
REPORT NAME

Urban Standards Bylaw - Enforcement Action Cost Recovery Review and Appeal

RECOMMENDATION

That Council deny the appellant's request to either reduce or eliminate the invoice associated with costs incurred by the County, to bring the appellant's undeveloped land in the East Vistas into compliance with Leduc County's Urban Standards Bylaw 09-24.

Options (if available):

In accordance with Urban Standards Bylaw 09-24, section 19.4: *Upon a request to review the order, Council may confirm, vary, substitute or cancel the section 545 Order, pursuant to section 547(2) of the Municipal Government Act.*

IMPLICATIONS

Reason: To focus enforcement activities in line with community concerns.

Authority: (MGA section/bylaw/policy number): Section 545 of the *Municipal Government Act*, pertaining to the contravention of a municipal bylaw. Section 547(2) of the *Municipal Government Act*, pertaining to a person's request for a review of an order issued by a municipality.

Amount of funding required: N/A

Funding source: N/A

BACKGROUND

- May 28, 2024: The revised Urban Standards Bylaw 09-24 was passed by Leduc County Council.
- July 2, 2024: Municipal Government of Alberta Orders, and Notice of Entry were mailed was to 35 owners of undeveloped, and developed lots in Diamond Estates, Lucas Estates, New Sarepta and Royal Oaks, who failed to comply with the first cut due date of June 30, 2024 listed in the Urban Standards Bylaw 09-24. No appeals were received by the July 16, 2024 due date.
- July 18, 2024: Leduc County conducted a land titles search, confirming ownership of all 11 properties scheduled for cutting.
- July 18, 2024: Leduc County contractors began cutting and cleaning the remaining 11 vacant lots which failed to comply with the previous warning and order. All cutting was completed on July 19, 2024.
- July 19, 2024: Leduc County received invoices for the work completed on all 11 non-compliance lots.
- September 23, 2024: Leduc County mailed invoices, explanation letters and evidence photos to all 11 owners of undeveloped, and developed lands described above, who failed to comply with the Urban Standards Bylaw 09-24.
- October 8, 2024: Mr. KASAMBA appealed the invoice in question.

Submitted by: Clarence Nelson, Enforcement Services

Reviewed by: Tylor Bennett, Director of Protective Services

Date: 03/25/25

Summary

Mr. Kasamba appealed his \$937.95 invoice because he claims to have sold the vacant residential lot before the land had to be cut on June 30, 2024, in accordance with Leduc County's Urban Standards Bylaw #09-24. After receiving his invoice in September 2025, Mr. Kasamba provided Enforcement Services with a copy of a Residential Purchase Contract effective April 30, 2024. However, his Transfer of Land document was signed on July 9, 2024, a full 9 days after his vacant residential lot was required to be cut according to the Bylaw. The Transfer of Land document shows Mr. Kasamba signed the document 7 days after Leduc County issued an MGA Enforcement Order on July 2, 2024. According to Section 23(1)(a) of the *Interpretations Act*, a document is considered to be served 7 days after it is mailed to an address in Alberta. This means Mr. Kasamba was legally served the Municipal Government Enforcement Order on the same day Mr. Kasamba signed the Transfer of Land document. Enforcement Services is in possession of a Certificate of Land Title document proving Mr. Kasamba was still the legal landowner on July 18, 2024, the same day the County's contractor took enforcement action.

Mr. Kasamba's appeal should be denied because of the following factors:

1. Mr. Kasamba failed to provide proof of when the signed Transfer of Land document was submitted to Alberta Land Titles, and
2. Mr. Kasamba failed to provide the new landowner with written disclosure of the MGA Enforcement Order, and
3. Mr. Kasamba failed to resolve this outstanding municipal violation before attempting to transfer the land title.

ATTACHMENTS

1. Leduc County's Urban Standards Bylaw 09-24
2. *Interpretations Act of Alberta*, section 23(1) – *Presumption of Service*
3. July 2, 2024 MGA 545 Order, Notice of Entry, and instructions for appeal sent to KASAMBA
4. July 18, 2024 Land Titles Search results confirming title of land in KASAMBA's name before contractor work was performed.
5. July 19, 2024 Leduc County contractor's invoice.
6. July 19, 2024 Evidence photos taken of the property before and after the property was cut by the contractor
7. Sept 23, 2024 Non-compliance letter, invoice to landowner and photos sent to KASAMBA
8. Nov 20, 2024 Appeal letter and other appeal documents provided by KASAMBA:
9. Residential purchase contract
10. Transfer of Land Application