

**LLOYDMINSTER SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
DECISION**

APPEAL TO BE HEARD:	Development Permit Refusal
Municipal Address:	6201 50 Avenue Lloydminster, SK
Zoning:	BT Business Transition
Legal Description:	Lot 2 Block 1 Plan 102159727
Permit No.	20260012
Appellant Name:	InvestPlus REIT – Domenic Mandato

**A. INTRODUCTION**

1. The Appellant, Domenic Mandato, on January 8, 2026 applied for a Development Permit for an addition that was previously constructed without permits or approvals for the property located at 6201 50 Avenue, Lloydminster, SK (Lot 2, Block 1, Plan 102159727). Upon review of the application, it was noted that the addition was built over an easement. Administration reviewed historical information related to this location which advised no portion of the building is permitted to encroach on, over, or under any portion of the easement.

2. On January 12, 2026, the Development Officer refused the Development Permit application pursuant to Land Use Bylaw 05-2025, Section 13.21 -Easements and Right of Ways, which states:

13.21.1 No development, including temporary development such as portable signs or sheds, shall be allowed on or over any easement or right-of-way without landowner authorization in accordance with Subsection 13.34.

13.21.2 Notwithstanding 13.21.1, portable signs may be placed on or over an easement or right-of-way registered in the name of the City provided they conform with all applicable provisions included in Subsection 16.5.4, including provisions regarding road rights-of-way where applicable and obtain a Development Permit.

13.21.3 The owner of any development, including temporary development such as portable signs or sheds placed on or over an easement with or without a Development Permit, shall be responsible for:

- a. any damage done to the underlying infrastructure beneath or upon an easement or right-of-way, and
- b. any damage done to the development, lands, adjacent buildings, or otherwise should the easement or right-of-way need to be accessed and damages occur.

3. The Appellant appealed the Development Permit Refusal.

**B. PRELIMINARY MATTERS**

1. Subdivision and Development Appeal Board (SDAB) members – The Chair asked the Appellant and other parties in attendance whether there were any objections to the SDAB members – there were no objections.

2. Hearing Process - The Chair reviewed the hearing process. The Chair asked the Appellant and other parties in attendance whether there were any objections to the hearing process. There were no objections.

**C. SUMMARY OF HEARING**

1. The SDAB heard from the Development Officer (DO), Roxanne Short, who read from the City's submission that was provided to the Board and also provided a list of potential conditions that had not been included in the agenda package.
2. The SDAB then heard from the Appellant, Domenic Mandato, representing InvestPlus REIT, who reiterated the contents of their submission.
3. No one else was in attendance who wished to speak to the appeal.

**D. DECISION**

1. The SDAB allows the appeal and approves the Appellant's request for a Development Permit for the structure located at 6201 50 Avenue, Lloydminster, Saskatchewan (Lot 2 Block 1 Plan 102159727).

**E. REASON FOR DECISION**

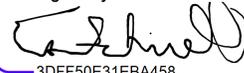
1. The SDAB considered the impact of the structure and the SDAB considered the effect of Section 687(3)d in that the structure would not unduly interfere with: the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land.
2. The SDAB considered the Appellant's commitment to remove the structure, at the expense of InvestPlus REIT, if access to the easement or utilities is needed.
3. The SDAB considered there are no concerns from an engineering perspective and there are further options to be explored for accessing the utility lines if needed.
4. The Property Owner must meet the following conditions as presented by the Development Officer at the hearing:
  1. No further additions, accessory buildings, or expansions will be allowed to be on, over, or under any portion of the existing Right of Way or Easement.
  2. Should this addition be destroyed or removed, it would not be allowed to be replaced and must be rebuilt at a location that is acceptable to the Development Authority and will require permits to be submitted and reviewed PRIOR to construction commencing.
  3. The applicant must provide a drainage/grading plan to the satisfaction of the Development Coordinator.
  4. The applicant shall conform to the applicable provisions within Land use Bylaw 05-2025 and all Federal, Provincial and Municipal regulations, bylaws, standards and policies that apply.
  5. The Lot coverage shall not exceed 60%.
  6. The addition shall not be used as a Dwelling.
  7. The addition shall be constructed with similar exterior materials that complement those of the Principal Building.
  8. The applicant ensures the continuous cleanup of construction debris tracked onto public roadway where access is provided to the property.

9. A Building Permit is required for this project and is to be submitted to the City for review.
10. A Plumbing Permit is required for this project and is to be submitted to the City for review.
11. The City is not responsible for any damage or destruction to the structure that may result if work is required to be completed on the existing underground infrastructure located in the registered Right of Way or Easement.

Signed by:  
  
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SDAB Clerk, Hailey Stark  
Subdivision and Development Appeal Board

Signed by:  
  
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SDAB Chair, Tom Schinold  
Subdivision and Development Appeal Board

**IMPORTANT INFORMATION FOR APPELLANT**

This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M26.