

**REPORT TO THE SUBDIVISION AND
DEVELOPMENT APPEAL BOARD**

DATE: July 17, 2025	APPEAL NO.: SDAB2025-0080 FILE NO.: CO2023-00491
APPEAL BY: Terco Transport Inc., represented by Ryley Dalshaug, Legal Associate	
FROM AN ORDER OF THE DEVELOPMENT AUTHORITY for No DP – Excavation, Stripping and Grading at <u>14055 84 Street SE.</u>	LAND USE DESIGNATION: DC 20D2008
COMMUNITY OF: Residual Ward 12	DATE OF DECISION: May 29, 2025
OWNER: Terco Transport Inc., represented by Ryley Dalshaug, Legal Associate	

Notes:

- Notice has been given of the hearing pursuant to the *Municipal Government Act* and Land Use Bylaw, including notices to parties who may be affected by the appeal. The final determination of whether a party is an “affected person” will be made by the Board if required.
- This Report is provided as a courtesy only. The Board’s record may include additional materials, including notifications to affected parties and correspondence of a procedural or administrative nature. The Board’s record may be viewed at the Appeal Board office at: 4th Floor, 1212 31 Avenue NE, Calgary, Alberta during regular office hours.

In accordance with Sections 678 and 686 of the Municipal Government Act and The City of Calgary Bylaw 25P95, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by the legislated fee.

Municipal Address of Site Under Appeal [required]	14055 84 Street SE
Development Permit/Subdivision Application/File Number [required]	CO2020-00491 Confirmed CO2023-00491 is the Order being appealed
Name of Appellant [required]	Terco Transport Inc.
Agent Name (if applicable)	Ryley Dalshaug
Street Address [required]	240-23 Sunpark Drive SE
hdnFullAddress	240-23 Sunpark Drive SE Calgary AB T2X3V1
City [required]	Calgary
Province [required]	Alberta
Postal Code [required]	T2X 3V1
Residential Phone # [required]	(403) 543-1115
Business Phone #	
Email Address [required]	ryley@masuchlaw.com

APPEAL AGAINST

Required field. Check one item only: for multiple appeals you must submit another Notice of Appeal.

Notice of Order

I do hereby appeal the decision
of the Subdivision/Development
Authority for the following rea-
sons [required]

See Schedule "A"

In order to assist the Board in scheduling, please answer the following questions to the best of your ability:

Estimated Presentation Time

1 hour

Will you be using an agent/legal
counsel? [required]

Yes

Do you anticipate any preliminary
issues with your appeal? (i.e.
jurisdiction, parties status as
affected persons, adjournment,
etc.)? [required]

No

If yes, what are the issues?

Do you anticipate bringing any
witnesses/experts to your hear-
ing? [required]

Yes

If yes, how many will you be
bringing?

3

I confirm and acknowledge that

- *I have read and understood this form;*
- *The information I have provided is accurate to the best of my knowledge; and*
- *I am responsible for paying the appeal fee and my notice of appeal will not be considered filed until my appeal fee has been received.*

Submission Date

2025-06-18 12:58:49 MST

This personal information is collected under the authority of the Freedom of Information and Protection of Privacy Act, section 33(c) and the Municipal Government Act, Sections 678 and 686. THIS INFORMATION WILL BE USED FOR PROCESSING YOUR APPEAL AND WILL BECOME PART OF A PUBLIC AGENDA. If you have any questions regarding the collection of this information, contact the Tribunal Coordinator, City Appeal Boards at 403-268-5312 or PO Box 2100, Stn "M", #8110, Calgary, AB, T2P 2M5.

If you require further information regarding appeal deadlines and procedures, please contact the SDAB office at:

Website: calgary.ca/sdab

Phone: (403) 268-5312

Email: info@calgarysdab.ca

SCHEDULE "A"

1. The Appellant, Terco Transport Inc. ("Terco") is a corporation incorporated pursuant to the laws of Alberta which operates as a transportation company in Calgary, AB.
2. Terco is the owner of property with municipal address 14055 84 Street SE, Calgary, Alberta, and legal description:

PLAN 0012207
LOT 28
(the "**Property**")
3. Terco viewed the properties of and spoke with neighbouring property owners about filling in some of the marsh area on the Property to be able to use the Property as a temporary storage facility for equipment.
4. Terco was advised by neighbors that this was allowed and that the other nearby property owners were not required to get any sort of permit before filling in the marsh area. Neighbouring owners were at the time developing their properties for use as a storage area.
5. Terco was advised by the Development Authority that as a complaint was made against Terco filling in of the marsh area was not permissible and that an investigation into Terco had begun. In compliance with the Development Authority's investigation and request, Terco applied for a permit for stripping and grading of the Property, being Development Permit DP2018-1545 (the "**Permit**").
6. Terco then engaged InfraCor to complete Erosion and Sediment Control reports for submission to the City of Calgary to in compliance of condition 1 of the Permit. Attached as Exhibit "A" is a copy of the covering letter to the City of Calgary for InfraCor's submission.
7. Terco has not complied with condition 2 of the Permit as the amounts requested of Terco by the City of Calgary grossly exceeds any reasonable estimate of costs to complete obligations related to controlling storm water run-off, sedimentation, erosion, as well as dust and loam stockpile removal & site rehabilitation. The Development Authority has not provided the basis for how it calculated the \$150,000.00 figure required.
8. Terco has been unable to obtain insurance for Stripping & Grading and therefor comply with condition 3 of the Permit as the cost of remediation required by the City of Calgary exceeds the value of the Property making obtaining insurance very difficult or impossible.
9. Terco has not complied with condition 4 of the Permit as the expected cost to controlling storm water run-off, sedimentation, erosion, as well as dust and loam stockpile removal & site rehabilitation is excessive and Terco is unwilling to indemnify the City of Calgary without a more reasonable expectation as to the quantum of damages. To date Terco has not received a reasonable expectation as to the costs that might arise under the indemnity.
10. In response to condition 5 of the Permit Terco is not aware of any utility companies that would be affected by the proposed work to be undertaken on the Property.

11. Terco has not complied with condition 6 of the Permit as the estimate of \$650,000.00 to remove soil dumped in the old 84 Street SE road right of way and rehabilitate the old 84 Street SE Road right of way is excessive. The Development Authority has not provided the basis for how it calculated the \$650,000.00 figure required. This figure exceeds the expected market value of the Property.
12. Given the excessive costs sought in comparison to the value of the Property and the proposed work under the Permit, Terco submits that the Development Authority is requiring Terco to indemnify or commit to reclamation of neighbouring properties that have undertaken greater development of their lands without proper permitting or work. The additional funds and obligations sought of Terco make compliance with the Permit or any reasonable use of the Property impossible.
13. Terco seeks to appeal conditions 2-7 of the Permit on the basis that no reasoning has been provided as to the Development Authorities calculations of a \$150,000.00 Letter of Credit being required or a \$650,000.00 deposit being required. These estimates are excessive compared to the value of the Property and the work proposed under the Permit.
14. In the alternative, Terco seeks to terminate the Permit and complete the reclamation of the Property back to its original state before Terco completed any stripping or grading. Terco intends to do this by removing and screening the material that it originally placed on the Property.

From: [Ryley Dalshaug](#)
To: [Calgary SDAB Info](#)
Subject: [External] Re: Appeal Confirmation: Against CO2020-00491
Date: Thursday, June 19, 2025 12:49:55 PM
Attachments: [image.png](#)
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Good Afternoon,

Yes, I can confirm that it is file #CO2023-00491 - Order of the Development Authority that is being appealed.

Regards,

Ryley Dalshaug | Associate



Suite 240, 23 Sunpark Drive SE | Calgary AB T2X 3V1 | www.masuchlaw.com

Direct: 403-543-1115 | **Fax:** 403-543-1111 | **Main:** (403) 543-1100

Email: Ryley@masuchlaw.com



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From: Calgary SDAB Info <Info@calgarysdab.ca>

Sent: June 18, 2025 4:25 PM

To: Ryley Dalshaug <Ryley@masuchlaw.com>

Cc: Calgary SDAB Info <Info@calgarysdab.ca>

Subject: RE: Appeal Confirmation: Against CO2020-00491

Thank you for the quick response. DP2018-1545 was approved January 31, 2022, and the appeal window to appeal the development permit was February 3-24, 2022. If you are appealing this DP, it will go in front of the Board as a jurisdictional item.

The attachment references File #CO2023-00491, regarding an Order of the Development Authority under MGA, s. 645, dated May 29, 2025. The letter with the Order notes it can be appealed within 21 days of issuance of the Order. Without confirmation of proof of service, we estimate this filing deadline to be 11:59 p.m. on June 19, 2025. If you are instead appealing the Order, please confirm.

SDAB Admin

SDAB2025-0080

Municipal Boards & Governance
 Office: 4th Flr, 1212 31 Avenue NE
 Mail: PO Box 2100, Station M, MC #8110 | Calgary, AB T2P 2M5
 General Phone Line: 403.268.5312 | calgarysdab.ca

From: Ryley Dalshaug <Ryley@masuchlaw.com>
Sent: Wednesday, June 18, 2025 3:36 PM
To: Calgary SDAB Info <Info@calgarysdab.ca>
Subject: [External] Re: Appeal Confirmation: Against CO2020-00491

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Good afternoon,

Sorry I was looking at the wrong Development Permit it should be Development Permit DP2018-1545 as per the attached Order.

Regards,

Ryley Dalshaug | Associate



Suite 240, 23 Sunpark Drive SE | Calgary AB T2X 3V1 | www.masuchlaw.com
 Direct: 403-543-1115 | Fax: 403-543-1111 | Main: (403) 543-1100
 Email: Ryley@masuchlaw.com



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From: Calgary SDAB Info <Info@calgarysdab.ca>
Sent: June 18, 2025 3:28 PM
To: Ryley Dalshaug <Ryley@masuchlaw.com>
Cc: Calgary SDAB Info <Info@calgarysdab.ca>
Subject: Appeal Confirmation: Against CO2020-00491

We are in receipt of your appeal filing and payment on June 18, 2025. We note that **CO2020-00491** is an order of the Development Authority against a different address to the one listed on the notice of appeal, 14055 84 Street SE.

Please provide a copy of the order you are appealing ASAP, so we may confirm the order you wish to appeal, whether filing deadlines have been met, then proceed with intake steps.

SDAB Admin

SDAB2025-0080

Municipal Boards & Governance

Office: 4th Flr, 1212 31 Avenue NE

Mail: PO Box 2100, Station M, MC #8110 | Calgary, AB T2P 2M5

General Phone Line: 403.268.5312 | calgarysdab.ca

NOTICE -

This communication is intended ONLY for the use of the person or entity named above and may contain information that is confidential or legally privileged. If you are not the intended recipient named above or a person responsible for delivering messages or communications to the intended recipient, YOU ARE HEREBY NOTIFIED that any use, distribution, or copying of this communication or any of the information contained in it is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and then destroy or delete this communication, or return it to us by mail if requested by us. The City of Calgary thanks you for your attention and co-operation.



PLANNING & DEVELOPMENT

May 29, 2025

File # CO2023-00491

Terco Transport Inc
C/O Anton SUBERLAK
Masuch Law Group LLP
240-23 Sunpark DR SE
Calgary, AB
T2X 3V1

RE: 14055 84 ST SE; Plan 0012207; Lot 28

An investigation by the Development Authority demonstrates a contravention of the City of Calgary Land Use Bylaw 1P2007 exists on the lands location at: Plan 0012207; Lot 28

Therefore, pursuant to section 645 of the *Municipal Government Act RSA 2000 c. M-26*, the attached Order is issued. If you fail to comply with the Order, further enforcement action may be taken against you as the registered owner.

Should you wish to appeal the Order, you must register an appeal with the Subdivision and Development Appeal Board within twenty-one (21) days of issuance of the Order.

Should you require additional information concerning this matter or should you wish to obtain further information respecting obtaining Development Approval, please contact **Kevin Watson** at kevin.watson@calgary.ca or 403-998-2108.

Yours truly,

p.p. Michelle Lavallee
Development Authority
Development Inspection Services

Attachment



PLANNING & DEVELOPMENT

ORDER
Municipal Government Act, s. 645

Terco Transport Inc.
240 – 23 Sunpark DR SE
Calgary, AB
T2X-3V1

This Order is being issued to you as the registered owner of land located at: Plan 0012207, Lot 28 with the municipal address of: 14055 84 ST SE, Calgary, AB (the "Land").

The Land is zoned DC20D2008 (S-FUD - SPECIAL PURPOSE - FUTURE URBAN DEVELOPMENT). Development on the Land is not in accordance with City of Calgary Land Use Bylaw 1P2007, specifically, Stripping and Grading was started on the Land affected a wetland and the adjacent public right of way without approvals. Development Permit DP2018-1545 was applied for but has not been released due to Prior to Release Conditions not being met. Those conditions include:

1. Submit revised Erosion and Sediment Control report and drawings to address any comments that may be provided on the submission currently under review, and ensure it is updated as may be required to match the final Development Permit plans.

Follow the submission requirements outlined in The City of Calgary Guidelines for Erosion and Sediment Control. The City of Calgary Guidelines for Erosion and Sediment Control can be accessed at: <http://www.calgary.ca/PDA/pd/Pages/Planning-and-development-resource-library/Publications.aspx> (under publications).

Documents submitted shall conform to the requirements detailed in the current edition of The City of Calgary *Guidelines for Erosion and Sediment Control* and shall be prepared, signed and stamped by a qualified consultant specializing in erosion and sediment control, and holding current professional accreditation as a Professional Engineer (P. Eng.), Professional Licensee (P.L. Eng), Professional Agrologist (P. Ag.) or Certified Professional in Erosion and Sediment Control (CPESC). For each stage of work where soil is disturbed or exposed, documents must clearly specify the location, installation, inspection and maintenance details and requirements for all temporary and permanent controls and practices.

2. Submit a \$150,000 Letter of Credit performance security for the stripping and grading to cover the costs of the Developer's remaining obligations related to



controlling storm water run-off, sedimentation, erosion, as well as dust and loam stockpile removal & site rehabilitation.

3. Submit a Certificate of Insurance for the Stripping & Grading. Insurance requirements are outlined in Section 19 of the Master Residential Development Agreement.
4. Submit the Indemnification letter under Corporate Seal indemnifying and saving harmless The City and owners of adjacent properties or such other affected parties from any losses or damages which the City and owners of adjacent properties or such other affected parties may sustain as a result of the storm water runoff, soil erosion, soil instability, sedimentation, loam stock pile, dust and any other problem that may arise from the stripping and rough grading of the Lands. In addition, the Developer, at its sole expense, shall take corrective action(s) deemed necessary to rectify the problem(s) and to do so in a timely manner to the satisfaction of the Manager of Infrastructure Planning.
5. Provide documentation confirming that all of the affected utility companies have been contacted regarding potential conflicts / relocation of their respective utilities.
6. Remit a performance security deposit (certified cheque, bank draft, letter of credit) for the proposed infrastructure listed below within the public right-of-way to address the requirements of the Business Unit. The amount of the deposit is calculated by Roads and is based on 100% of the estimated cost of construction.

The developer is responsible to arrange for the construction of the infrastructure with their own forces and to enter into an Indemnification Agreement with Roads at the time of construction (the security deposit will be used to secure the work).

- a. Remove the soil that was dumped in the old 84 Street SE road right of way
- b. Rehabilitation of old 84 Street SE road right of way to the satisfaction of Roads

7. Removal of fill and restoration of the wetland and its 30 metre setback area is required. Submit a Habitat Restoration Plan for review to the Parks Ecologist, Tanya Hope. Consult the *Habitat Restoration Project Framework* (<https://www.calgary.ca/content/dam/www/csps/parks/documents/construction/habitat-restoration-framework.pdf>) and Section 2.3.5 Of the *Parks' Development Guidelines and Standard Specifications for Landscape Construction* (current version) (<https://www.calgary.ca/content/dam/www/pda/pd/documents/urban-development/publications/landscape-construction-2021.pdf>).



You are hereby ordered, pursuant to Section 645 of the *Municipal Government Act R.S.A. 2000, c. M-26*, (the "MGA"), as amended, to:

1. Submit the items above required to complete the release of DP2018-1545 no later than **June 30, 2025; AND**
2. Obtain a released DP2018-1545 by **August 28, 2025; AND**
3. Complete any requirements of the released DP2018-1545 by **October 30, 2025.**

NOTE: Do not recommence stripping and grading or any other use on the Land without the requisite approvals as required herein.

This order will be registered on title via caveat and remain on title until all conditions have been satisfied.

A handwritten signature in blue ink, appearing to read "Michelle Lavallee", written over a horizontal line.

p.p. Michelle Lavallee
Development Authority
Development Inspection Services

Date: May 29, 2025

**** Attention: Mac Users ****

Do not attempt to complete this form using Mac pdf Preview. To complete and submit this form successfully, right click to select "Open with" and choose your Adobe Reader program. Download a free copy of Adobe Reader at <http://get.adobe.com/reader/>.



Subdivision
& Development
APPEAL BOARD

NOTICE OF APPEAL
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

CC 821 (R2020-01)

In accordance with Sections 678 and 686 of the *Municipal Government Act* and The City of Calgary Bylaw 25P95, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by the legislated fee. For filing instructions and fee payment options, see the reverse side of this form. ISC: Unrestricted

Site Information			
Municipal Address of Site Under Appeal		Development Permit/Subdivision Application/File Number	
Appellant Information - must name all appellants			
Name of Appellant		Agent Name (if applicable)	
Street Address (for notification purposes)			
City	Province	Postal Code	Residential Phone # ()
Business Phone # ()	Email Address		

APPEAL AGAINST (Check one box only: for multiple appeals you must submit another Notice of Appeal)

Development Permit	Subdivision Application	Notice of Order
<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons (Attach a separate page if required):

In order to assist the Board in scheduling, please answer the following questions to the best of your ability:

Estimated presentation time (minutes/hours)		Will you be using an agent/legal counsel?	
		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.)			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
If yes, what are the issues?			
Do you anticipate bringing any witnesses/experts to your hearing?		If yes, how many will you be bringing?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			

This personal information is collected under the authority of the *Freedom of Information and Protection of Privacy Act*, Section 33(c) and the *Municipal Government Act*, Sections 678 and 686. **NOTE: THIS INFORMATION WILL FORM PART OF A FILE AVAILABLE TO THE PUBLIC.** If you have any questions regarding the collection of this information, contact the City Appeal Boards at 403-268-5312 or PO Box 2100 Stn. "M", #8110, Calgary, AB, T2P 2M5.

Signature of Appellant / Agent	Date YYYY MM DD <div></div>
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FOR OFFICE USE ONLY

FOR OFFICE USE ONLY				
Final Date of Appeal YYYY MM DD	SDAB Appeal Number	Fee Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date YYYY MM DD	Date Received

Print

SDAB2025-0080

APPEAL SUBMISSION INFORMATION

The Notice of Appeal must be accompanied by a \$200.00 filing fee AND must be received by the Subdivision and Development Appeal Board (SDAB) no later than the final date for appeal as specified in the *Municipal Government Act*; otherwise, the Appeal will not be processed. If an appeal is withdrawn prior to the commencement of the SDAB hearing, the fee shall be refunded. Refunds for withdrawals submitted once the SDAB hearing has commenced shall be at the Board's discretion.

FILING INFORMATION

If you mail the Appeal, it must be received on or before the final date for appeal or it will not be processed and a hearing before the Board will not occur.

MAIL TO:	DELIVER TO:
City Appeal Boards Subdivision and Development Appeal Board #8110 P.O. Box 2100, Station M Calgary, AB T2P 2M5	City Appeal Boards Subdivision and Development Appeal Board 4th Floor, 1212 31 Avenue NE (Deerfoot Junction III Building (DJ3)) Calgary, AB T2E 7S8

We accept cash, cheque or debit at the Appeal Boards office. Please make cheques payable to The City of Calgary.

TO FILE ONLINE, VISIT www.calgary.ca/sdab/onlineappeal

NOTE: Appeals cannot be faxed as the respective filing fee must accompany the Appeal at the time of filing.

If you require further information regarding Appeal deadlines and Board procedures, please contact the Appeal Boards office at:

Phone: 403-268-5312

Email: sdab@calgary.ca

Website: www.calgary.ca/sdab

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SDAB2025-0080

Calgary



The City of Calgary
Planning and Development

Development Authority Appeal Response

Appeal Number: SDAB2025-0074

Complaint Job Number: CO2023-00491

Address: 14055 84 St SE

Legal Description: Legally described as Plan 0012207, Lot 28

Land Use: This parcel falls under a Direct Control District DC20D2008

Community: Residual Ward 12 – Sub Area 12C

Development Authority Attendance: Yes

Summary of Factors, Considerations, and / or Rationale for Issuing Notice:

This land was annexed into the City of Calgary in 2007. Bylaw DC20D2008 came into effect May 12, 2008. Under this bylaw it is referred to as DC Site 2 and references Land Use Bylaw 1P2007 for compliance. The permitted use and discretionary uses on this parcel relate to the Special Purpose – Future Urban Development (S-FUD) District of Bylaw 1P2007.

The site is a 4.52-acre undeveloped parcel on the west side of 84 St SE. The land is partially graded and grassed. A small portion of a wetland exists on the southwest limit of the property. The site is not serviced and there are no buildings or structures throughout.

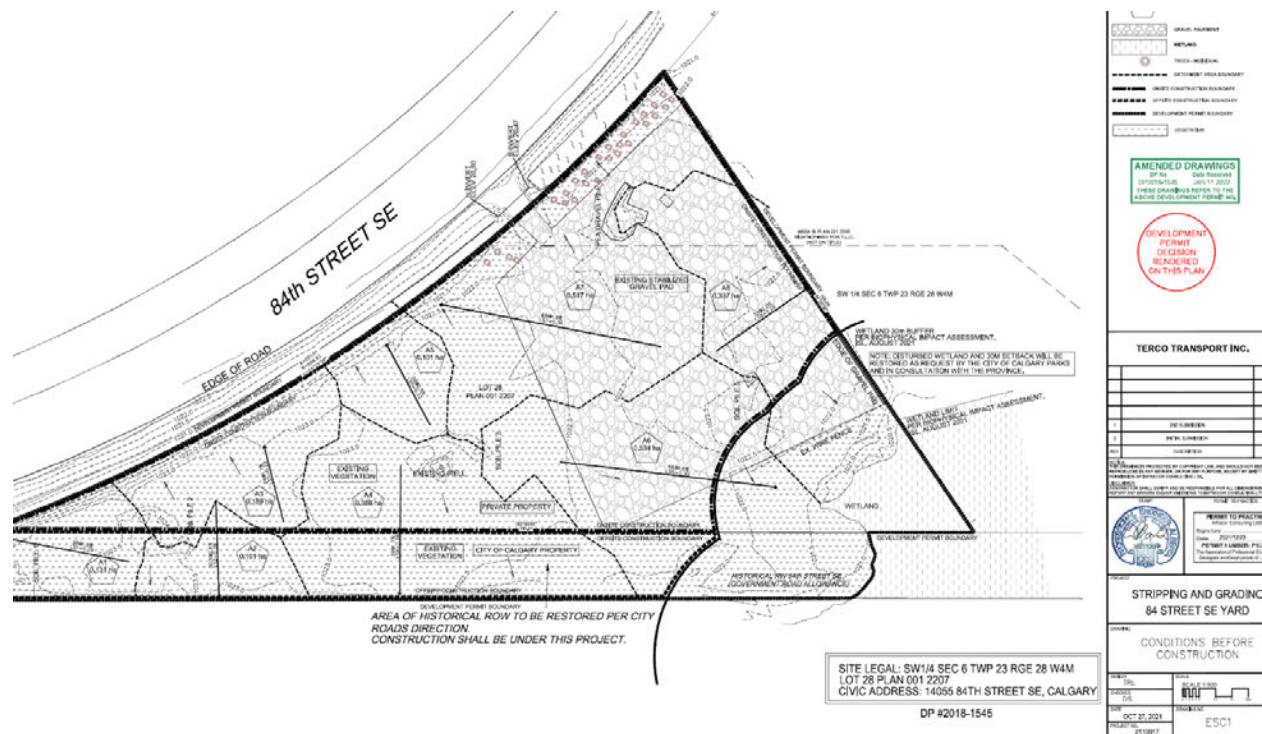
From 2012 to 2018, various uses were discovered on this parcel due to several complaints. The uses were all dealt with by the owner, Terco Transport Inc. with removal after many attempts by the Development Authority to gain compliance. Dumping of snow, soil and excavating continued over this time.

Analysis on the parcel using the City of Calgary's Aerial Photography system called EagleView, determined from 2007 until approximately 2020, stripping, grading and stockpiling had occurred without Development Authority approval over the exempt amount of 1000m². The submitted aerials start in the year 2017 only.

SDAB2025-0080

On May 25, 2017, due to enforcement efforts (charges in 2016, MGA order in 2016 and further charges in 2017), the owner applied for Changes to Site Plan: Excavation, Stripping and Grading. Due to lack of response for more information, the application was cancelled on July 18, 2017. Continued enforcement efforts required the owner to apply for a received a released DP. On April 18, 2018, the owner applied for DP2018-1545 for Changes to Site Plan: Excavation, Stripping and Grading. The Development Authority did not approve the DP until Jan. 31, 2022.

During the application process, the City discovered that some of the wetland on this parcel had been disturbed by this unauthorized stripping, grading and stockpiling prior to Water Act approval and the issuance of a development permit. Further stripping, grading and potentially stockpiling had occurred on City of Calgary property adjacent to the subject lands on what is considered a historical right of way. Full decision rendered plans have been submitted.



The applicant was notified on Jan. 31, 2022, that the permit had been approved with prior to release (PTR) requirements that must be met prior to release of permit. It was at this time that the owner was informed to read their permanent conditions thoroughly and that they can appeal the conditions of approval within 21 days of receipt of the letter. An appeal to the Subdivision and Development Appeal Board (SDAB) was never filed.

Over the next couple of years, Development Inspector Kevin Watson (DI Watson) contacted the owner and the DP applicant for updates on progress with fulfilling the PTR requirements to have the DP released. Due to the 3+ years that this file has been sitting waiting for the owner to complete the Prior to Release conditions and the nature of the requirements, the Development Authority under

Development Inspections decided the best course of action was to issue a Municipal Government Act order.

The notice was issued by Development Inspector Shane Maier to the owner Terco Transport Inc, via hand delivery to the agent for service on the Corporate Registry System (CORES) on April 8, 2025, the same day the order was made and signed, therefore satisfying Section 645 (2.1) of the Municipal Government Act, RSA 2000, Chapter M-26. The issued notice requires the owner, Terco Transport Inc. to complete the seven (7) PTR requirements AND obtain a released DP2018-1545 AND complete any requirements of the released DP2018-1545.

Upon appeal of the order, Terco Transport Inc.'s legal counsel Ryley Dalshaug appears to be appealing the conditions of approval on DP2015-1545, specifically #13 states "Terco seeks to appeal conditions 2-7 of the Permit...". The appeal period for conditions of approval which include the PTR conditions ended in February of 2022.

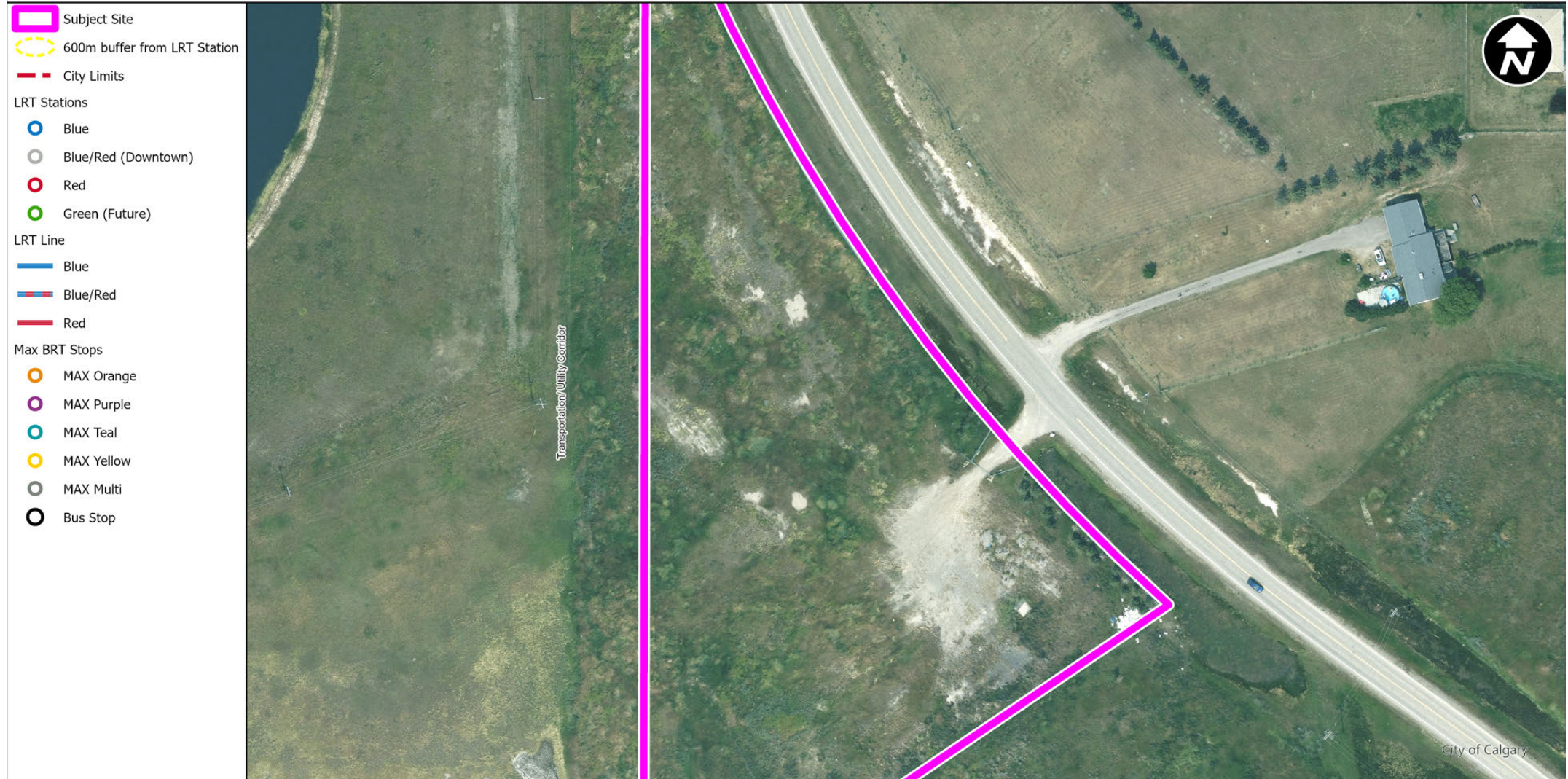
Although not within the SDAB's jurisdiction, #14 of Schedule A indicates an alternative. The City of Calgary is willing to work with the appellant towards rehabilitation of the lands.

The Development Authority respectfully requests the board to uphold the order as written.

