authority of section 23(1) of the Alberta Freedom of Information and Protection of Privacy Act...

Dean Kamaldin (Permit Applicant's Name)
Jaspal Boparai (Homeowner's Signature)
Homeowner's Signature (homeowner permit only)

Homeowner Declaration: I hereby declare I am the owner of the premises in which the work will be conducted and reside or will reside on the property. I am doing the work myself and assume responsibility for compliance with the applicable Act and Regulations.

OFFICE USE ONLY
Other Permits Required [] Plumbing [] Electrical [] Gas [] Private Sewage [] Not Applicable
Permit Fee: \$
SCC Levy: \$
Travel Fee: \$
Total Cost: \$
Receipt No.:
[] Invoiced [] Cash [] Cheque [] Debit
[] Credit Card [] Visa [] MC (attach signed credit card authorization form)
eSITE Permit No.:
Agency File No.: