

COURT FILE NUMBER 2101-00793

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

APPLICANT **THOMAS H. FERGUSON**

RESPONDENTS **ALI TEJPAN, ZAHRA TEJPAN, REGISTRAR OF TITLES for the LAND TITLES OFFICE, JOHN DOE, JANE DOE, and ABC CORPORATION**

DOCUMENT **RESPONSES TO UNDERTAKINGS GIVEN BY JANE VIRTUE**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Curtis E. Marble
Carbert Waite LLP
 2300 Encor Place, 645 - 7th Avenue SW
 Calgary, Alberta, T2P 4G8
 Phone: 403-705-3642 Fax: 403-263-5553
 File No.: 120632.001

Responses to Undertakings given by Jane Virtue at her cross-examination held on April 30, 2021 and May 13, 2021:

Undertaking #1:	To provide a copy of the email that Jane Virtue received from Hugoline Morton forwarding the Caveat prior to the September 22 meeting - TAKEN UNDER ADVISEMENT
Response:	After searching my email, no responsive records were located.
Undertaking #2:	To provide the email of which Jane Virtue first received a copy of the Caveat, and to provide any subsequent emails surrounding the discussion of the Caveat between herself and others - TAKEN UNDER ADVISEMENT
Response:	After searching my email, no responsive records were located.

Undertaking #3:	For Jane Virtue to review her records and to advise the date when the caveat fund was started
Response:	The EPRA Board approved the EPRA Caveat Fund on March 2, 2021
Undertaking #4:	For Jane Virtue to review her records and to advise whether or not the caveat fund and associated fundraising started after she had first received a copy of the purported caveat from Ms. Coppus or Ms. Morton
Response:	The caveat fund was started on March 2, 2021, which is after the caveat was received by email. I cannot speak to any fundraising efforts beyond those of the EPRA.
Undertaking #5:	For Jane Virtue to review her records and to advise of the date of which the Elbow Park Residents Association caveat subcommittee commenced or began - TAKEN UNDER ADVISEMENT
Response:	The EPRA Caveat Sub-Committee was approved by the Board on November 3, 2020.
Undertaking #6:	For Jane Virtue to produce the email that she sent to Margo Coppus or anybody else at the EPRA with respect to her phone call with the Tejjars - TAKEN UNDER ADVISEMENT
Response:	After searching my email, no responsive records were located.
Undertaking #7:	To review the records and to advise when the EPRA development committee established the restrictive covenant and caveat website - TAKEN UNDER ADVISEMENT
Response:	I asked our Communication Director Lindsay Cumming to upload the Information about Restrictive Covenants to the website on November 4, 2020. I cannot confirm the exact date that this portion of the website was published.
Undertaking #8:	With reference to Exhibit A of Jane Virtue's Affidavit, for Jane Virtue to review her records, and if available, to provide a copy of the email that she sent to Meghan Dunnette at the City of Calgary as it related to the subject property
Response:	Please see the attached response to Undertaking #8.
Undertaking #9:	If not already covered in Undertaking No. 8, to confirm that Jane Virtue sent the email to Meghan Dunnette at the City of Calgary on September 7, 2020
Response:	Please see the attached response to Undertaking #8.
Undertaking #10:	If not already covered in Undertaking No. 8, to confirm who Jane Virtue copied the email to

Response:	The email was copied to cpag.circ@calgary.ca and Lisa Poole (member of Development Committee)
Undertaking #11:	To advise whether or not before November 2020 the EPRA website contained any information about caveats – TAKEN UNDER ADVISEMENT
Response:	The website did not contain any information about caveats prior to November 2020, however, the website has been slowly undergoing significant changes to all pages since I took over the role of Director of the EPRA in June of 2018.
Undertaking #12:	To provide any communication sent out to the residents as it related to the application by Mr. Ferguson to restore the Instrument - TAKEN UNDER ADVISEMENT
Response:	After reviewing my records, no responsive records were located.

UNDERTAKING 1

From: Jane Virtue <janevirtue@icloud.com>
Subject: Re: Letter of Opposition to SB2020-0165, 1023 32nd Avenue SW
Date: September 8, 2020 at 10:35:05 AM MDT
To: Hugoline Morton <hugolinemorton@hotmail.com>
Cc: Jane Virtue <president@elbowpark.com>, Lisa Poole <llpoole@me.com>, Risa Desa <risadesa@gmail.com>

Hi Hugoline,

Yes, I submitted a revised letter to Meghan Dunnette and have asked her to replace the previous one. She confirmed this morning that she has received it. It indicates that EPRA is in opposition of this subdivision. I am hopeful that it will be helpful.

I know that some residents were attempting to get the CP Railway caveat removed. From my understanding, CP has absolutely no record of the caveat, however, they do not want to remove it. I understand that some neighbours had hired a lawyer to address the issue. From what I understand, the City does not recognize caveats and restrictive covenants. The only course of action is for a resident to take legal action against the City if they breach the caveat. It is an unfair process, however, the City prefers to manage it this way as, yet another tactic to force their agenda on established neighbourhoods. The Development Committee can always mention the caveat, however, it will simply be ignored by the City.

Thank you for taking the time to address this community wide issue. It is not easy to navigate Development & Planning issues, however, it appears you've done an excellent job.

Best Regards,

Jane Virtue
President EPRA

On Sep 7, 2020, at 8:20 PM, Hugoline Morton <hugolinemorton@hotmail.com> wrote:

Hi Jane,

Nice to meet you via email.

I understand through Lisa Poole that EPRA may submit a letter to the City of Calgary opposing the subdivision application on 1023 32nd Avenue SW. I'm very hopeful that you will be able to submit a letter opposing it, as we don't believe the first letter of support from the Development Committee was a true reflection of the overall sentiment in the neighborhood - particularly considering that the Development Committee opposed a very similar subdivision application just one block over in 2017/2018.

I would also like to add that we have been provided with a caveat from one of our neighbours from the Canadian Pacific Railway that applies to the lot in question. A copy of the caveat is attached. The caveat, if valid today, legally prohibits the subdivision. There is a chance it was removed from title at some point but I am investigating whether that has occurred. Do you know anything about it? Or whether it is still valid?

If it is valid today it would be legally enforceable by the other neighbours that also have such a caveat (and there are several) against the developer. The city does not enforce such caveats, therefore we did not include the caveat issue in the letter.

Also, if we do discover that the caveat is valid, it would be something for the Development Committee to be aware of and to enforce. In that case, I will be sure to reach out to EPRA and the Committee to recommend that the caveat be enforced by EPRA as is the case in Britannia and other neighborhoods in Calgary with similar caveats.

<https://www.elboyabritannia.com/development/>

Current Development | Elboya Heights – Britannia Community Association

The 1950s development plans for Elboya and Britannia created an ideal, "complete" and "walkable" community with a mix of housing types, landscaped boulevards, access to playgrounds, natural and recreational areas, schools, places of worship, a local retail and service center, and public transit.

www.elboyabritannia.com

Lastly, in case you were interested, I am forwarding you the letter that was submitted to the City on behalf of over 40 Elbow Park residents opposing the application. Please note that the letter argues matters that the City can consider when assessing subdivision applications....there were many, many other arguments which the City does not recognize therefore they were not raised.

Should you wish to discuss further, including the nuances of the caveat, I'm reachable at 403-829-9549.

Best Regards,
Hugoline Morton

From: Hugoline Morton <huginemorton@hotmail.com>
Sent: September 7, 2020 7:37 PM
To: Dunnette, Meghan E. <[Meghan.Dunnette@calgary.ca](mailto: Meghan.Dunnette@calgary.ca)>; CPAG Circ <CPAGCirc@calgary.ca>
Cc: Christie Martin <cemmartin@icloud.com>; Chi Dang <cbdang@gmail.com>; lynnleannewebster@gmail.com <lynnleannewebster@gmail.com>; kimbwint@shaw.ca <kimbwint@shaw.ca>; Jacquelyn Mitchell <jmitchell6609@gmail.com>; Perminder Basran <basran.perminder@gmail.com>; Lisa Poole <llpoole@me.com>; Nicky <nickyobrien1@gmail.com>; risadesa@gmail.com <risadesa@gmail.com>; Julie McFadyn <julieandtrev@shaw.ca>; robert.engbloom@nortonrosefulbright.com <robert.engbloom@nortonrosefulbright.com>; Melanie Darbyshire <melanie.c.darbyshire@gmail.com>; Allison Atkinson <aatkinson@shaw.ca>; Karen Illsey <karenillsey@icloud.com>; Aarnoud van Weelderren <aarnoud.vanweelderren@gmail.com>; Laura Roberts <lauraroberts80@gmail.com>; Allison Warkentin <allison.twiss@gmail.com>; hectormcfadyen@shaw.ca <hectormcfadyen@shaw.ca>; CamillemcCreath@iCloud.com <CamillemcCreath@iCloud.com>; gaillgorman@yahoo.com <gaillgorman@yahoo.com>; thferguson@telus.net <thferguson@telus.net>; phyllis robb <robb4@shaw.ca>; rosemary.buckland@gmail.com <rosemary.buckland@gmail.com>; kristajferguson@hotmail.com <kristajferguson@hotmail.com>; Angela Roehm <philair@telus.net>; Nicole D <nsdixon1@gmail.com>; John Clarke <clarkeyj@telusplanet.net>; rhonda@fultonfamily.ca <rhonda@fultonfamily.ca>; Krista Poole <kmaymom@gmail.com>; jennifer.larke@yahoo.ca <jennifer.larke@yahoo.ca>; Magda Dizep <magda@syrenamedical.com>; lorenadarbyshire@gmail.com <lorenadarbyshire@gmail.com>; hagedorf@telus.net <hagedorf@telus.net>; Jenny Shouldice <jennyshouldice100@gmail.com>; swo@telusplanet.net <swo@telusplanet.net>; ellenchidley@icloud.com <ellenchidley@icloud.com>; cdchristie@shaw.ca <cdchristie@shaw.ca>; pbkubik777@gmail.com <pbkubik777@gmail.com>; lesleygrieve@icloud.com <lesleygrieve@icloud.com>; Cathy <cathyjmyu@gmail.com>
Subject: Letter of Opposition to SB2020-0165, 1023 32nd Avenue SW

Hi Meghan,
Please find attached a letter outlining my neighbours' arguments opposing the subdivision application for 1023 32nd Ave SW.

Thanks again for extending the deadline to comment.

Hugoline Morton

403-829-9459

From: Dunnette, Meghan E. <[Meghan.Dunnette@calgary.ca](mailto: Meghan.Dunnette@calgary.ca)>
Sent: August 28, 2020 12:36 PM
To: Hugoline Morton <[hugolinemorton@hotmail.com](mailto: hugolinemorton@hotmail.com)>; CPAG Circ <[CPAGCirc@calgary.ca](mailto: CPAGCirc@calgary.ca)>
Cc: Mike Major <[mjmajor@shaw.ca](mailto: mjmajor@shaw.ca)>; Joan Hudson <[dhhjph@hotmail.com](mailto: dhhjph@hotmail.com)>; Vern Wadey <[vwadey@hotmail.com](mailto: vwadey@hotmail.com)>; Risa Desa <[risadesa@gmail.com](mailto: risadesa@gmail.com)>; Vern Yu <[vern.yu@enbridge.com](mailto: vern.yu@enbridge.com)>
Subject: RE: SB2020-0165

Hi Hugoline,

I can certainly give you until September 9th to provide comments. Subdivision is a more technical process than development. Subdivision is really concerned about the lot meeting the rules of the land use bylaw (which this proposal does) and adherence to the guidelines of the municipal development plan which overall seeks to increase density throughout the City. I have attached a copy of the R-C1 land use district rules for your reference and you can find a copy of the Municipal Development Plan on this page here is you scroll to the bottom: <https://www.calgary.ca/pda/pd/municipal-development-plan/municipal-development-plan-mdp.html>

In terms of driveways access; access to lots is always a consideration in terms of subdivision but primary in terms of ensuring that every parcel created has legal access (parcel must be able to connect to a street, cannot be land locked). Our transportation group does a review of any proposed subdivision, they have completed their review and note no concerns here. In terms of front attached garages I cannot really consider that situation here, this falls more in the realm of development permit application considerations.

Best Regards;

Meghan

From: Hugoline Morton <[hugolinemorton@hotmail.com](mailto: hugolinemorton@hotmail.com)>
Sent: Friday, August 28, 2020 11:54 AM
To: Dunnette, Meghan E. <[Meghan.Dunnette@calgary.ca](mailto: Meghan.Dunnette@calgary.ca)>; CPAG Circ <[CPAGCirc@calgary.ca](mailto: CPAGCirc@calgary.ca)>
Cc: Mike Major <[mjmajor@shaw.ca](mailto: mjmajor@shaw.ca)>; Joan Hudson <[dhhjph@hotmail.com](mailto: dhhjph@hotmail.com)>; Vern Wadey <[vwadey@hotmail.com](mailto: vwadey@hotmail.com)>; Risa Desa <[risadesa@gmail.com](mailto: risadesa@gmail.com)>; Vern Yu <[vern.yu@enbridge.com](mailto: vern.yu@enbridge.com)>
Subject: [EXT] Re: SB2020-0165

Thanks for your email Meghan. It was very information and prompt.

I would certainly appreciate another week to comment and review. Are you suggesting until 5pm next Friday, September 4? With school starting, COVID and neighbours still away if there is a possibility to move it to the Wednesday after the long week (September 9th) I think that would allow sufficient time for a fair

review. It's apparent to me that since there is a 60 day turn around time, the would-be subdividers intentionally chose the summer to submit their application to minimize neighbourhood involvement which sets an uncomfortable tone. Also, you mention the factors to be evaluated when assessing a subdivision include those listed below. Can you send me the full list? Or a link to the policy/bylaw to be applied? Can you advise whether the number of front driveways/attached garages are a factor? This area is not suburban and should only have a minimal number of attached garages where necessary. Thanks again,
Hugoline

From: Dunnette, Meghan E. <[Meghan.Dunnette@calgary.ca](mailto: Meghan.Dunnette@calgary.ca)>
Sent: August 28, 2020 8:06 AM
To: Hugoline Morton <[hugolinemorton@hotmail.com](mailto: hugolinemorton@hotmail.com)>; CPAG Circ <[CPAGCirc@calgary.ca](mailto: CPAGCirc@calgary.ca)>
Cc: Mike Major <[mimajor@shaw.ca](mailto: mimajor@shaw.ca)>; Joan Hudson <[dhhjph@hotmail.com](mailto: dhhjph@hotmail.com)>; Vern Wadey <[vwadey@hotmail.com](mailto: vwadey@hotmail.com)>
Subject: RE: SB2020-0165

Hi Hugoline,

Thank you for taking the time to provide your comments regarding this subdivision. To respond to your comments:

1. Notification to neighbors is to adjacent owners only . Adjacent owners are those who are immediately to the side, rear and in front of the proposed subdivision and letters are mailed to those addresses as is required by the Municipal Government Act. We do not put signs or provide any other notification. The flyer is not created by the city, perhaps the community association created the flyer to increase notification? Subdivision plans are copyrighted and the city is unable to send them out to adjacent neighbors. The community association receives one which they are allowed to show to community members.

The timelines for processing a subdivision application are very tight we only have 60 days to process a file to completion. That includes sending and receiving back all comments from utility companies, neighbors and the community association as well as the internal review that the city does which includes transportation, development engineering as well as parks and any other department that any of those internal groups feels needs to comment. That information must then be reviewed and given to the applicant who must have time to address, change or correct plans or provide additional information if it is required. This unfortunately means that we do not have much time to give neighbors to provide comments. I can provide you with an additional week if you would like to provide any more comments on this file.

2. There are limits on what factors I can consider in the review process for proposed subdivisions. Subdivision technicians are unable to consider property value impacts, views, or even potential development permit related concerns in the subdivision approval process.

Considerations for subdivision purposes include:

- Location and orientation of the proposed subdivision line
- Shape of the new parcel size
- Parcel dimensions (which must comply with the land use bylaw rules and must follow the existing lotting pattern on the block)

3. Our development engineering group reviews the file for these types of considerations, I have passed along to the development engineer the concerns of the adjacent neighbors in regards to this matter and the development engineering is taking these concerns into consideration through her review. Many of these concerns would be addressed at the development permit stage, however I do know that the development engineering is looking into what we are able to condition at the subdivision stage in regards to this concern.

Best Regards;

Meghan

From: Hugoline Morton <hugolinemorton@hotmail.com>
Sent: Thursday, August 27, 2020 9:15 PM
To: Dunnette, Meghan E. <Meghan.Dunnette@calgary.ca>; CPAG Circ <CPAGCirc@calgary.ca>
Cc: Mike Major <mimajor@shaw.ca>; Joan Hudson <dhhjph@hotmail.com>; Vern Wadey <vwadey@hotmail.com>
Subject: [EXT] Re: SB2020-0165

Hi,

My name is Hugoline Morton, resident of 3405 8A St. SW. I was advised via flyer Of a notice of development application at 1027 32 ave SW (Note: I believe the notice contained the incorrect address) approximately 10 days ago for a zoom call today. This was the only public notice we received and it did not include any background plans or information - the plans were only to be provided on the zoom call. I participated on the call today at 7pm and learned that the deadline for comments is tonight.

I wanted to express my concerns about the subdivision and the process:

1-Lack of Due Process. I request more time to consider this subdivision and for my other neighbours to have the option to comment. To be notified via flyer 10 days before the deadline in the middle of summer with no background information is a serious lack of due process. Further due to the extremely short timeline and complete lack of information, I have not had the opportunity to discuss the information with my neighbours (as we all just saw the plans on the call 30 mins ago) and many of my neighbours have no idea that this is occurring. Lastly, I understand the development coordinator will be submitting comments tonight. I will not have the opportunity to review or comment on their comments to ensure they are not biased and that they reflect the opinions expressed on the call. I hereby request that opportunity.

2-Market factors/Subdivision and Negative Effect on Property Taxes

The rationale provided by the would-be developer to subdivide the land in two parcels for two homes is that it will add two beautiful homes to the neighbourhood therefore increasing the value of the surrounding homes. As of tonight on MLS, there are 19 homes for sale over \$1m between 14th, Sifton, Premier and Elbow Drive. Further, there are 684 houses for sale over \$1m in Calgary tonight. There are also 3 empty lots on 32nd Ave which are not yet for sale or not completed. While densification via subdivision is indeed a very important policy objective, given Alberta's current economic condition and outlook, it is safe to say there simply is a massive oversupply of luxury homes and significant downward pressure on property values. To add more high priced properties to the market will contribute to the problem of oversupply, exacerbating the downward pressure on the value of the homes and will result in a decrease of the City's overall tax revenues.

3-The Lot Itself

Because of the lack of proper process, I have not had the chance to verify what my other neighbours were saying on the call. However, many had serious concerns about the structure of the land and the ability of retaining walls to withstand two houses on the lot, privacy etc. We all need more time to consider these aspects.

If possible, I would like to be able to discuss this over the phone. My cell is 403-829-9549.

Otherwise, please feel free to respond via email.

Regards,
Hugoline Morton

From: Margo Coppus <margo@coppus.ca>

Sent: August 27, 2020 8:16 PM

To: Hugoline Morton <hugolinemorton@hotmail.com>; Vern Wadey <vwadey@hotmail.com>; Mike Major <mjmajor@shaw.ca>; Joan Hudson <dhhjph@hotmail.com>

Subject: SB2020-0165

Thanks for joining the meeting. Here is the contact information if you would like to send your own letter.

cpaq.circ@calgary.ca Meghan.Dunnette@calgary.ca

Comments are due tonight!

Margo Coppus

140010

ORIGINAL

ORIGINAL

Reg Cert To D15+
New - To O 246
247

MOUNT ROYAL CALGARY

Resubdivision of
LOTS A & B BLOCK 90, LOTS A & B BLOCK 91, & BLOCK X,
REGP PLAN N^o 7080AJ, all in
SE 1/4 Sec. 9, TR 24, R. 1W. 5TH M.
ALBERTA

By E. Barlett, A.L.S., 1946

Scale: 100 feet = 1 inch.

Canadian Pacific Railway Coy.
Dept. of Natural Resources,
By its Attorney,

Whitwell
Witness:
Calgary, Alberta, 12th August 1946.

Witness:
I, *Whitwell*, being a duly sworn and qualified Surveyor in the Province of Alberta, do hereby certify that the above described plan is a correct and true copy of the original plan as shown to me in accordance with the provisions of the Act in relation to the subdivision of land in the Province of Alberta, and that the same is in accordance with the provisions of the Act in relation to the subdivision of land in the Province of Alberta, and that the same is in accordance with the provisions of the Act in relation to the subdivision of land in the Province of Alberta.

I, *Whitwell*, being a duly sworn and qualified Surveyor in the Province of Alberta, do hereby certify that the above described plan is a correct and true copy of the original plan as shown to me in accordance with the provisions of the Act in relation to the subdivision of land in the Province of Alberta, and that the same is in accordance with the provisions of the Act in relation to the subdivision of land in the Province of Alberta, and that the same is in accordance with the provisions of the Act in relation to the subdivision of land in the Province of Alberta.

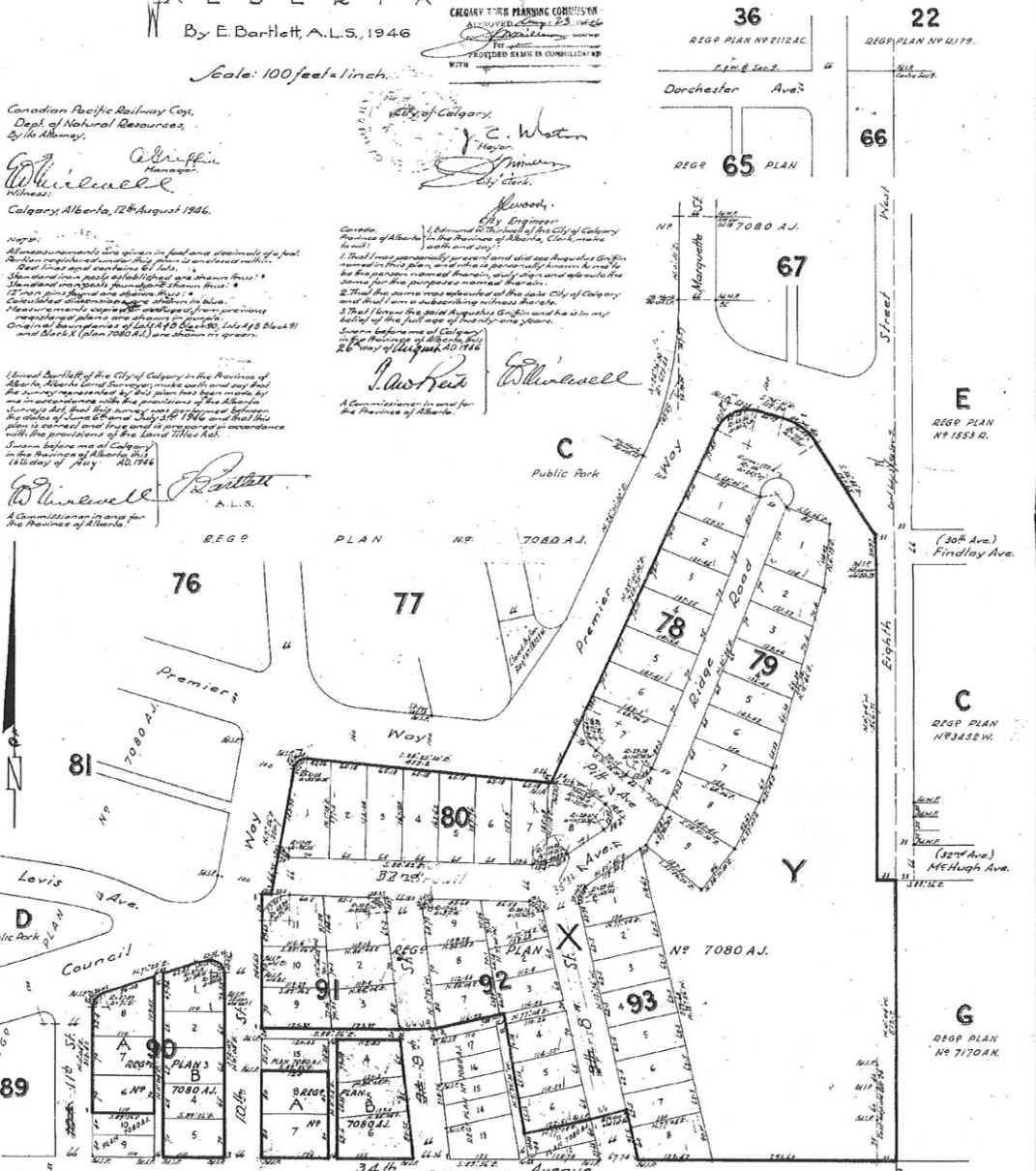
Whitwell
A.L.S.
A Commissioner in and for
the Province of Alberta.

CALGARY TOWN PLANNING COMMISSION
APPROVED BY THE COMMISSION
ON 12/12/46
PROVIDED SAME IS COMPLIED WITH

VAULT 1047
I certify that the within instrument is duly signed and recorded in the Land Titles Office for the South Alberta Land Registration District of Calgary in the Province of Alberta, on the 11th day of October, A.D. 1946 at Number 3605 F.O. Book F.O. Page 104.

Review of subdivision approved subject to registration on or before 24th Oct. 1946
Whitwell
Registrar

APPROVED 12/12/46
TOWN AND ZONING PLANNING
ADVISORY BOARD
Whitwell
Director of Planning



Authority for change of Street Names letter 2/1/46 - placed 3605 F.O.

3605 FO (1047)

September 7, 2020

Ms. Meghan Dunnette
City of Calgary Planning, Development Assessment
#8201 Municipal Building,
800 Macleod Trail S.E. Calgary, AB
T2P 2M5

Sent via email: Cpag.circ@calgary.ca, Meghan.dunnette@calgary.ca

Re: SB2020-0165, Lot 1, Block 91 - 1023 32 Ave. SW

Dear Ms. Dunnette,

First off, I want to sincerely thank you for allowing my neighbours and I some extra time to comment on the above-listed subdivision application. As previously stated via email, we were only notified of the subdivision via flyer 10 days before a Development Committee of the Elbow Park Community Association meeting on August 27, 2020 and we were not provided with any subdivision plans or house plans. At the meeting, I was notified that the deadline was in fact that night to provide comments to the City of Calgary. We are very grateful that you granted my request for an extension until September 9, 2020 to provide comments.

Attached to this letter is the list of households in Elbow Park who support this letter and who oppose the subdivision. Please see **Schedule 1** – Signatories.

The current total of households opposing the subdivision today is **41** and is growing as people are made aware of the subdivision application.

As you mentioned in your email to me on August 28, 2020, we appreciate that there are limits on the factors that can be considered when assessing a subdivision. However, we believe that the subdivision should not and cannot be approved for these two main reasons:

1. **Contextual Sensitivity:** The subdivision, if approved, is not contextually sensitive to the neighborhood.
 2. **City Precedent:** A very similar subdivision application 1 block to the west was rejected in 2018 by Tabatha Helberg, Subdivision Technician at the City of Calgary on the contextual sensitivity basis above in #1.
-
1. **Contextual Sensitivity.** The RC-1 land district rules states that the bylaw is “*intended to accommodate existing residential development and contextually sensitive redevelopment in the form of Single Detached Dwellings in the Developed Area.*” Contextually sensitive redevelopment requires that the character of the neighborhood be maintained in redevelopment. By examining the Developed Area, specifically blocks 78, 79, 90, 91, 92 and 93, which make up the original development surrounding the subdivision application in question, all of the lots have frontage of between 60 ft and 80 ft , with lot square footage ranging from approximately 7,500 to 9,600 square feet or greater. This was clearly done intentionally at the time of development in 1946 to

ensure a consistent neighborhood character. The sizes of the lots and the uniformity which was set by the planners of the area in 1946 are the foundation of the character of the neighborhood. Please see the attached **Schedule 2** – Mount Royal Calgary Subdivision Plan.

Due to the fact that the subdivision application is copyrighted, we are unable to view what the proposed subdivision lots sizes or frontages will be. In the interests of transparency, the neighbours request the opportunity to view the subdivision application to properly evaluate the contextual sensitivity of the proposed subdivision application.

Nonetheless, based on our recollection of the subdivision information from the meeting on August 27, 2020, we believe that the subdivision application if granted would not be contextually sensitive redevelopment. 1023 32 Avenue SW is a corner lot with frontage of approximately 98 ft (east side side) and 110 ft (north side). The subdivision would result in two lots of 50ft frontage with lot footage of approximately 4,900 to 5,200 square feet, which will not be contextually sensitive in the context of the lot frontages and sizes in the rest of the Developed Area. Further, it would erode the foundation set by the planners in 1946 and would be detrimental to the character of this long established neighbourhood.

Others have noted that Lot 11 in Block 91 was redeveloped into two lots of approximately 50ft and therefore, this subdivision application should also be approved. We counter that rationale on the basis that the character of the Developed Area is overwhelmingly the 60-80 ft frontage/ 7,500-9,600 square foot size. Development should not be evaluated on the basis of one or two immediate adjacent parcel but of the totality of the Developed Area. We have also been advised that the subdivision of Lot 11, Block 91 occurred ex parte (in other words, without consultation) approximately 30 years ago and once made known to the neighbours, was not met with support for the very reason that it negatively affected the character of the neighborhood.

2. **City Precedent.** In 2017, an application was made to subdivide 3412 – 10th Street SW. into two lots. That application was on the same legal block (Block 91), but on the west side of the block of the current subdivision application. Tabatha Helberg was the subdivision technician who reviewed the file. The application on 10th Street met all the subdivision requirements including transportation and infrastructure impacts, location and orientation of the proposed subdivision and shape of the new parcel in the same way that the City has indicated the application for the subdivision of 1023 32 Ave SW meets the subdivision requirements. During her review, Ms. Helberg came to view the lot and the neighborhood and ultimately determined that subdividing the 10th Street lot into two parcels would not be contextually sensitive redevelopment per the RC-1 land district rules and the argument set out in #1 above. The application was rejected.

The two lots (10th Street and 32nd Avenue) and their subdivision applications are very similar and since one was rejected, the other one should be as well. Not only is the rationale for rejection

sound and based in the City's own bylaws, it would be prejudicial to reject one application and approve the other.

We also wish to reference the City of Calgary Municipal Development Plan (September 2009) which has an objective to increase density or intensification outside of the city's downtown core. Specifically, section 2.3.2 (also Bylaw 19P2017) states that "attention must be paid to ensuring that appropriate local context is considered when planning for intensification and redevelopment." As stated above, the local context in our view does not support this particular type of redevelopment.

We also note that after examining the Developed Area, very few lots are of a sufficient size to be considered for subdivision, meaning that a coordinated densification of the Developed Area is not possible. Furthermore, to approve the subdivision application for the sake of one additional residence does not achieve densification in a meaningful way. When weighed against the lack of contextual sensitivity, it does not seem to be warranted.

I hope this is helpful. Please let us know whether we can clarify any points or answer any questions related to this matter. My cell is 403-829-9549.

Regards,

[signed]

Hugoline Morton
& the signatories in Schedule 1

Schedule 1 – Signatories to Letter

1.	Christie Martin	cemmartin@icloud.com	3827 7A St SW
2.	Chi Dang	cbdang@gmail.com	3806 8A st SW
3.	Ashley and Lynne Webster	lynnleannewebster@gmail.com	3801 8 ST SW
4.	Kim and Ian Bwint	kimbwint@shaw.ca	3622 10st SW
5.	Jacquelyn and Patrick Mitchell	jmitchell6609@gmail.com	3412 10th St SW
6.	Perminder Basran and Trevor	basran.perminder@gmail.com	3610 10th St SW
7.	Lisa Poole	llpoole@me.com	3637 6th St SW
8.	Nicky O'Brien & Pearse Cole	nickyobrien1@gmail.com	1216 34 Ave SW
9.	Risa Desa	risadesa@gmail.com	3411 9 st sw
10.	Julie McFadyen & Trevor Cossarini	julieandtrev@shaw.ca	3635 9 St SW
11.	Robert and Nancy Engbloom	robert.engbloom@nortonrosefulbright.com	3410 10 th St.SW
12.	Melanie and Christian Darbyshire	melanie.c.darbyshire@gmail.com	3628 9 St SW
13.	Alison & Ian Atkinson	aatkinson@shaw.ca	3811 9 St SW
14.	Karen Isley & Adam Kirton	karenillsey@icloud.com	3608 9 Street SW
15.	Hugoline Morton & Vern Yu	hugolinemorton@hotmail.com	3405 8A Street SW
16.	Aarnoud & Monica van Weelderen	aarnoud.vanweelderen@gmail.com	3404 8A Street SW
17.	Cathy & Jim Yu	cathyjmyu@gmail.com	3406 8A Street SW
18.	Laura & Adam Roberts	lauraroberts80@gmail.com	3404 11th St. SW
19.	Allison & David Warkentin	Allison.twiss@gmail.com	3403 8A St. SW
20.	Gail and Hector McFadyen	hectormcfadyen@shaw.ca	411 8A street SW
21.	Camille McCreath	CamillemcCreath@iCloud.com	3819 12th St. SW
22.	Gail and John Gorman	gailgorman@yahoo.com	3020 7th St. sw.
23.	Dianne and Tom Ferguson	thferguson@telus.net	1013 32 Ave SW
24.	Phyllis and Chris Robb	robb4@shaw.ca	
25.	Richard and Rosemary Buckland	rosemary.buckland@gmail.com	3615 12th St. SW
26.	Krista and Scott Ferguson	kristajferguson@hotmail.com	3803 10 Street SW
27.	Angela Roehm & Philip Pattison	philair@telus.net	3824 10 st sw
28.	Ken & Nicole Dixon	Nsdixon1@gmail.com	3619 12 St SW
29.	John and Andrea Clarke	clarkeyj@telusplanet.net	3627-12th St S.W
30.	Rhonda Fulton	rhonda@fultonfamily.ca	3808 9th Street SW
31.	Krista Poole	kmaymom@gmail.com	3633 7th Street SW
32.	Stephen and Jennifer Larke	jennifer.larke@yahoo.ca	3804 10 St. S.W.
33.	Steve and Magda Dizep	Magda@syrenamedical.com	919 38 Avenue SW
34.	Rick and Lorena McDonald	lorenadarbyshire@gmail.com	3630 8a St SW
35.	Frances and Frank Hagedorn	hagedorf@telus.net	3810 – 11 St. S. W.
36.	Jenny and Jesse Shouldice	jennyshouldice100@gmail.com	3607 13 th St. SW
37.	Tom and Holly Newton	swo@telusplanet.net	3807 10 Street SW
38.	Ellen & Bill Chidley	ellenchidley@icloud.com	1035 32 nd Ave. SW
39.	Carolyn Christie	cdchristie@shaw.ca	1016 32 nd Ave. SW
40.	Paul Kubik	pbkubik777@gmail.com	1006 32nd Ave SW
41.	Leslie Grieve	lesleygrieve@icloud.com	3804 11 St. SW

CAVEAT.

7648 FT.

THE REGISTRAR
FOR THE SOUTH ALBERTA LAND REGISTRATION DISTRICT:

TAKE NOTICE that the CANADIAN PACIFIC RAILWAY COMPANY
claims an interest in:

- 70.0 mb {
- Lots One (1) to Seven (7), Block Seventy-eight (78);
 - Lots One (1) to Nine (9), Block Seventy-nine (79);
 - Lots One (1) to Five (5) and Lot Eight in Block Eighty (80);
 - Lots Two (2), Three (3), Five (5), Six (6) and Seven (7), Block Ninety (90);
 - Lots One (1), Four (4) and Lots Eight (8) to Eleven (11) inclusive, Block Ninety-one (91);
 - Lots One (1), Seven (7), Eight (8) and Nine (9), Block Ninety-two (92); and
 - Lots One (1) to Eight (8) inclusive, Block Ninety-three (93), according to a plan of part of the City of Calgary, of record in the Land Titles Office for the South Alberta Land Registration District as Plan 3605 F.O., all standing in the register in the name of the Canadian Pacific Railway Company;
- 70.0 mb
- OK.
AS TO FORM
Assistant Solicitor
- ok

under and by virtue of an Agreement made between the Canadian Pacific Railway Company and Joseph J. Greenan, Barrister, and Mary P. Greenan (his wife), both of the City of Calgary, dated the 29th day of April, 1948, copy of which Agreement is hereto attached.

AND the Canadian Pacific Railway Company forbids the registration of any person as transferee or owner of, or of any instrument affecting the said estate or interest unless such instrument be expressed to be subject to its claim.

~~IT APPOINTS the Office of its Department of Natural resources in the City of Calgary, in the Province of Alberta,~~

as the place at which notices and proceedings relating
hereto may be served.

DATED this 29th day of April, A.D.1948.



Witness.

)
) CANADIAN PACIFIC RAILWAY COMPANY
)
)

Per Leslie Munroe
Leslie Munroe, Manager,
Department of Natural Resources.

7648 F.T.

THIS AGREEMENT made in duplicate this 29th of April, A.D.1948.

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,
(hereinafter called "the Owner"),

OF THE FIRST PART,

- and -

JOSEPH J. GREENAN, Barrister,
and MARY P. GREENAN, (his wife),
both of the City of Calgary, in
the Province of Alberta, (herein-
after called "the Purchasers"),

OF THE SECOND PART.



IN CONSIDERATION of the sum of Nine Hundred Dollars (\$900.00) paid by the Purchasers to the Owner, receipt of which sum is hereby acknowledged, the Owner has sold and agreed to transfer to the Purchasers Lot Seven (7), in Block Ninety (90), according to a plan of part of the City of Calgary of record in the Land Titles Office for the South Alberta Land Registration District as Plan No. 3605 F.O., subject to the following covenants, terms and conditions:

1. That the Owner shall, as and when requested by the Purchasers, transfer to the Purchasers said Lot Seven (7), Block Ninety (90), Plan No. 3605 F.O.
2. As the amount of the 1948 taxes in respect of the said Lot is not yet known, the Purchasers agree to pay the full year's taxes for the year 1948 in respect of the said lot, and upon production by them of their Tax Receipt, the Owner hereby

agrees to refund to them the proportion of the said taxes due from the 1st day of January, 1948, to the 31st day of March, 1948.