Community Context SDAB2025-0080

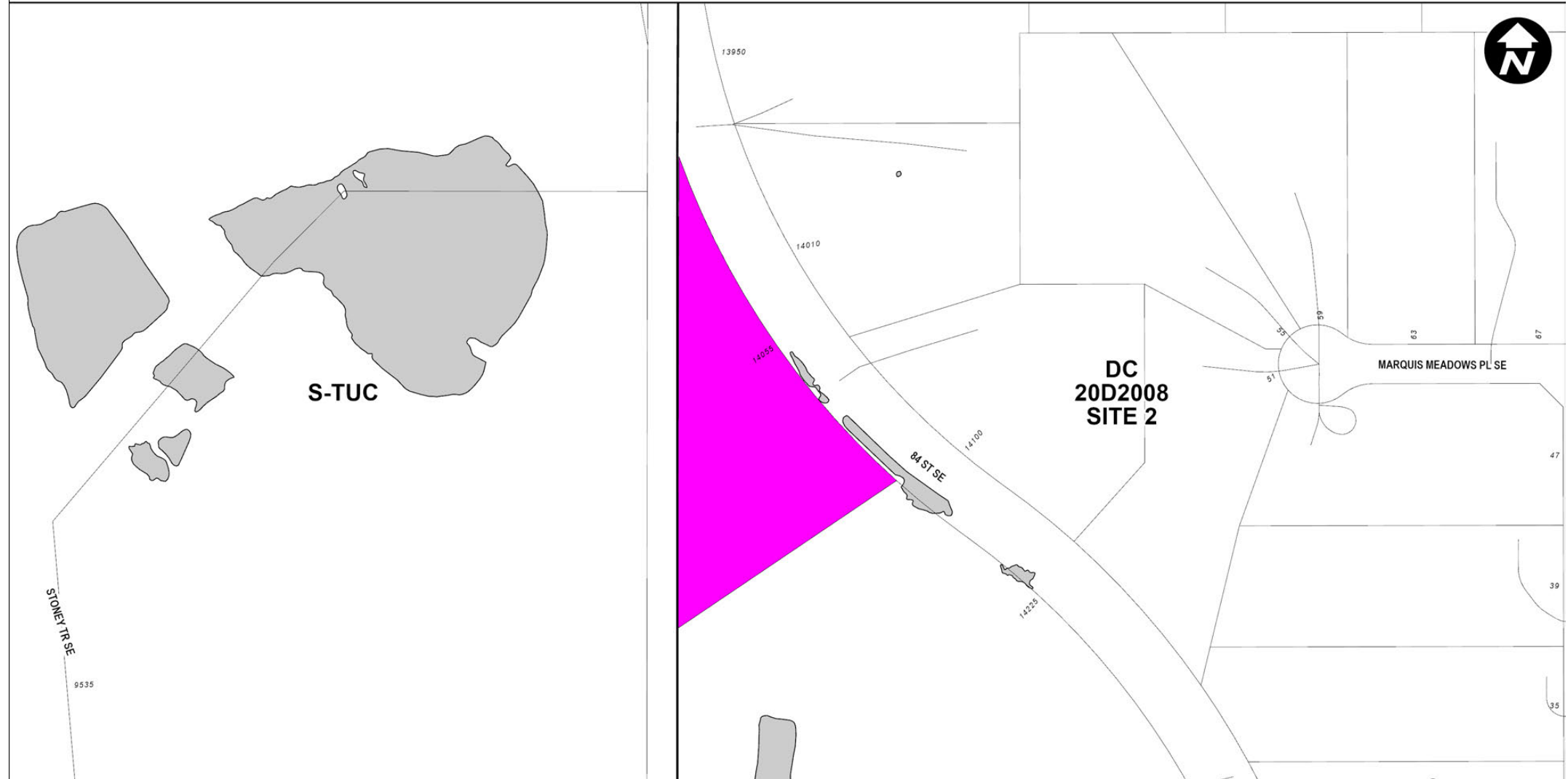


Site Context SDAB2025-0080

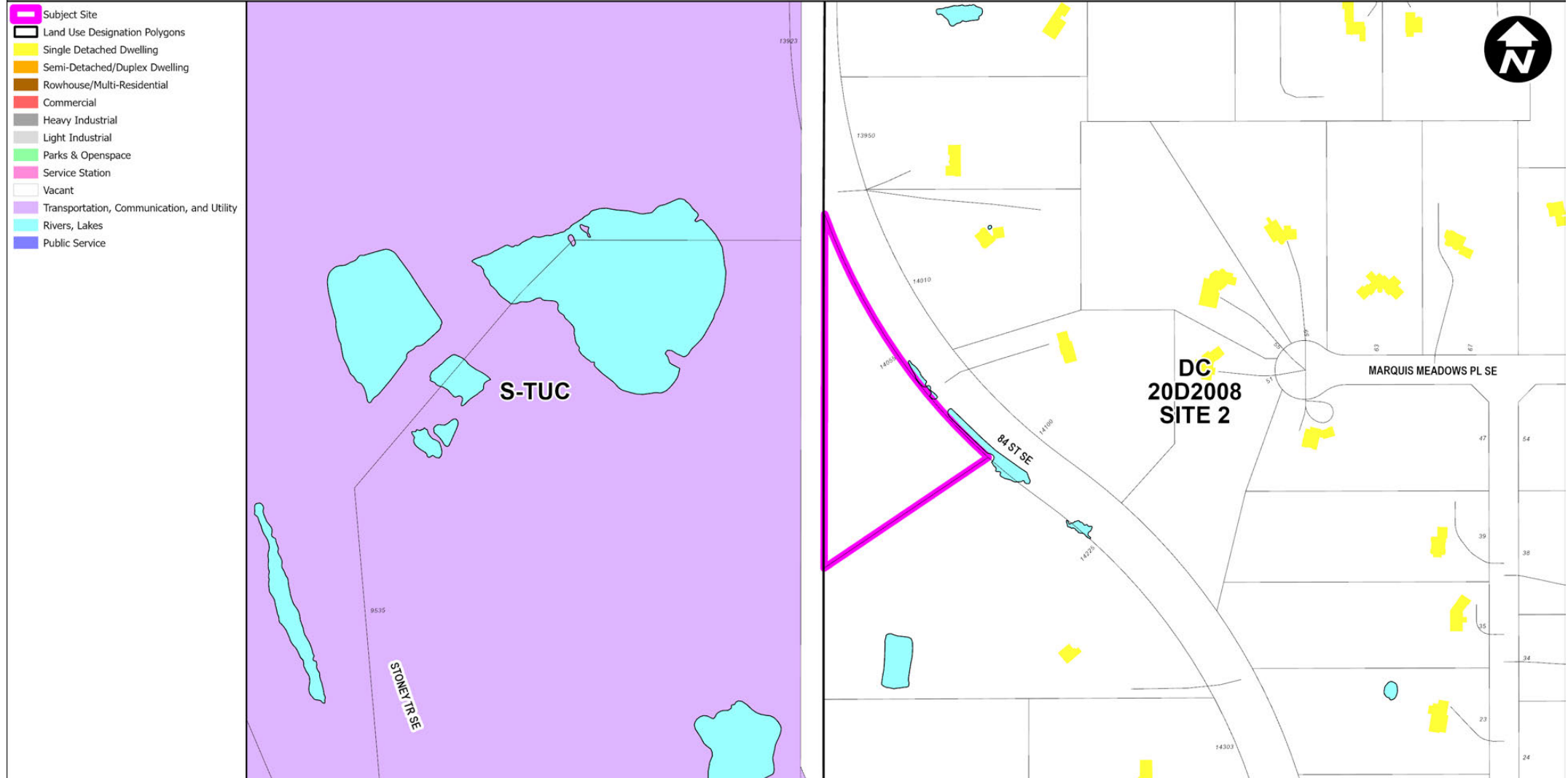


SDAB2025-0080

Land Use Districts SDAB2025-0080



Surrounding Land Use SDAB2025-0080



BYLAW NO. 20D2008

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2008-0006)**

WHEREAS it is desirable to amend the Land Use Bylaw Number 1P2007 to change the land use designation of certain lands within the City of Calgary;

AND WHEREAS Council has held a public hearing as required by Section 692 of the Municipal Government Act, R.S.A. 2000, c.M-26 as amended;


NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. The Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, is hereby amended by deleting that portion of the Land Use District Maps shown as shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District Maps shown as shaded on Schedule "B" to this Bylaw, including any land use designation, or specific land uses and development guidelines contained in the said Schedule "B".
2. This Bylaw comes into force on June 1, 2008.

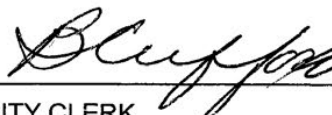
READ A FIRST TIME THIS 14th DAY OF APRIL, 2008.

READ A SECOND TIME THIS 12th DAY OF MAY, 2008.

READ A THIRD TIME THIS 12th DAY OF MAY, 2008.



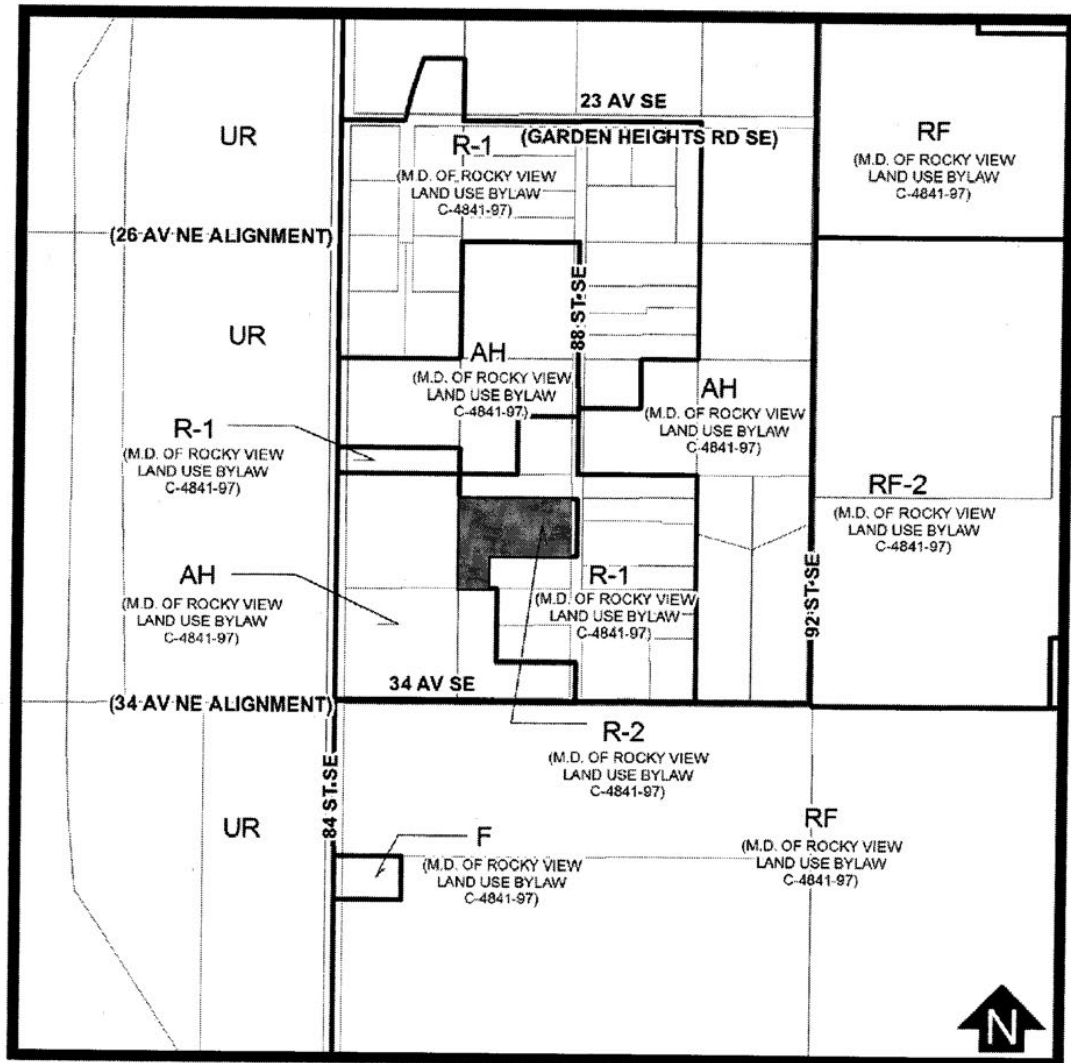
DEPUTY MAYOR
SIGNED THIS 12th DAY OF MAY, 2008.



ACTING CITY CLERK
SIGNED THIS 12th DAY OF MAY, 2008.

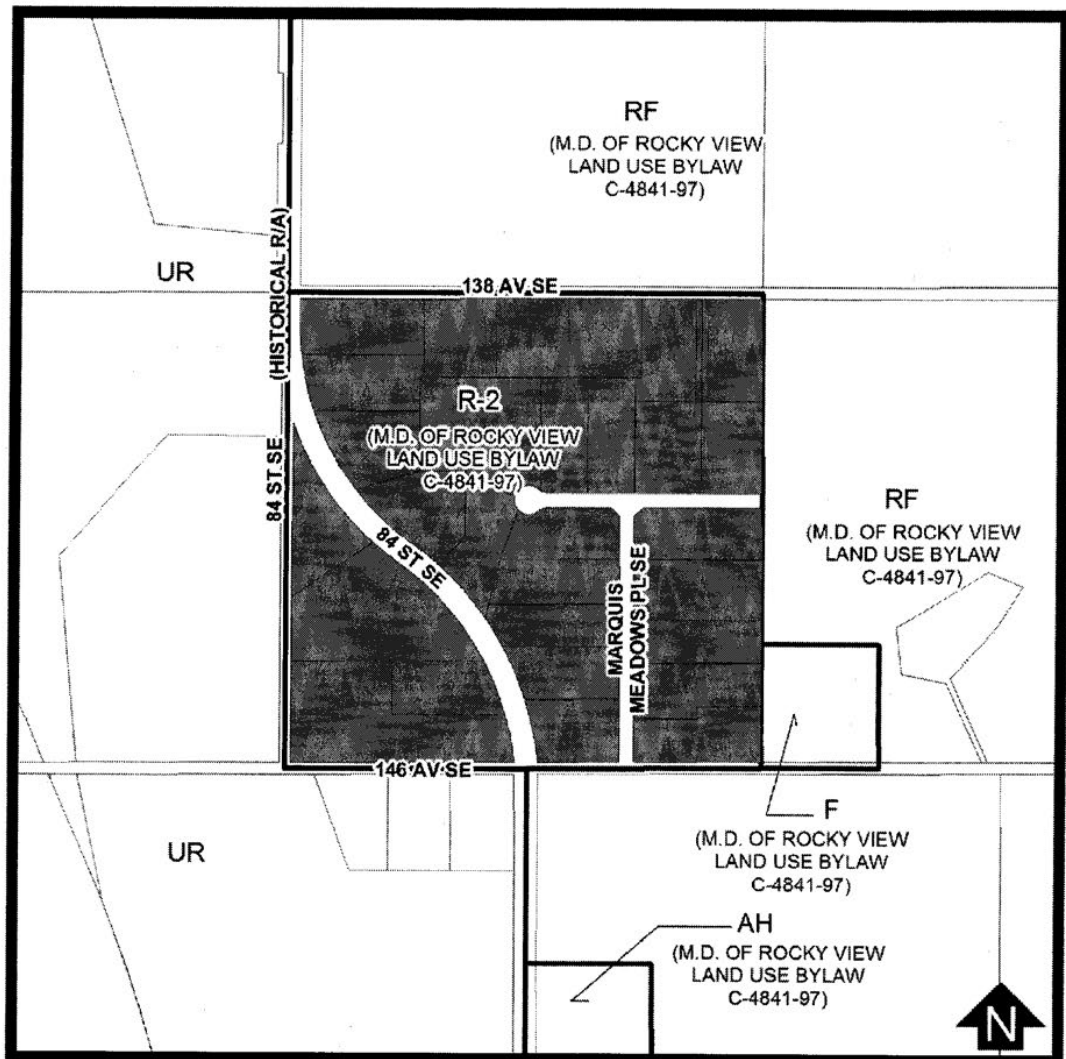
**Amendment LOC2008-0006
Bylaw 20D2008**

SCHEDULE A



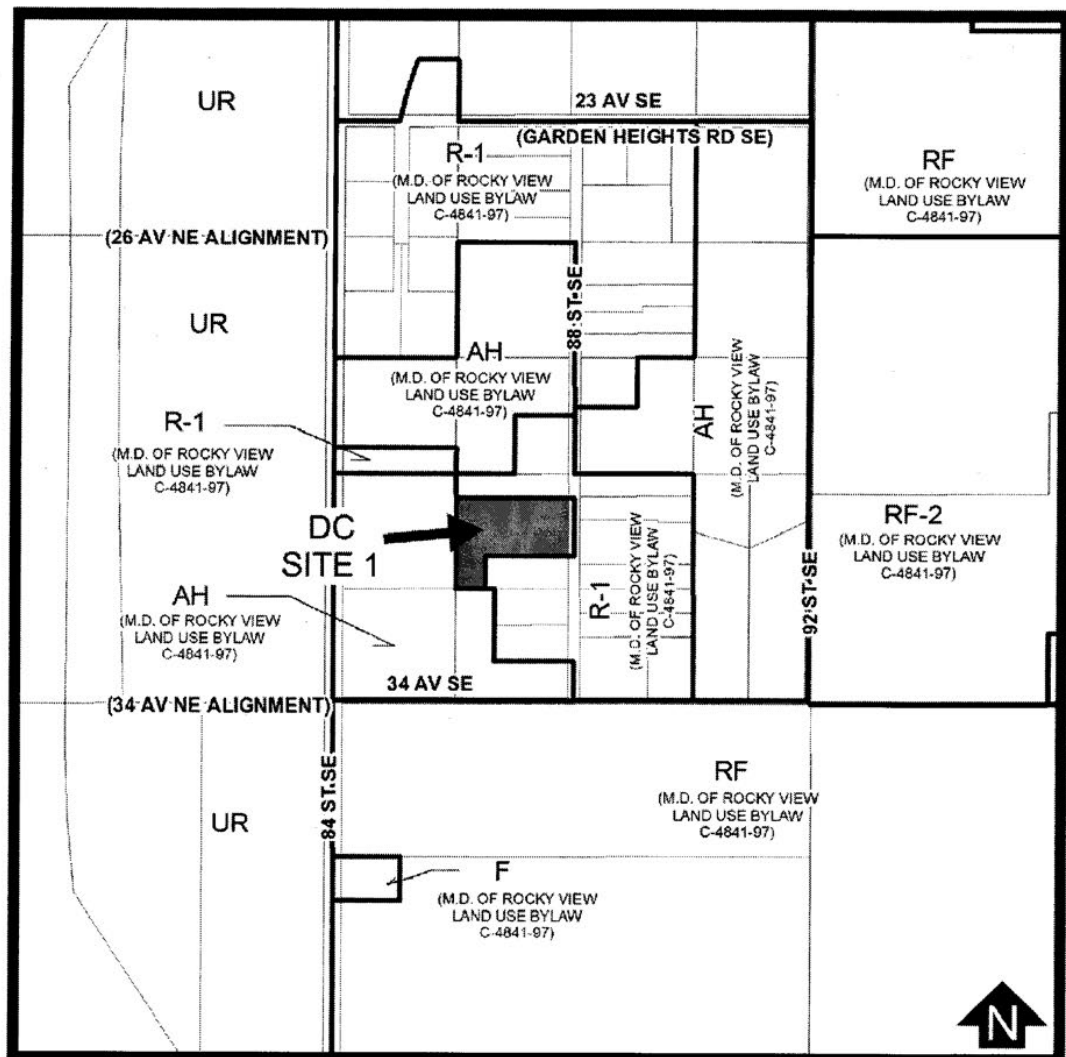
**Amendment LOC2008-0006
Bylaw 20D2008**

SCHEDULE A



**Amendment LOC2008-0006
Bylaw 20D2008**

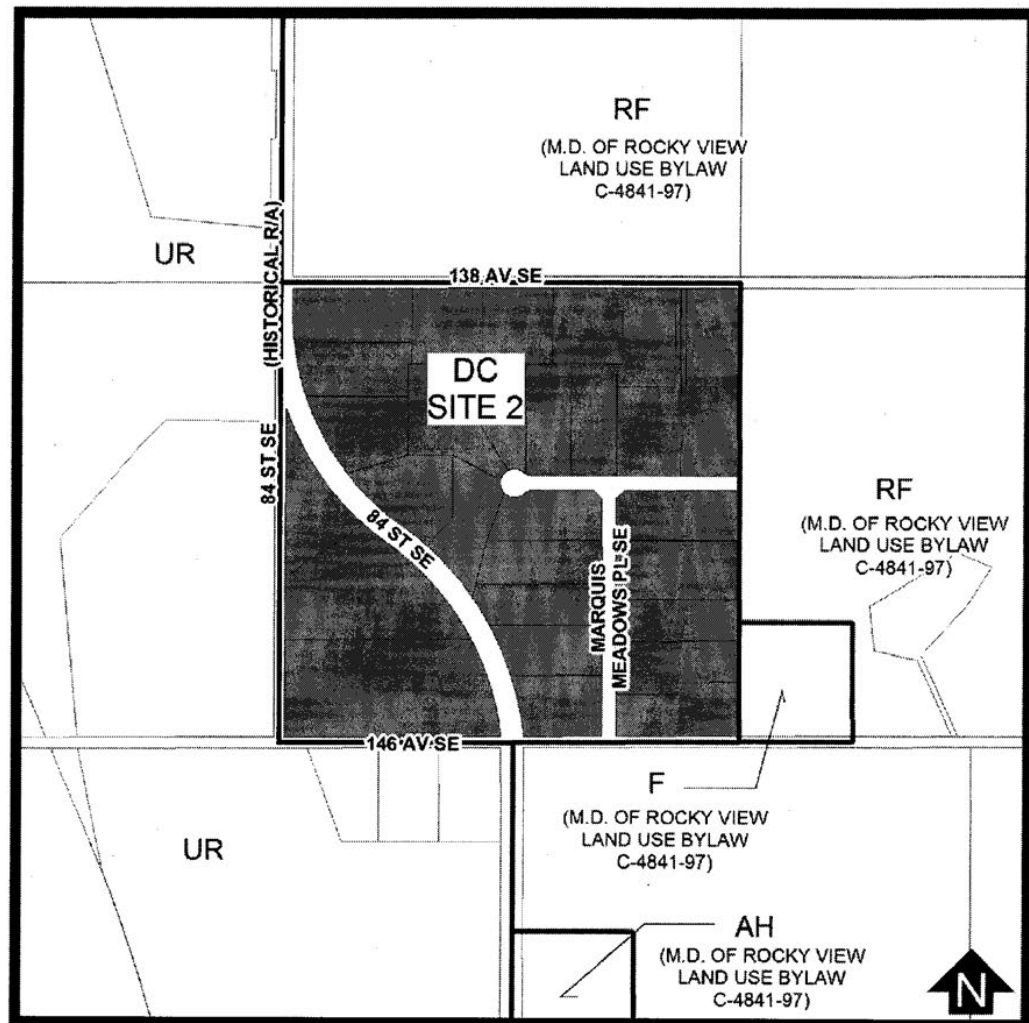
SCHEDULE B



**Amendment LOC2008-0006
Bylaw 20D2008**

SCHEDULE B

CONTINUED



DC DIRECT CONTROL DISTRICT

Amendment LOC2008-0006 Bylaw 20D2008

SCHEDULE B

CONTINUED

Purpose Statement

- 1 This Direct Control District is intended to provide for unserviced residential **use** on **parcels** that are 1.6 hectares or larger. Compliance with Bylaw 1P2007

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply.

Reference to Bylaw 1P2007

- 3 A reference to a section of Bylaw 1P2007 within this Bylaw is deemed to be a reference to the section as amended from time to time.

Site

- Site 1 2.34 hectares± (5.79 acres±)
Site 2 66.52 hectares ± (164.38 acres±)

Permitted Uses

- 4 The permitted uses of the Special Purpose – Future Urban Development (S-FUD) District of Bylaw 1P2007 apply.

Discretionary Uses

- 5 The discretionary uses of the Special Purpose – Future Urban Development (S-FUD) District of Bylaw 1P2007 apply.

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Special Purpose – Future Urban Development (S-FUD) District of Bylaw 1P2007 apply.

Parcel Area

- 7 The minimum area of a parcel is 1.6 hectares (4.0 acres).

BYLAW NO. 20D2008

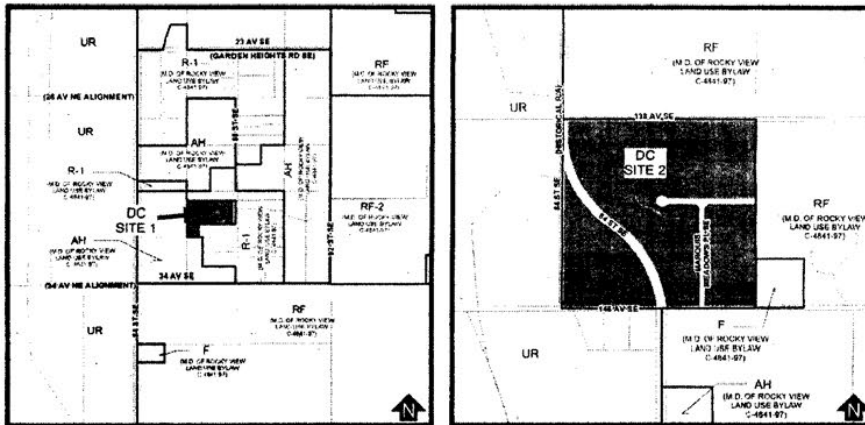
ADVERTISED IN: Calgary Sun on Thursday March 20, 2008

BYLAW 20D2008				
Street	Calgary Municipal Address	Legal Description	Existing MD of Rocky View Land Use District (C-4841-97)	Proposed City of Calgary Land Use District (1P2007)
138 Ave. SE	8555, 8605, 8727, 8803, 8915, 9075	8911573;;6, 8911573;;7, 8911573;;8, 8911573;;11, 8911573;;5, 8911573;;4	R-2	DC Site 2
146 Ave. SE	9200	9411849;;17	R-2	DC Site 2
84 St. SE	13950, 14010, 14055, 14100, 14225, 14303, 14555	8911573;;3; 8911573;;2, 0012207;;28, 8911573;;1, PORTIONS OF 4;28;23;6;SW, 90110477;1, 9011047;2	R-2	DC Site 2
88 St. SE	3131	1858AD;26	R-2	DC Site 1
Marquie Meadows Pl. SE	11, 23, 24, 34, 35, 38, 39, 47, 51, 54, 55, 59, 63, 67, 115, 125	9411849;;18, 8911573;;9, 8911573;;10, 9611969;;19, 9411849;;16, 9611969;;15, 9812074;;14, 9812074;;21, 9812074;;22, 9910231;;23, 9812074;;13, 9910231;;24, 9910231;;25, 9910231;;26, 9611969;;20, 9910231;;27	R-2	DC Site 2
LEGEND				
MD of Rocky View Land Use Districts		City of Calgary Land Use Districts		
R2	Residential Two District	DC	Direct Control District	

BYLAW NO. 20D2008

ADVERTISED IN: Calgary Sun on Thursday March 27, 2008

BYLAW 20D2008



Street	Calgary Municipal Address	Legal Description	Existing MD of Rocky View Land Use District (C-4841-97)	Proposed City of Calgary Land Use District (1P2007)
138 Ave. SE	8555, 8605, 8727, 8803, 8915, 9075	8911573;;6, 8911573;;7, 8911573;;8, 8911573;;11, 8911573;;5, 8911573;;4	R-2	DC Site 2
148 Ave. SE	9200	9411849;;17	R-2	DC Site 2
84 St. SE	13950, 14010, 14055, 14100, 14225, 14303, 14555	8911573;;3, 8911573;;2, 0012207;;28, 8911573;;1, PORTIONS OF 4;28;23;6;SW, 90110477;1, 9011047;2	R-2	DC Site 2
88 St. SE	3131	1858AD;26	R-2	DC Site 1
Marquis Meadows Pl. SE	11, 23, 24, 34, 35, 38, 39, 47, 51, 54, 55, 59, 63, 67, 115, 125	9411849;;18, 8911573;;9, 8911573;;10, 9611969;;19, 9411849;;16, 9611969;;15, 9812074;;14, 9812074;;21, 9812074;;22, 9910231;;23, 9812074;;13, 9910231;;24, 9910231;;25, 9910231;;26, 9611969;;20, 9910231;;27	R-2	DC Site 2

LEGEND	
MD of Rocky View Land Use Districts	City of Calgary Land Use Districts
R2 Residential Two District	DC Direct Control District

TO: CITY CLERK
FROM: DEVELOPMENT AND BUILDING APPROVALS
RE: LUB/20D2008

=====

APPROVED AS TO CONTENT



IAN COPE
HEAD – ORIGINATING BUSINESS UNIT

APPROVED AS TO FORM



SHARI SHIGEHIRO
CITY SOLICITOR

BUDGET PROGRAM NO.
(if applicable)

DATE OF COUNCIL INSTRUCTION
(if applicable)

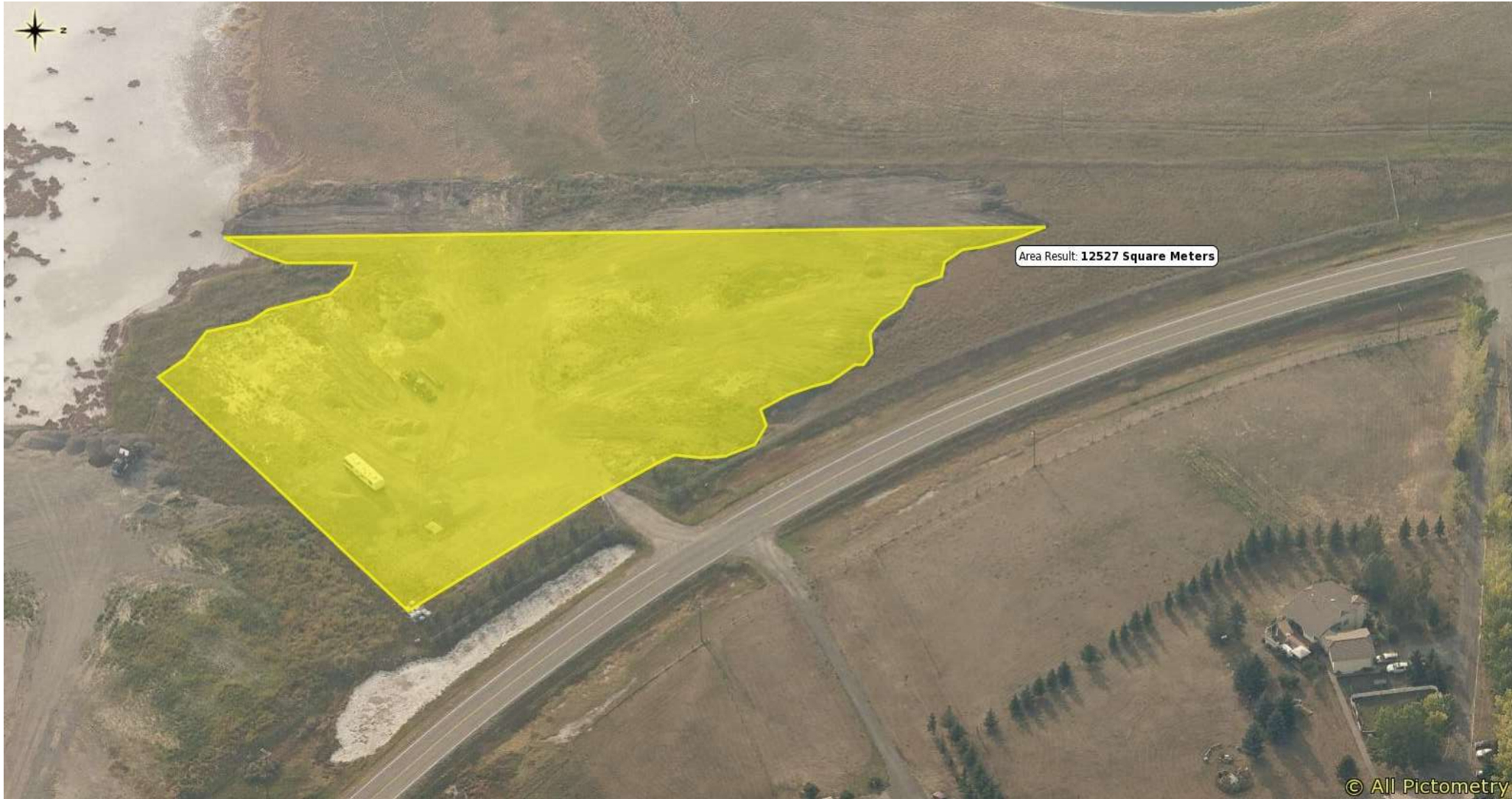
33
September 5, 2017



09/05/2017

SDAB2025-0080

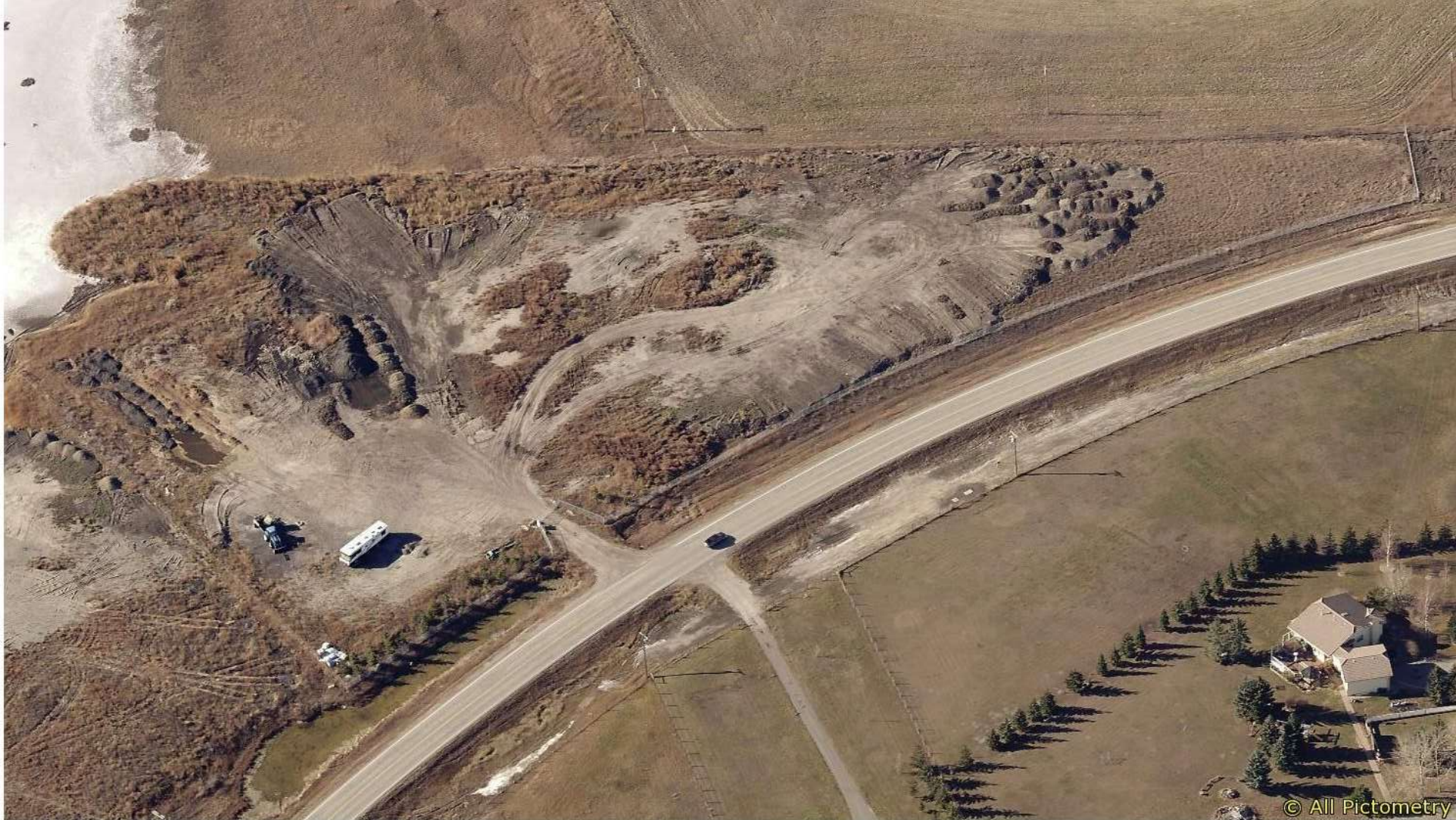
34
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09/05/2017

