

SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
SDAB HEARING DECISION  
Hearing: January 17, 2015  
Stop Order Issued October 9, 2014  
File: 2014-001

Decision

For the reasons outlined below, the Board approves the appeal

Background and Findings

The Subdivision and Development Appeal Board (the "Board") heard an appeal by Armen Resler and Eleanor Resler and Kevin Zeiner and Lori Zeiner regarding a Stop Order dated October 9, 2014 with respect to lands described as Lot 8 Block 10, Plan 6983 KS, 808-8<sup>th</sup> Street, Roll 1156 within the Summer Village of West Cove. (the "Property").

The Board heard from counsel for the Appellants, Jerritt Pawlyk, speaking in favour of the appeal and Kelsey Becker-Brooks, counsel for the Summer Village of West Cove.

Both counsellors provided coil bound submissions that included materials relevant to their discourse. See:

Written Submission of the Development Authority for the Summer Village of West Cove

Written Submission of the Appellants Kevin and Lori Zeiner and Armen and Eleanor Resler

The decision of the Board is based on the following:

1. Section 643, 15.3(1) states that if appellant produces sufficient evidence to raise a doubt about whether his case falls within section 643, that doubt should be resolved in his favour.
2. The Bylaws of the Summer Village of West Cove in 1979 presented at the hearing are incomplete and provide reasonable doubt due to the lack of signatures, lack of dates and lack of readings of the Bylaw.

Therefore the Board concluded that the Appellants appeal be approved.

Moved by Sandra Benford, motion carried unanimously.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
Summer Village of West Cove

  
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SDAB Chairman, Harry Kassian

  
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SDAB Secretary, Debbie Appleby

January 26, 2015