3. The Owner hereby agrees to insert in all Agreements for Sale entered into by the Owner for the sale of any one of the following lots or parcels of land, namely:

- Lots One (1) to Seven (7), Block Seventy-eight (78).
- × Lots One (1) to Nine (9), Block Seventy-nine (79).
- Lots One (1) to Five (5) and Lot Eight (8) in Block Eighty (80).
- Lots Two (2), Three (3), Five (5) and Six (6), Block Ninety (90).
- Lots One (1), Four (4), and Lots Eight (8) to Eleven (11), Block Ninety-one (91).
- Lots One (1), Seven (7), Eight (8) and Nine (9), Block Ninety-two (92); and
- Lots One (1) to Eight (8), Block Ninety-three (93), as shown on said plan No. 3605 F.O.,

restrictive covenants similar to the covenants hereinafter contained.

IT IS HEREBY COVENANTED AND AGREED with the Owner by the above mentioned Purchasers on behalf of themselves, their executors, administrators and assigns, and successors in title, as follows:

(a) That there shall not be erected or suffered or permitted to be erected or used or placed upon the said Lot Seven (7), Block Ninety (90), Plan 3605 F.O., any building whatsoever except for the purposes of a private residence and private garage in connection therewith.

(b) That there shall not be erected upon the said Lot more than one (1) such residence and garage.

(c) That there shall not be erected on the said lot any dwelling house to cost less than Seven Thousand Dollars (\$7,000.00), and same shall be of a neat design and completed in a proper and workmanlike manner.

(d) That if the said dwelling house consists of basement and one floor, the ground area occupied by same shall not be less than Twelve Hundred (1200) square feet, exclusive of the garage, and if it consists of One and a Half ($1\frac{1}{2}$) or more storeys, said dwelling house shall occupy a ground area of not less than One Thousand (1,000) square feet, exclusive of the garage.

(e) That no house or other building shall be located or placed on the said lot within Twenty-five (25) feet of the Street or Avenue, ^{any dwelling house} and shall be not less than Twenty-five (25) feet from the rear of said lot.

(f) That the said lot shall not be used for the purpose of a sand or gravel pit or quarry, and there shall not be removed or suffered or permitted to be removed any sand, gravel, stone or other material, except such as may be necessary for improving the lot or building thereon.

(g) That no house or other building on the said lot shall be used for mercantile, business or manufacturing purposes, and no work of an offensive, dangerous or noisy character shall be carried on which may be or become an annoyance or nuisance.

(h) That all work done on the said lot shall comply in all



- - -
respects with By-laws or Building Regulations of the City of Calgary.

(i) That covenants similar to the above shall be inserted in all Agreements for Sale made by the Purchasers for a resale of the said lot.

(j) That the Purchasers and their executors, administrators and assigns, and successors in title, shall observe the aforesaid restrictions applicable to the said lot, and that same shall be enforceable against him or them or on behalf of the owner or owners from time to time of any of the said lots or parcels of land referred to in Paragraph 3 hereof.

(k) That the restrictions aforementioned as imposed on each of the said lots or parcels of land referred to in Paragraph 3 hereof shall be enforceable by or on behalf of or against the owner or owners from time to time of any one or more of the said lots or parcels of land referred to in said Paragraph 3.

(l) The Purchasers shall be entitled to register in the Land Titles Office a Caveat protecting the restrictions above set out, and the transfer by the owner to the purchasers of the said lots or parcels of land referred to in Paragraph 3

hereof shall be expressed to be subject to said Caveat to be registered as aforesaid. X

IN WITNESS WHEREOF the Owner has caused these presents to be executed by the Manager of its Department of Natural Resources, and the Purchasers have hereunto set their hands and seals, all on the day and year first above written.

CANADIAN PACIFIC RAILWAY COMPANY

Per Leslie Munroe
Leslie Munroe, Manager,
Department of Natural Resources.

Betty Gablehaus
Witness.

Betty Gablehaus
Witness.

Joseph J. Greenan
Joseph J. Greenan.

Mary P. Greenan
Mary P. Greenan.

CANADA)
PROVINCE OF ALBERTA)
TO WIT:V)

I, Cecil J. Webb, of the City
of Calgary, in the Province of Alberta, Secretary,
make oath and say:

1. THAT I was personally present and did see Leslie
Munroe, Manager of the Department of Natural Resources of the
Canadian Pacific Railway Company at Calgary, in the Province
of Alberta, named in the within instrument, who is personally
known to me to be the person named therein, duly sign and
execute same for the purposes named therein.

2. THAT the same was executed at the City of Calgary,
in the Province of Alberta, and that I am the subscribing
witness thereto.

3. THAT I personally know the said Leslie Munroe,
and he is in my belief of the full age of twenty-one years.

SWORN before me at the City
of Calgary, in the Province
of Alberta, this 21st day
of May, A.D. 1948.

Cecil J. Webb

E. W. Minnell

A COMMISSIONER FOR OATHS in and for the
Province of Alberta.

CANADA)

PROVINCE OF ALBERTA)

TO WIT:)

I, Betty Galbraith, of the City of
Calgary, in the Province of Alberta, Heretofore,
make oath and say:

1. THAT I was personally present and did see Joseph J.
Greenan and Mary P. Greenan named in the within instrument,
who are personally known to me to be the persons named therein,
duly sign and execute the same for the purposes named therein.

2. THAT the same was executed at the City of Calgary,
in the Province of Alberta, and I am the subscribing witness
thereto.

3. THAT I personally know the said Joseph J. Greenan
and Mary P. Greenan, and they are in my belief of the full
age of twenty-one years.

SWORN before me at the City)
of Calgary, in the Province)
of Alberta, this 5th day)
of May, A.D. 1948.)

Betty Galbraith

A. R. Perry

A COMMISSIONER FOR OATHS in and for the
Province of Alberta.

CANADA)
PROVINCE OF ALBERTA)
TO WIT:)

I, Leslie Munroe, of the City of Calgary, in the Province of Alberta, Manager, make oath and say :

1. THAT I am agent of the above-named Caveator.
2. THAT I believe I have a good and valid claim upon the said lands and I say this Caveat is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the City of Calgary, in the Province of Alberta, this 21st day of May, A.D.1948.

Leslie Munroe

[Signature]

A COMMISSIONER FOR OATHS in and for the Province of Alberta.

DATED

D. 194

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,

OF THE FIRST PART,

- and -

JOSEPH J. GREENAN & MARY P. GREENAN,

OF THE SECOND PART.

A G R E E M E N T.

File 16129
RRM/JAF

JAMES Mc CAIG, K.C.
C.P.R. SOLICITOR
CALGARY, ALBERTA.

7648 F.T.

APR 1948

EXTRA NEW TITLE
STRICT

Legal Affs.

CON. FEE	
TRA. REF. CERT.	
EXTRA NEW TITLE	
STRICT	
Value	
AT	
L FRES	
REG TO	
D.P.M.	