SDAB2025-0080

35
October 27, 2018

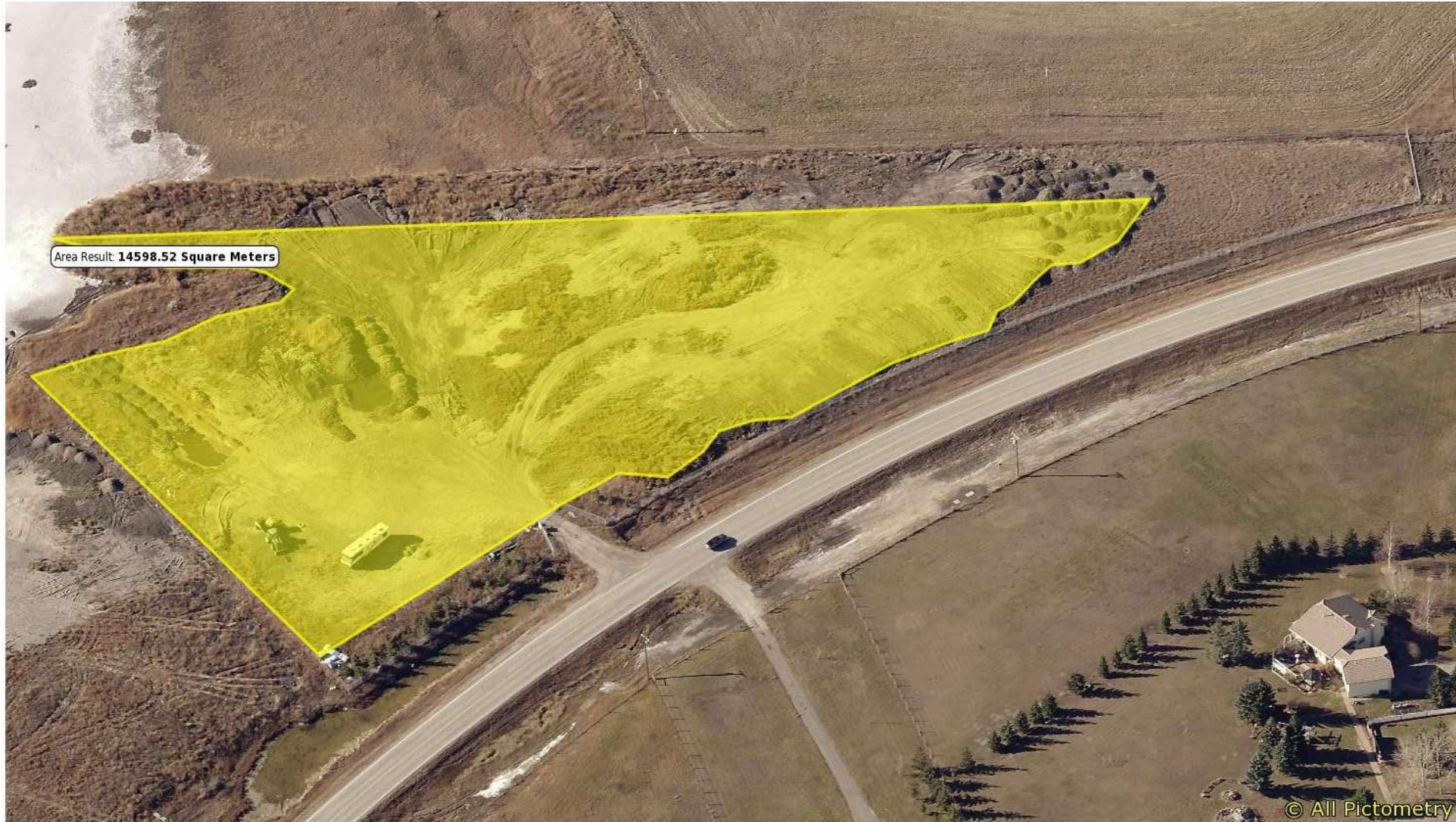


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10/27/2018

SDAB2025-0080

36
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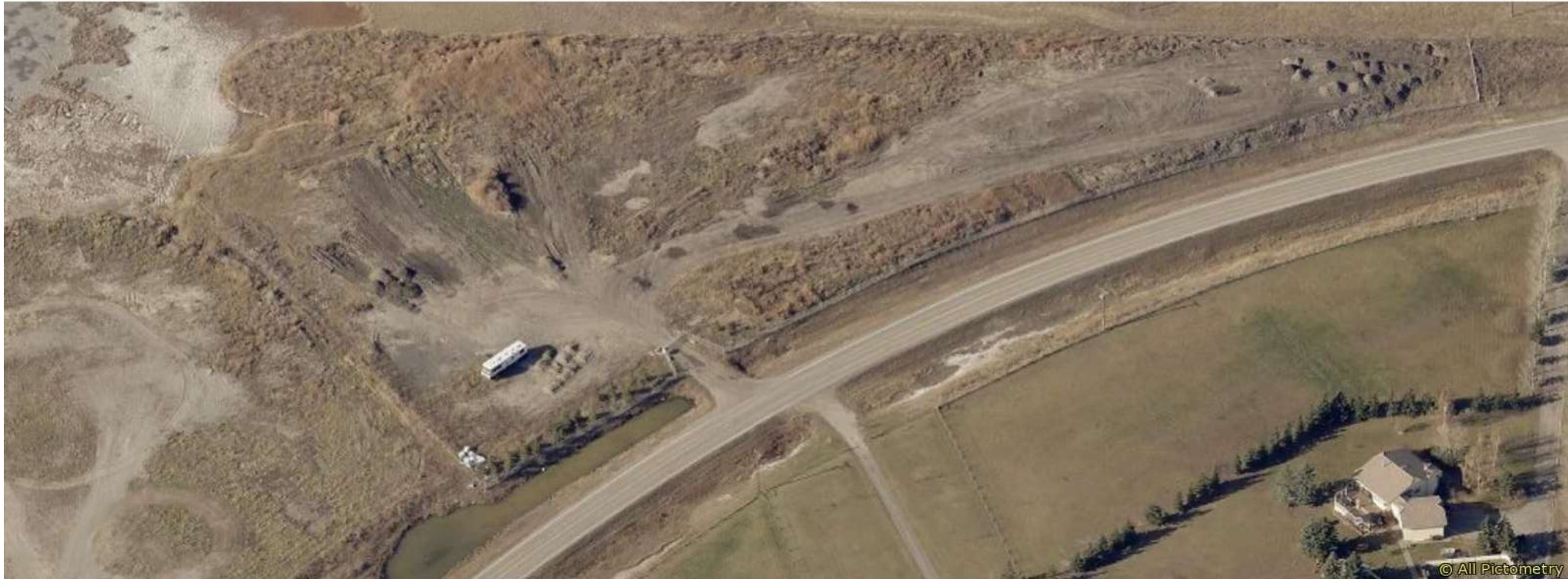


10/27/2018

SDAB2025-0080

© All Pictometry

37
October 23, 2019



10/23/2019

SDAB2025-0080

³⁸
October 23, 2019 - 14845.64 m²



Area Result: 14845.67 Square Meters

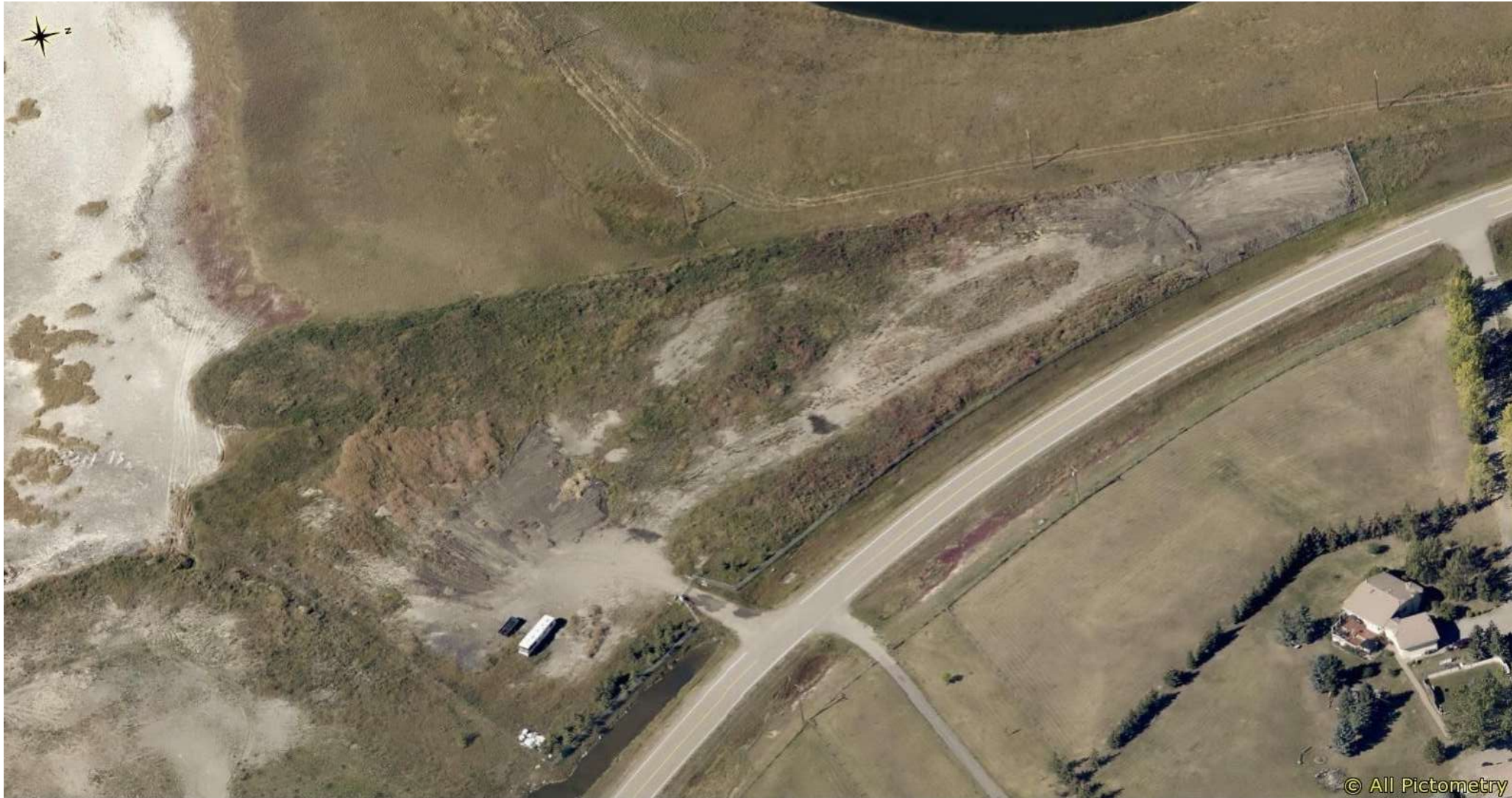


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10/23/2019

SDAB2025-0080

39
September 11, 2020



09/11/2020

SDAB2025-0080

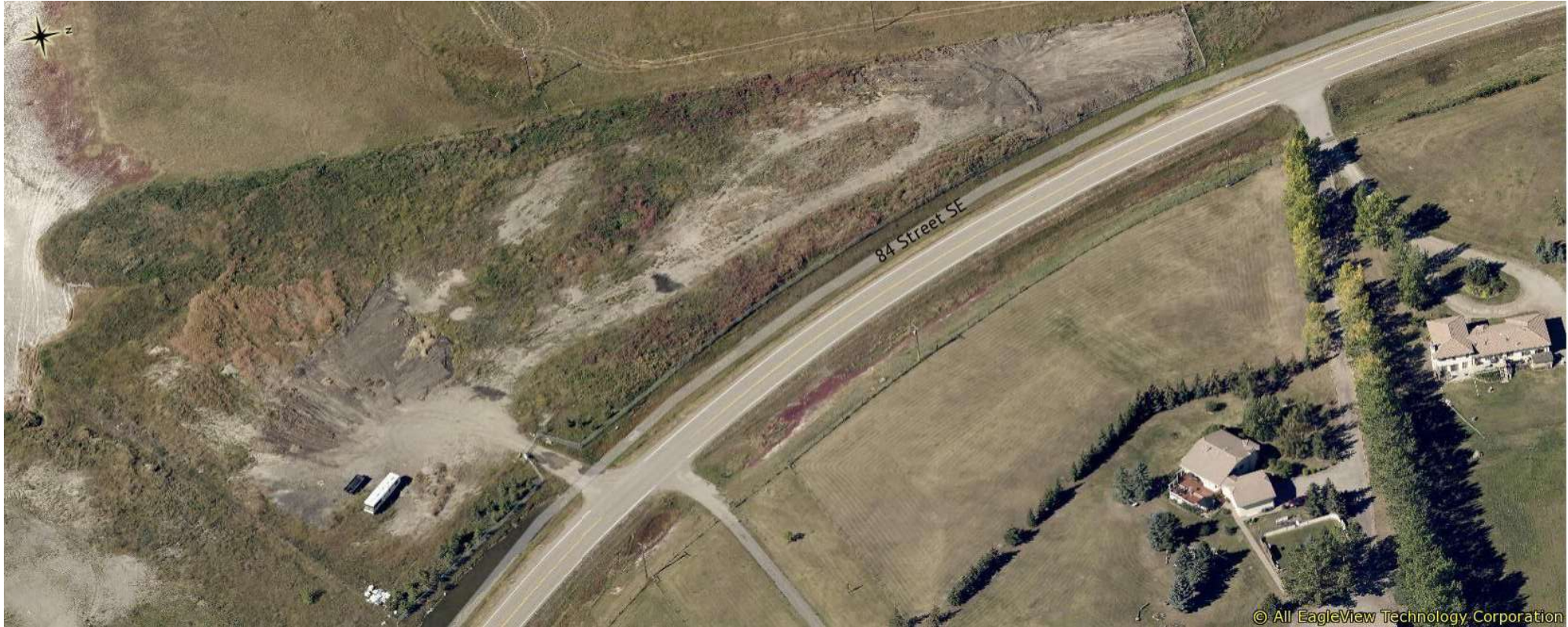
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September 11, 2020 - 15250.62 m2



09/11/2020

SDAB2025-0080

41
September 11, 2020



09/11/2020

SDAB2025-0080

42
September 21, 2021



09/21/2021

SDAB2025-0080

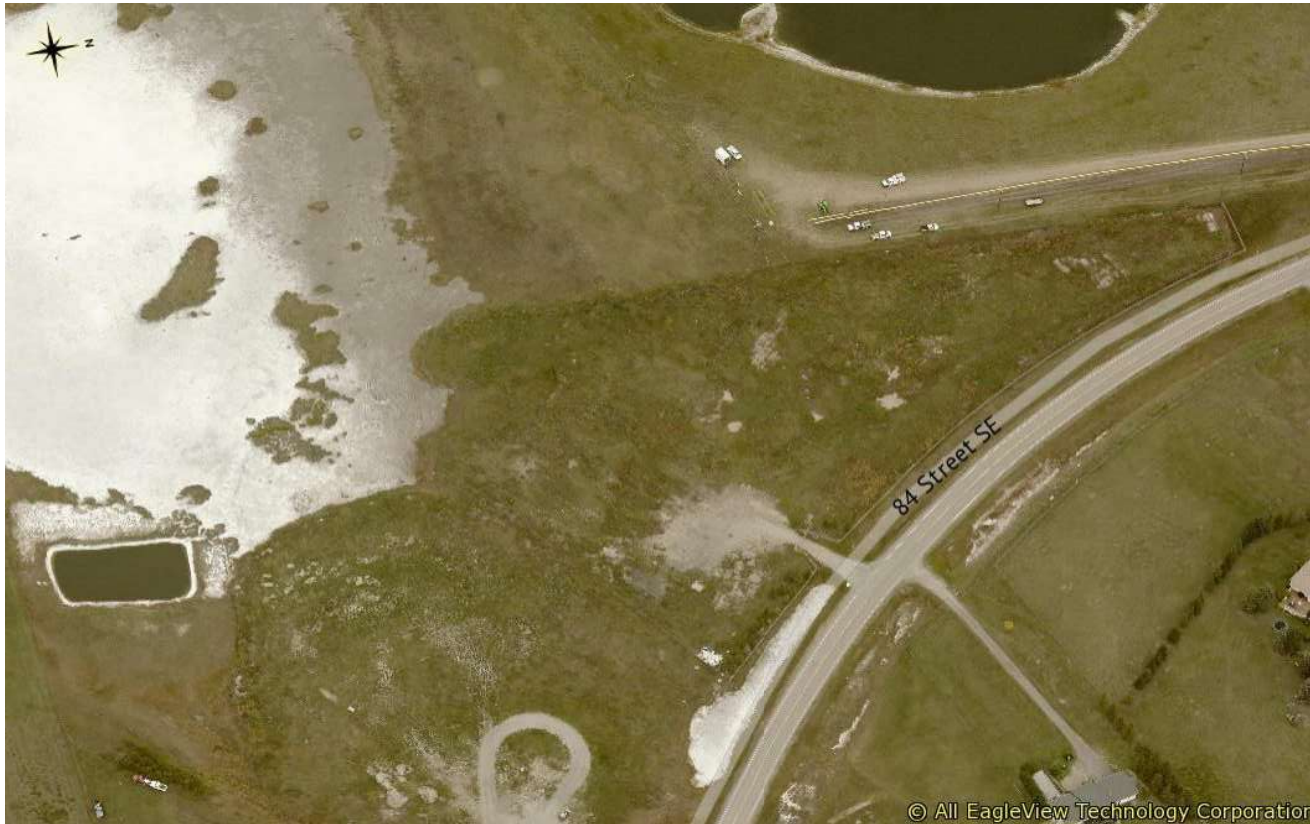
43
September 1, 2022



09/01/2022

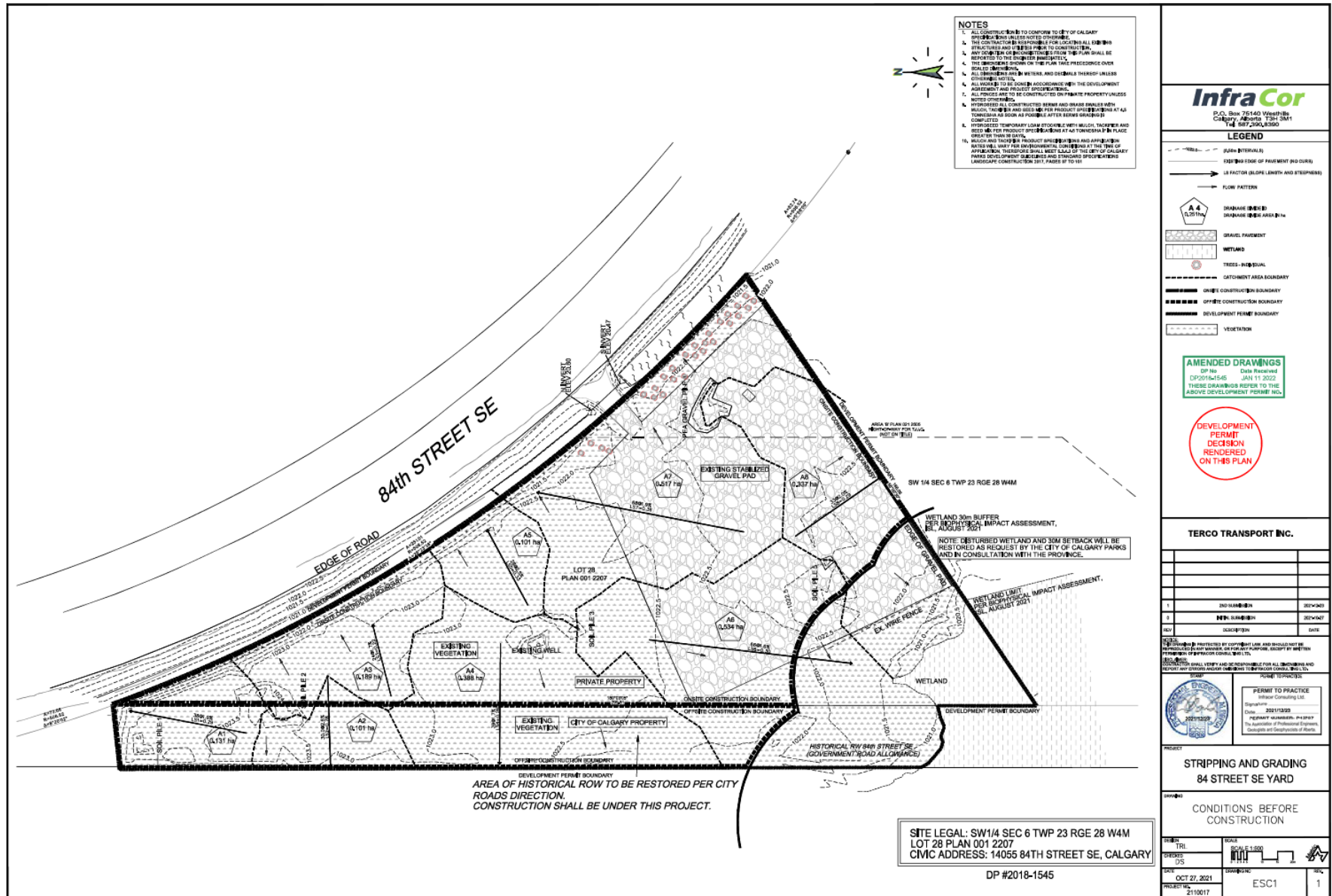
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44
September 25, 2023



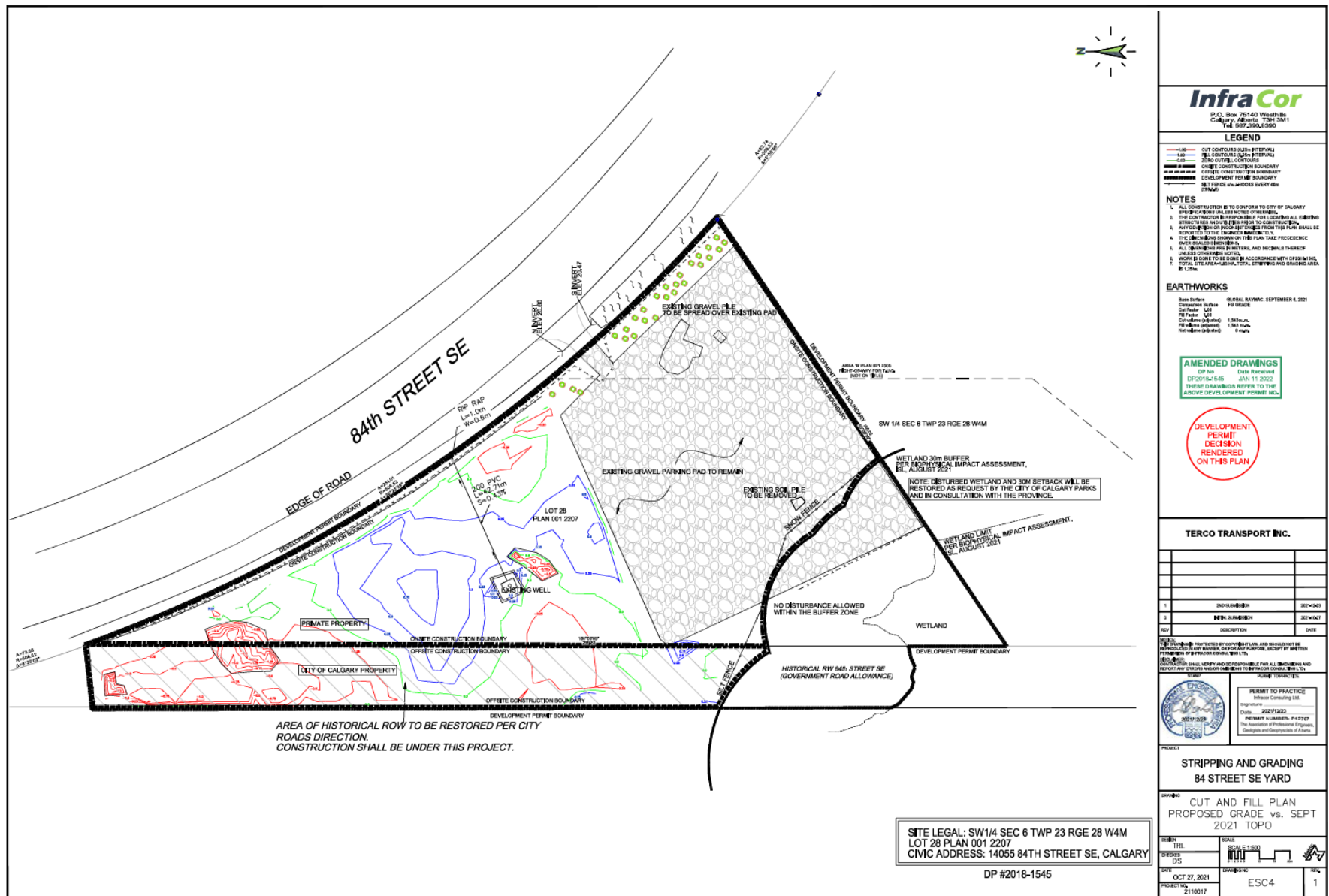
09/25/2023

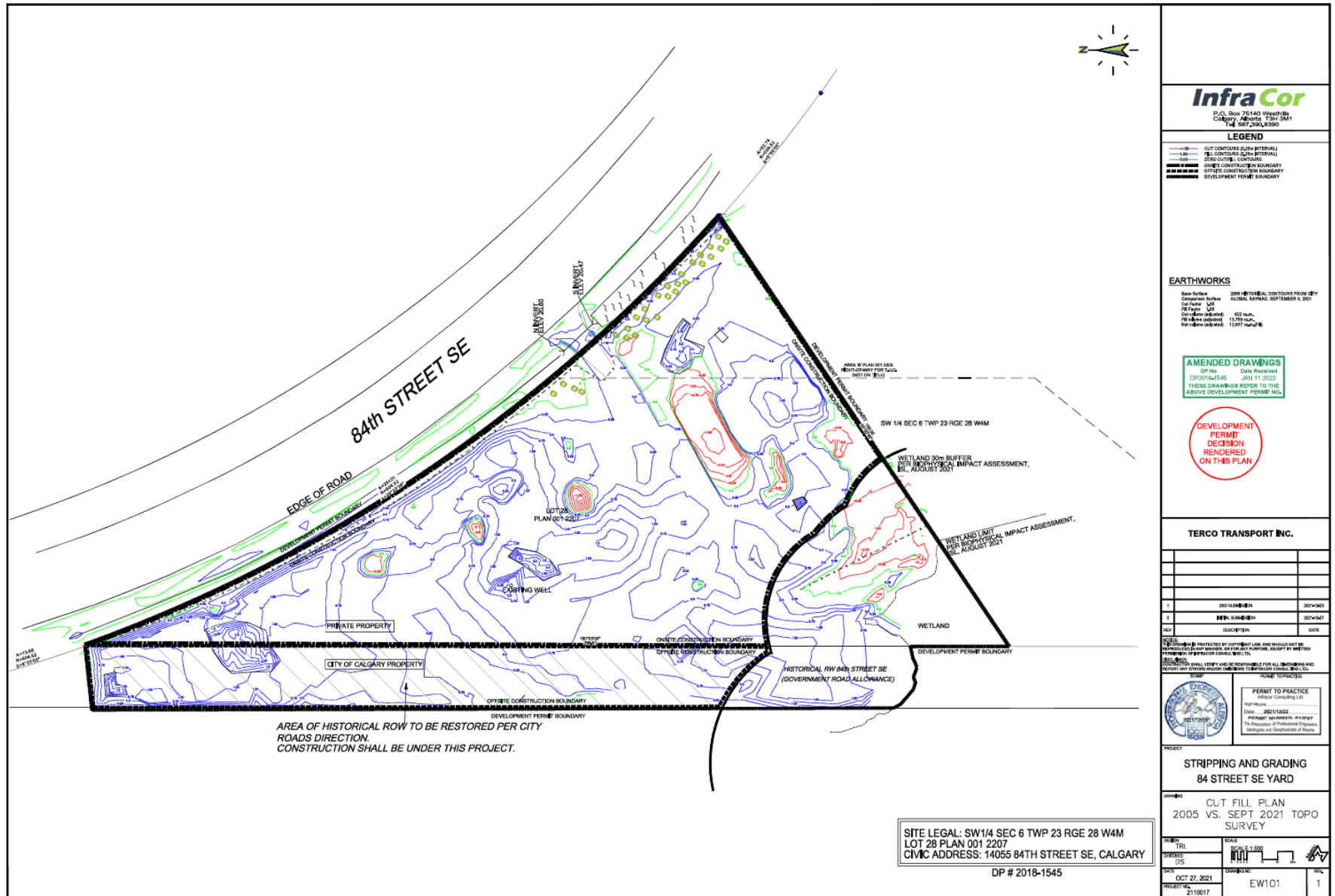
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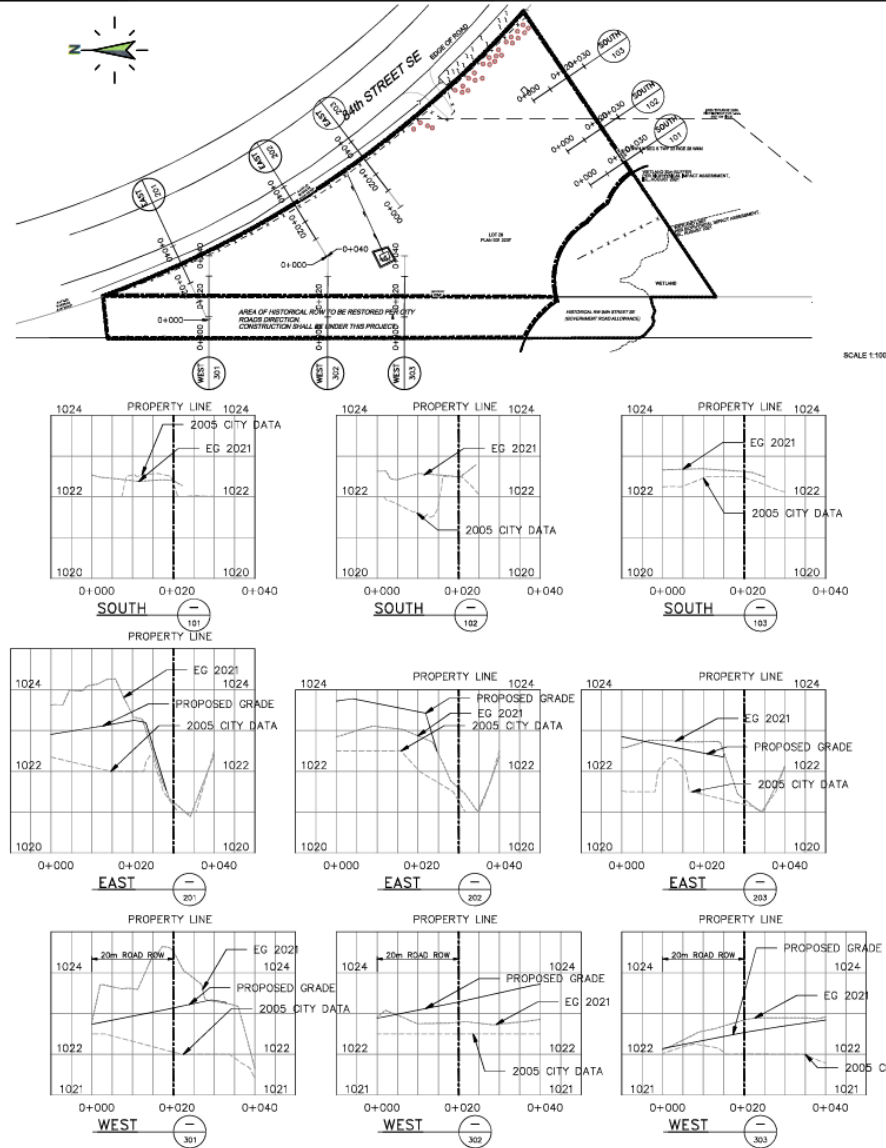












SITE LEGAL: SW1/4 SEC 6 TWP 23 RGE 28 W4M
 LOT 28 PLAN 001 2207
 CIVIC ADDRESS: 14055 84TH STREET SE, CALGARY

SCALE: HORIZ. 1:500
 VERT. 1:100

DP #2018-1545

InfraCor

P.O. Box 75140 Westville
 Calgary, Alberta T2C 3M1
 Tel: 587.390.8350

LEGEND

- ONSITE CONSTRUCTION BOUNDARY
- OFFSITE CONSTRUCTION BOUNDARY
- DEVELOPMENT PERMIT BOUNDARY
- 2005 HISTORICAL CITY DATA
- EXISTING GRADES (AUGUST 2017 TOPOG. BUREAU DRAWING)
- PROPOSED PROPOSED GRADE

AMENDED DRAWINGS
 DP #16 Date Received
 DP20181545 JAN 11 2022
 THESE DRAWINGS REFER TO THE
 ABOVE DEVELOPMENT PERMIT NO.

**DEVELOPMENT
 PERMIT
 DECISION
 RENDERED
 ON THIS PLAN**

TERCO TRANSPORT INC.

1	2005 HISTORICAL CITY DATA	2007-2017
2	2005 HISTORICAL CITY DATA	2007-2017
3	2005 HISTORICAL CITY DATA	2007-2017
4	2005 HISTORICAL CITY DATA	2007-2017

NOTES: 1. ALL PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CALGARY DEVELOPMENT PERMIT DECISION AND THE CITY OF CALGARY DEVELOPMENT PERMIT DECISION.



**STRIPPING AND GRADING
 84 STREET SE YARD**

**CROSS SECTIONS THROUGH
 PROPERTY LINES
 (2005/2021/PROPOSED GRADE)**

DATE	TR	SCALE	1:500	REV	1
OCT 27, 2021	TR	1:500	1:500	EW102	1
PROJECT	2110017				





Conditions of Approval – Development Permit

Application Number: DP2018-1545
Application Description: Changes to Site Plan: Excavation, Stripping and Grading (6 years)
Land Use District: Direct Control (1P2007)
Use Type: Discretionary
Site Address: 14055 84 ST SE
Community: RESIDUAL WARD 12 - SUB AREA 12C
Applicant: TERCO TRANSPORT INC.

CPAG Team:

Planning

LISETTE BURGA GHERSI (403) 808-9141 lisette.burgaghersi@calgary.ca

Development Engineering

DARREN FLOOD (403) 268-1766 Darren.Flood@calgary.ca

Transportation

ESTHER ESCOTT (587) 228-0905 Esther.Escott@calgary.ca

Parks

SHIMIN WU (403) 305-2469 Shimin.Wu@calgary.ca

Prior to Release Requirements

The following requirements shall be met prior to the release of the permit. All requirements shall be resolved to the satisfaction of the Approving Authority:

Planning:

No comments.

Development Engineering:

1. Submit revised Erosion and Sediment Control report and drawings to address any comments that may be provided on the submission currently under review, and ensure it is updated as may be required to match the final Development Permit plans.

Follow the submission requirements outlined in The City of Calgary Guidelines for Erosion and Sediment Control. The City of Calgary Guidelines for Erosion and Sediment Control can be accessed at: <http://www.calgary.ca/PDA/pd/Pages/Planning-and-development-resource-library/Publications.aspx> (under publications).

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

Documents submitted shall conform to the requirements detailed in the current edition of The City of Calgary *Guidelines for Erosion and Sediment Control* and shall be prepared, signed and stamped by a qualified consultant specializing in erosion and sediment control, and holding current professional accreditation as a Professional Engineer (P. Eng.), Professional Licensee (P.L. Eng), Professional Agrologist (P. Ag.) or Certified Professional in Erosion and Sediment Control (CPESC). For each stage of work where soil is disturbed or exposed, documents must clearly specify the location, installation, inspection and maintenance details and requirements for all temporary and permanent controls and practices.

If you have any questions, contact 3-1-1. A Service Request (SR) will be created for the Erosion Control Team in Water Resources.

2. Submit a \$150,000 Letter of Credit performance security for the stripping and grading to cover the costs of the Developer's remaining obligations related to controlling storm water run-off, sedimentation, erosion, as well as dust and loam stockpile removal & site rehabilitation.
3. Submit a Certificate of Insurance for the Stripping & Grading. Insurance requirements are outlined in Section 19 of the Master Residential Development Agreement.
4. Submit the Indemnification letter under Corporate Seal indemnifying and saving harmless The City and owners of adjacent properties or such other affected parties from any losses or damages which the City and owners of adjacent properties or such other affected parties may sustain as a result of the storm water runoff, soil erosion, soil instability, sedimentation, loam stock pile, dust and any other problem that may arise from the stripping and rough grading of the Lands. In addition, the Developer, at its sole expense, shall take corrective action(s) deemed necessary to rectify the problem(s) and to do so in a timely manner to the satisfaction of the Manager of Infrastructure Planning.
5. Provide documentation confirming that all of the affected utility companies have been contacted regarding potential conflicts / relocation of their respective utilities.

Transportation:

6. Remit a performance security deposit (certified cheque, bank draft, letter of credit) for the proposed infrastructure listed below within the public right-of-way to address the requirements of the Business Unit. The amount of the deposit is calculated by Roads and is based on 100% of the estimated cost of construction.

The developer is responsible to arrange for the construction of the infrastructure with their own forces and to enter into an Indemnification Agreement with Roads at the time of construction (the security deposit will be used to secure the work).

Roads

- a. Remove the soil that was dumped in the old 84 Street SE road right of way
- b. Rehabilitation of old 84 Street SE road right of way to the satisfaction of Roads

Parks:

7. Removal of fill and restoration of the wetland and its 30 metre setback area is required. Submit a Habitat Restoration Plan for review to the Parks Ecologist, Tanya Hope. Consult the *Habitat Restoration Project Framework*

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

(<https://www.calgary.ca/content/dam/www/csps/parks/documents/construction/habitat-restoration-framework.pdf>) and Section 2.3.5 Of the Parks' *Development Guidelines and Standard Specifications for Landscape Construction* (current version) (<https://www.calgary.ca/content/dam/www/pda/pd/documents/urban-development/publications/landscape-construction-2021.pdf>).

Permanent Conditions

The following permanent conditions shall apply:

Planning:

8. This permit is valid for a period of 6 years from the date of approval. On expiry of this period, the stripping and grading work shall be discontinued. A new development permit must be applied for prior to the expiry date of this temporary permit for the use to continue without interruption.
9. This development permit does not approve any change of use or any structure within the area identified in the approved plans. If a change of use is required, a new structure or addition to a structure is considered or further stripping and grading is required a new development permit will be required.
10. No changes to the approved plans shall take place unless authorized by the Development Authority.
11. The development shall be completed in its entirety, in accordance with the approved plans and conditions.
12. As per negotiation with the City of Calgary Inspector, one (1) Recreational Vehicle and one (1) agricultural vehicle will be allowed to be on site. No additional vehicles should be stored on site at any time.

Development Engineering:

13. Contact the Erosion Control Inspector, Water Resources to provide them Construction Commencement Notice a minimum of two days prior to the commencement of earth moving activities.
14. The developer shall implement the drainage control guidelines for the control and disposal of all stormwater in and from the lands, before, during and after the proposed stripping and grading, at no expense to the City. This shall include stormwater which may be cut off from its natural drainage route by the proposed stripping and grading operations. Obtain a Drainage or Dewatering Permit from the Erosion Control Coordinator, Water Resources at 403-268-2655 prior to directing or pumping any impounded surface water or groundwater to storm sewer.
15. The developer of the Lands being stripped and rough graded, shall employ appropriate measures to control any dust, particularly in the vicinity of highways or occupied dwellings, to ensure traffic safety and minimize dust nuisance complaints from the

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

public, and to minimize drainage, soil erosion, soil instability and other problems arising from stripping, rough grading, the loam stock pile and all operations related thereto.

16. The developer, at its sole expense, shall rehabilitate the adjacent lands to the satisfaction of the owners immediately after completion of the stripping and rough grading of the adjacent lands.
17. The developer, at its sole expense, and to the satisfaction of the Director of Water Resources, shall rehabilitate in a timely manner any offsite areas or operations, storm water runoff, soil erosion, soil instability, sedimentation, dust or other problems which may arise from the stripping and grading, and shall employ the use of gravel pads to curb track-out onto the street and reduce or stop activity when the site has excessive dust emissions.
18. In the event the developer fails to maintain or rehabilitate the stripped and graded lands, remove loam or other stockpiles, or remedy dust, drainage, soil instability, soil erosion, sedimentation, nuisance, and hazardous conditions, the Manager of Infrastructure Planning upon 30 days' written notice to the developer may, in his sole discretion, enter the lands and rectify any deficiencies at the developer's expense.
19. In the event of an emergency, at the sole discretion of the Manager of Infrastructure Planning, the City shall have the right, but not the obligation, to enter upon the lands and rectify any dust, stormwater runoff, soil instability, soil erosion, sedimentation, grading, dust, nuisance or hazardous conditions at the developer's sole cost. The Manager of Infrastructure Planning within three (3) working days following such work is to give written notice to the developer as to what work was undertaken during the emergency.
20. All costs incurred by the City in exercising its rights shall be due and payable by the developer within 30 days of receipt of the invoice of such work. In the event the developer fails to pay the City, the City has the right to recover its costs from the (performance security) Letter of Credit posted by the developer.
21. **Prior to the commencement of stripping and rough grading**, the developer shall be responsible to:
 - a. Erect all required signage prior to commencement of stripping and grading,
 - b. Erect fencing and provide other measures satisfactory to Parks to ensure the stripping and grading does not encroach into ER land where applicable, and
 - c. Erect "Private Property" and "No Trespassing" signs on the perimeter of the Lands, stating the developer's name and the phone number of a representative.
22. The developer shall be responsible for controlling noxious weeds as contemplated in the Weed Control Act RSA 2000, C W-5 as amended.
23. No grading, filling or excavation is permitted within utility and road rights-of-way, under any overhead utility lines, or over any underground utilities, unless prior written authorization has been obtained from the utility agencies concerned.
24. A Development Completion Permit will not be issued until all stripping and grading, stock pile removal, and site rehabilitation requirements have been completed to the satisfaction of the Managing Director, Calgary Approvals Coordination.

25. The developer shall pay to The City a fee to replace any or all survey control stations/markers that have been destroyed or damaged due to the development of the area.
26. The Developer shall either develop or rehabilitate all of the Lands stripped and rough graded within three (3) months from the date of Development Permit release, unless an extension to this deadline is granted by the Manager of Infrastructure Planning. Such application to review and extend the deadline shall be made by the Developer in writing to the Manager of Infrastructure Planning for approval at least 30 days prior to expiry.

Transportation:

27. Indemnification Agreements are required for any work to be undertaken adjacent to or within City rights-of-way, bylawed setbacks and corner cut areas for the purposes of crane operation, shoring, tie-backs, piles, surface improvements, lay-bys, utility work, +15 bridges, culverts, etc. All temporary shoring, etc., installed in the City rights-of-way, bylawed setbacks and corner cut areas must be removed to the satisfaction of the Manager of Transportation Planning, at the applicant's expense, upon completion of the foundation. Prior to permission to construct, contact the Indemnification Agreement Coordinator, Roads simon.chan@calgary.ca
28. The developer shall be responsible for the cost of public work and any damage during construction in City road right-of-ways, as required by the Director, Transportation Planning. All work performed on public property shall be done in accordance with City standards.

Parks:

29. Until receipt of the *Water Act* approval by the applicant from Alberta Environment, the wetland(s) shall not be developed or disturbed in anyway and shall be protected in place.
30. In order to mitigate impact to the adjacent wetlands, protection fence shall be installed and maintained during all the phases of the proposed development activities on the site.

Advisory Comments

The following advisory comments are provided as a courtesy to the Applicant and registered property owner. The comments represent some, but not all of the requirements contained in the Land Use Bylaw that must be complied with as part of this approval.

Planning:

31. The Applicant may appeal the decision of the Development Authority, including any of the conditions of the development permit. If you decide to file an appeal, it must be submitted to the Subdivision and Development Appeal Board (4th Floor, 1212 31 Avenue NE, Calgary, AB T2E 7S8) [DJ3 Building] **within 21 days after the date on which the decision is made**. An appeal along with reasons must be submitted, together with payment of a \$200.00 fee, to the Subdivision and Development Appeal Board. An appeal may also be filed online at <http://www.calgarysdab.ca> or mailed to Subdivision and Development Appeals Board (#8110), P.O. Box 2100, Station M, Calgary AB T2P 2M5. To obtain an appeal form, for information on appeal submission options or the appeal process, please visit the website or call 403-268-5312.

Development Engineering:

32. The developer is responsible for ensuring that:
 - a. The environmental conditions of the subject property and associated utility corridors meet appropriate regulatory criteria and appropriate environmental assessment, remediation or risk management is undertaken.
 - b. Appropriate environmental assessment(s) of the property has been undertaken and, if required, a suitable remedial action plan and/or risk management plan has been prepared, reviewed and accepted by the appropriate regulatory agency(s) including but not limited to Alberta Environment and Alberta Health Services.
 - c. The development conforms to any reviewed and accepted remedial action plan/risk management plans.
 - d. All reports are prepared by a qualified professional in accordance with accepted guidelines, practices and procedures that include but are not limited to those in the most recent versions of the Canadian Standards Association and City of Calgary Phase I & II Environmental Site Assessment Terms of Reference.
 - e. The development is in compliance with applicable environmental approvals (e.g. Alberta Environment Approvals, Registrations, etc), Energy Resources Conservation Board approvals and related setback requirements, and landfill setback requirements as set out in the Subdivision and Development Regulation.

If the potential for methane generation or vapours from natural or contaminated soils and groundwater has been identified on the property, the developer is responsible for ensuring appropriate environmental assessment(s) of the property has been undertaken and appropriate measures are in place to protect the building(s) and utilities from the entry of methane or other vapours.

Issuance of this permit does not absolve the developer from complying with and ensuring the property is developed in accordance to applicable environmental legislation.

33. As per The City of Calgary Drainage Bylaw 37M2005, the developer, and those under their control, are responsible for ensuring that a Drainage or Dewatering Permit is

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

obtained from Water Resources prior to discharging impounded runoff (caused by rainfall and/or snowmelt) seepage or groundwater from construction site excavations or other areas to a storm sewer. The developer, and those under their control, is responsible for adhering to all conditions and requirements stipulated in the Drainage or Dewatering Permit at all times. For further information, contact the Water Resources' Erosion Control Coordinator at 403-268-2655, the Corporate Call Centre at 311 or visit www.calgary.ca/waterservices/esc (Drainage and Dewatering Permit applications can be downloaded from this website).

34. The developer shall not alter, redirect, block or otherwise affect the natural drainage pattern on or adjacent to the development site. No additional run-off is permitted above pre-development rates.
35. Coordinate with the utility owner(s) for the removal and/or relocation of any existing utilities located within the subject parcel or the registration of an easement, or utility right of way for the protection of the utilities. All of the above is contingent to the satisfaction of the affected utility owner(s).

Parks:

36. Should construction occur within the Restricted Activity Period (RAP) of nesting birds (May to August), a Qualified Wildlife Biologist shall perform a nest sweep and bird sweep for young of the year, no more than 7 days prior to construction and repeated if a longer than 7 day halt in construction activities occur. A den sweep is also to be conducted at the same time to comply with the Wildlife Act. Any listed species found on site shall also be reported that would fall under the Species at Risk Act. Alberta Environment and the Canadian Wildlife Service-Environment Canada shall be notified for follow-up on mitigation actions, where required and triggered.
37. The destruction and/or disturbance of wetlands is subject to separate approvals between the applicant and the provincial government, at the applicant's sole cost and expense, for which The City of Calgary has no responsibility. The applicant shall be solely responsible to obtain any other approvals or permits which may be required from another government authority, including the provincial government, in order to impact or develop any wetland(s).
38. Any impacts to the wetland on or adjacent to the site will trigger Water Act authorization. The applicant must report the unauthorized encroachment/ disturbance of the wetlands to Alberta Environment and Parks to bring it to compliance. Restoration of the impacted areas may be required upon the decision of the province. If the area to be restored is greater than 1000 square meters that involves grading activities, submit a DP application to the City of Calgary for review and approval prior to the construction.



January 31, 2022

TERCO TRANSPORT INC.

Claudette Reddick



Dear Applicant:

RE: Notification of Decision: DP2018-1545

Subject: Changes to Site Plan: Excavation, Stripping and Grading (6 years)

Project:

Address: 14055 84 ST SE

This is your notification of decision by the Development Authority to approve the above noted application on January 31, 2022.

Read all of the Permanent Conditions of approval carefully as they form part of the approval decision. The Prior to Release Requirements must be met to the satisfaction of the Development Authority before your Development Permit will be released to you. The Permanent Conditions form part of the approval decision. Advisory Comments, if applicable, are also attached and are intended to be of assistance in obtaining additional permits and supplementary information for the successful completion of your development.

Development approved by this permit must commence by January 31, 2025 or the development permit shall cease to be valid.

The decision will be advertised beginning February 3, 2022 at www.calgary.ca/publicnotices, which is the start of the mandatory 21-day appeal period. This appeal period will conclude at midnight February 24, 2022. Release of the permit will occur within 2-4 business days following the conclusion of the appeal period and upon receipt of all Prior to Release requirements.

An appeal along with reasons must be submitted, together with payment of \$200.00 fee, to the Subdivision and Development Appeal Board (4th floor, 1212 31 Avenue N.E., Calgary, AB T2E 7S8) within 21 days of receipt of this letter. An appeal may also be filed online at <http://www.calgarysdab.ca>. To obtain an appeal form, for information on appeal submission options or the appeal process, please call (403) 268-5312.

Please note that this letter is to advise you of the conditions of approval, the mandatory advertising appeal period and the timeframe in which you may appeal this decision. If no appeals have been filed during the appeal period, and the Prior to Release conditions have been met, your Development Permit will be released. Should you require clarification of the above or further information, please contact me at (403) 268-1268 or by email at Lisette.BurgaGheresi@calgary.ca and assist me by quoting the Development Permit number.

Yours truly,

Lisette Burga Gheresi

Planner 2

Planning and Development

Attachment(s)

PERMITMASTERS

EDMONTON VANCOUVER CALGARY

Suite 920, 736 – 8th Avenue S.W.
Calgary, AB T2P 1H4

September 30, 2021

Alberta Environment and Parks (AEP)
Reference #383841Subject Property: 14055 84 Street SE
Legal Address: Plan 0012207; Lot 28

Re: To report an encroachment / disturbance of a wetland to the AEP

PermitMasters has been retained by the owner of the Subject Property (Terco Transportation % Terry Schulties) to address / resolve the Prior to Decision Requirements as outlined in the Detailed Team Review for Development Permit (DP) 2018-1545 for Changes to Site Plan: Excavation, Stripping and Grading.

As described in the Detailed Team Review, the owner must report an encroachment / disturbance of a wetland to the AEP as noted below:

12. *Any impacts to the wetland will trigger Water Act authorization. The application must report the encroachment / disturbance of the wetland to the AEP (Alberta Environment and Parks)...*

The site is a 4.52 acre undeveloped parcel on the west side of 84 Street SE. The site is partially graded and grassed. A small portion of a wetland encroaches onto the southwest limit of the property. The site is unserviced and there are no buildings or structures throughout.

The subject property has experienced some disturbance in the form of infilling and grading. This has occurred prior to a Water Act approval and the issuance of a development permit.

During the three-year span from 2018 through 2020 sporadic landscape material was deposited on site. Mostly third party and material was restricted to gravel, topsoil and residential sod. During a site review in March 2021, this activity was identified and access to the site was restricted to only authorized personnel.

PERMITMASTERS

EDMONTON VANCOUVER CALGARY

Suite 920, 736 – 8th Avenue S.W.
Calgary, AB T2P 1H4

Discussions with the landowner, Terry Schulthies, and to the best known history, the following activity occurred on site.

2018

- * an estimated 10 loads (60 m3) clean gravel added to pre existing gravel pad.
- * an estimated 4-5 loads (16-20 m3) residential sod deposited on for storage.
- * estimated 14-16 loads (84-96 m3) residential topsoil, with some possible sod mixed in deposited on site at NE triangle corner.

2019

- * no known clean gravel deposited
- * estimated 3-4 dump trailer loads (12-16 m3) residential sod deposited
- * estimated 5-6 loads (30-36 m3) clean residential soil (with possible sod) deposited at NE triangle corner.

2020

- * no known gravel deposited
- * one possible load (~4 m3) sod deposited
- * 3-4 possible loads (9-12 m3) clean residential topsoil (with possible sod mixed in) deposited at NE triangle corner.

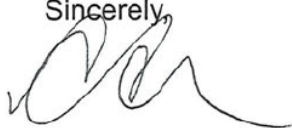
2021

- * Site closed
- * No known activity on site beyond DP related assessments

The landowner is seeking a Development Permit release and is not choosing to carry out development of the parcel.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Claudette Reddick
Director of Operations
PermitMasters



LAND TITLE CERTIFICATE

S
 LINC SHORT LEGAL TITLE NUMBER
 0028 528 678 0012207;;28 141 085 561

LEGAL DESCRIPTION
 PLAN 0012207
 LOT 28
 EXCEPTING THEREOUT ALL MINES AND MINERALS
 AREA: 1.83 HECTARES (4.52 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
 ATS REFERENCE: 4;28;23;6;SW

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 111 192 955

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
141 085 561	08/04/2014	TRANSFER OF LAND	\$565,000	CASH & MORTGAGE

OWNERS

TERCO TRANSPORT INC.
 OF 14055-84 ST SE
 CALGARY
 ALBERTA T3S 0A6

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
001 148 778	05/06/2000	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD.
141 085 562	08/04/2014	MORTGAGE MORTGAGEE - ROYNAT INC. BROOKFIELD PLACE SUITE 1700 225 6 AVE SW CALGARY ALBERTA T2P1N2

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
141 085 561

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
------------------------	--------------	-------------

ORIGINAL PRINCIPAL AMOUNT: \$465,000
(DATA UPDATED BY: CHANGE OF ADDRESS 181066308)

141 092 125 16/04/2014 CAVEAT
RE : ASSIGNMENT OF RENTS AND LEASES
CAVEATOR - ROYNAT INC.
BROOKFIELD PLACE
SUITE 1700 225 6 AVE SW
CALGARY
ALBERTA T2P1N2
AGENT - BEN NUTTALL
(DATA UPDATED BY: CHANGE OF ADDRESS 181065513)

141 256 657 24/09/2014 MORTGAGE
MORTGAGEE - ROYNAT INC.
BROOKFIELD PLACE
SUITE 1700 225 6 AVE SW
CALGARY
ALBERTA T2P1N2
ORIGINAL PRINCIPAL AMOUNT: \$1,854,000
(DATA UPDATED BY: CHANGE OF ADDRESS 181066309)

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 28 DAY OF MAY,
2024 AT 11:46 A.M.

ORDER NUMBER: 50625641

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

SDAB2025-0080

Government of Alberta ■ Corporation/Non-Profit Search

Corporate Registration System

Date of Search: 2025/04/03
 Time of Search: 07:39 AM
 Search provided by: CITY OF CALGARY - DEVELOPMENT & BUILDING APPROVAL
 Service Request Number: 44324721
 Customer Reference Number:

Corporate Access Number: 2011717192
Business Number: 831993142
Legal Entity Name: TERCO TRANSPORT INC.

Name History:

Previous Legal Entity Name	Date of Name Change (YYYY/MM/DD)
1171719 ALBERTA LTD.	2006/03/17

Legal Entity Status: Active
Alberta Corporation Type: Named Alberta Corporation
Registration Date: 2005/05/19 YYYY/MM/DD
Date of Last Status Change: 2024/10/22 YYYY/MM/DD

Registered Office:

Street: 240-23 SUNPARK DR SE
City: CALGARY
Province: ALBERTA
Postal Code: T2X3V1

Records Address:

Street: 240-23 SUNPARK DR SE
City: CALGARY
Province: ALBERTA
Postal Code: T2X3V1

Email Address: CORPORATE@MASUCHLAW.COM

Primary Agent for Service:

Last Name	First Name	Middle Name	Firm Name	Street	City	Province	Postal Code	Email
SUBERLAK	ANTON	Q.	MASUCH LAW GROUP LLP	240-23 SUNPARK DR SE	CALGARY	ALBERTA	T2X3V1	CORPORATE@MASUCHLAW.COM

Directors:

Last Name: SCHULTHIES
First Name: TERRY

SDAB2025-0080

Street/Box Number: 145 AUTUMN GARDENS SE
City: CALGARY
Province: ALBERTA
Postal Code: T3M0H8

Voting Shareholders:

Last Name: SCHULTHIES
First Name: TERRY
Street: 145 AUTUMN GARDENS SE
City: CALGARY
Province: ALBERTA
Postal Code: T3M0H8
Percent Of Voting Shares: 100

Details From Current Articles:

The information in this legal entity table supersedes equivalent electronic attachments

Share Structure: AS PER ATTACHED SCHEDULE "A"
Share Transfers Restrictions: NO SHARES SHALL BE TRANSFERRED WITHOUT THE APPROVAL OF ALL THE DIRECTORS OF THE CORPORATION BY RESOLUTION IN WRITING.
Min Number Of Directors: 1
Max Number Of Directors: 10
Business Restricted To: NO RESTRICTIONS
Business Restricted From: NO RESTRICTIONS
Other Provisions: AS PER ATTACHED SCHEDULE "B"

Other Information:

Last Annual Return Filed:

File Year	Date Filed (YYYY/MM/DD)
2024	2024/10/22

Filing History:

List Date (YYYY/MM/DD)	Type of Filing
2005/05/19	Incorporate Alberta Corporation
2006/03/17	Name Change Alberta Corporation
2013/07/30	Change Director / Shareholder
2020/02/18	Update BN
2024/07/02	Status Changed to Start for Failure to File Annual Returns
2024/07/02	Change Address

2024/07/02	Change Agent for Service
2024/10/22	Enter Annual Returns for Alberta and Extra-Provincial Corp.

Attachments:

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Share Structure	ELECTRONIC	2005/05/19
Other Rules or Provisions	ELECTRONIC	2005/05/19
Letter - For Legal Name Change	10000907113440628	2012/05/08

The Registrar of Corporations certifies that, as of the date of this search, the above information is an accurate reproduction of data contained in the official public records of Corporate Registry.





PLANNING & DEVELOPMENT

May 29, 2025

Terco Transport Inc
C/O Anton SUBERLAK
Masuch Law Group LLP
240-23 Sunpark DR SE
Calgary, AB
T2X 3V1

RE: 14055 84 ST SE; Plan 0012207; Lot 28

An investigation by the Development Authority demonstrates a contravention of the City of Calgary Land Use Bylaw 1P2007 exists on the lands location at: Plan 0012207; Lot 28

Therefore, pursuant to section 645 of the *Municipal Government Act RSA 2000 c. M-26*, the attached Order is issued. If you fail to comply with the Order, further enforcement action may be taken against you as the registered owner.

Should you wish to appeal the Order, you must register an appeal with the Subdivision and Development Appeal Board within twenty-one (21) days of issuance of the Order.

Should you require additional information concerning this matter or should you wish to obtain further information respecting obtaining Development Approval, please contact **Kevin Watson** at kevin.watson@calgary.ca or 403-998-2108.

Yours truly,

P.P. Michelle Lavallee
Development Authority
Development Inspection Services

Attachment

I, Shane Maier, a Development Inspector for the City of Calgary, personally served Lisa Reeper, receptionist at Masuch Law at 240-23 Sunpark DR SE, a cover letter Notice and appeal form on May 29, 2025, 11:20am. File # CO2023-00491

S. Maier



PLANNING & DEVELOPMENT

ORDER
Municipal Government Act, s. 645

Terco Transport Inc.
240 – 23 Sunpark DR SE
Calgary, AB
T2X-3V1

This Order is being issued to you as the registered owner of land located at: Plan 0012207, Lot 28 with the municipal address of: 14055 84 ST SE, Calgary, AB (the "Land").

The Land is zoned DC20D2008 (S-FUD - SPECIAL PURPOSE - FUTURE URBAN DEVELOPMENT). Development on the Land is not in accordance with City of Calgary Land Use Bylaw 1P2007, specifically, Stripping and Grading was started on the Land affected a wetland and the adjacent public right of way without approvals. Development Permit DP2018-1545 was applied for but has not been released due to Prior to Release Conditions not being met. Those conditions include:

1. Submit revised Erosion and Sediment Control report and drawings to address any comments that may be provided on the submission currently under review, and ensure it is updated as may be required to match the final Development Permit plans.

Follow the submission requirements outlined in The City of Calgary Guidelines for Erosion and Sediment Control. The City of Calgary Guidelines for Erosion and Sediment Control can be accessed at: <http://www.calgary.ca/PDA/pd/Pages/Planning-and-development-resource-library/Publications.aspx> (under publications).

Documents submitted shall conform to the requirements detailed in the current edition of The City of Calgary *Guidelines for Erosion and Sediment Control* and shall be prepared, signed and stamped by a qualified consultant specializing in erosion and sediment control, and holding current professional accreditation as a Professional Engineer (P. Eng.), Professional Licensee (P.L. Eng), Professional Agrologist (P. Ag.) or Certified Professional in Erosion and Sediment Control (CPESC). For each stage of work where soil is disturbed or exposed, documents must clearly specify the location, installation, inspection and maintenance details and requirements for all temporary and permanent controls and practices.

2. Submit a \$150,000 Letter of Credit performance security for the stripping and grading to cover the costs of the Developer's remaining obligations related to



controlling storm water run-off, sedimentation, erosion, as well as dust and loam stockpile removal & site rehabilitation.

3. Submit a Certificate of Insurance for the Stripping & Grading. Insurance requirements are outlined in Section 19 of the Master Residential Development Agreement.
4. Submit the Indemnification letter under Corporate Seal indemnifying and saving harmless The City and owners of adjacent properties or such other affected parties from any losses or damages which the City and owners of adjacent properties or such other affected parties may sustain as a result of the storm water runoff, soil erosion, soil instability, sedimentation, loam stock pile, dust and any other problem that may arise from the stripping and rough grading of the Lands. In addition, the Developer, at its sole expense, shall take corrective action(s) deemed necessary to rectify the problem(s) and to do so in a timely manner to the satisfaction of the Manager of Infrastructure Planning.
5. Provide documentation confirming that all of the affected utility companies have been contacted regarding potential conflicts / relocation of their respective utilities.
6. Remit a performance security deposit (certified cheque, bank draft, letter of credit) for the proposed infrastructure listed below within the public right-of-way to address the requirements of the Business Unit. The amount of the deposit is calculated by Roads and is based on 100% of the estimated cost of construction.

The developer is responsible to arrange for the construction of the infrastructure with their own forces and to enter into an Indemnification Agreement with Roads at the time of construction (the security deposit will be used to secure the work).

- a. Remove the soil that was dumped in the old 84 Street SE road right of way
- b. Rehabilitation of old 84 Street SE road right of way to the satisfaction of Roads

7. Removal of fill and restoration of the wetland and its 30 metre setback area is required. Submit a Habitat Restoration Plan for review to the Parks Ecologist, Tanya Hope. Consult the *Habitat Restoration Project Framework* (<https://www.calgary.ca/content/dam/www/csps/parks/documents/construction/habitat-restoration-framework.pdf>) and Section 2.3.5 Of the Parks' *Development Guidelines and Standard Specifications for Landscape Construction* (current version) (<https://www.calgary.ca/content/dam/www/pda/pd/documents/urban-development/publications/landscape-construction-2021.pdf>).



You are hereby ordered, pursuant to Section 645 of the *Municipal Government Act R.S.A. 2000, c. M-26*, (the "MGA"), as amended, to:

1. Submit the items above required to complete the release of DP2018-1545 no later than **June 30, 2025; AND**
2. Obtain a released DP2018-1545 by **August 28, 2025; AND**
3. Complete any requirements of the released DP2018-1545 by **October 30, 2025.**

NOTE: Do not recommence stripping and grading or any other use on the Land without the requisite approvals as required herein.

This order will be registered on title via caveat and remain on title until all conditions have been satisfied.

A handwritten signature in black ink, appearing to read "Michelle Lavallee", written over a horizontal line.

p.p. Michelle Lavallee
Development Authority
Development Inspection Services

Date: May 29, 2025