Lots 1 to 17, Block 78; Lots 1 to 9, Block 79; Lots 1 to 5, and Lot 8, in Block 80; Lots 2, 3, 5, 6 and 7 in Block 90; Lots 1, 4, and Lots 8 to 11 inclusive, Block 91; Lots 1, 7, 8 and 9, Block 92; and Lots 1 to 8 inclusive, Block 93.

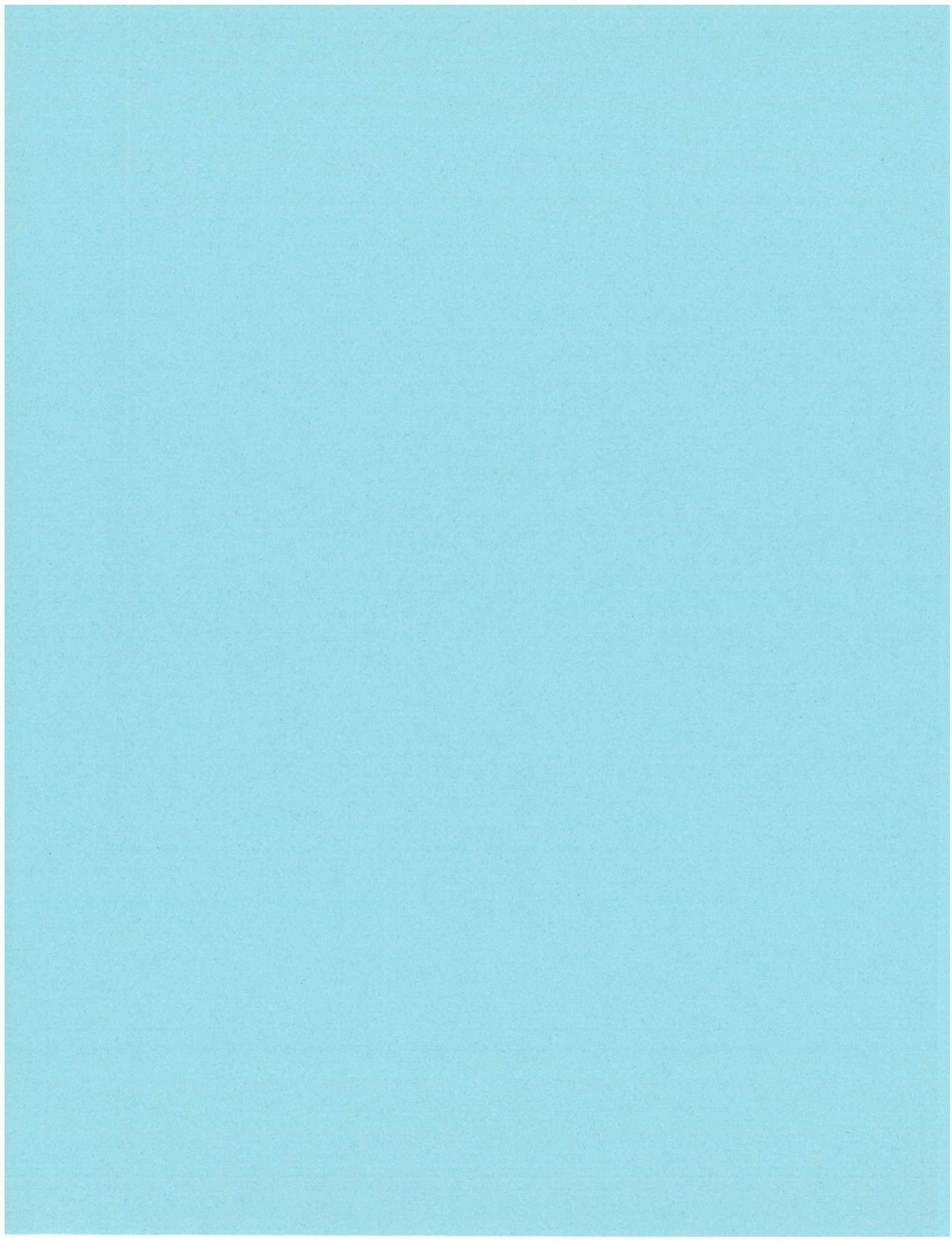
700246
700247
CALGARY

CAVEAT

I certify that the within instrument is duly Entered and Registered in the Law Titles Office for the South Alberta Land Registration District at Calgary, in the Province of Alberta at _____ o'clock _____ M., on the _____ day of _____ A.D., 19____ Number _____ Book _____ Folio _____ Registrar S. A. L. R. G.

16129

C.F.R. BELL
CALGARY, ALBERTA.



From: Hugoline Morton <hugolinemorton@hotmail.com>
Sent: September 7, 2020 8:20 PM
To: Jane Virtue <janevirtue@icloud.com>; EPRA President <president@elbowpark.com>
Cc: Lisa Poole <llpoole@me.com>; Risa Desa <risadesa@gmail.com>
Subject: Fw: Letter of Opposition to SB2020-0165, 1023 32nd Avenue SW

Hi Jane,

Nice to meet you via email.

I understand through Lisa Poole that EPRA may submit a letter to the City of Calgary opposing the subdivision application on 1023 32nd Avenue SW. I'm very hopeful that you will be able to submit a letter opposing it, as we don't believe the first letter of support from the Development Committee was a true reflection of the overall sentiment in the neighborhood - particularly considering that the Development Committee opposed a very similar subdivision application just one block over in 2017/2018.

I would also like to add that we have been provided with a caveat from one of our neighbours from the Canadian Pacific Railway that applies to the lot in question. A copy of the caveat is attached. The caveat, if valid today, legally prohibits the subdivision. There is a chance it was removed from title at some point but I am investigating whether that has occurred. Do you know anything about it? Or whether it is still valid? If it is valid today it would be legally enforceable by the other neighbours that also have such a caveat (and there are several) against the developer. The city does not enforce such caveats, therefore we did not include the caveat issue in the letter.

Also, if we do discover that the caveat is valid, it would be something for the Development Committee to be aware of and to enforce. In that case, I will be sure to reach out to EPRA and the Committee to recommend that the caveat be enforced by EPRA as is the case in Britannia and other neighborhoods in Calgary with similar caveats.

<https://www.elboyabritannia.com/development/>

Current Development | Elboya Heights – Britannia Community Association

The 1950s development plans for Elboya and Britannia created an ideal, “complete” and “walkable” community with a mix of housing types, landscaped boulevards, access to playgrounds, natural and recreational areas, schools, places of worship, a local retail and service center, and public transit.

www.elboyabritannia.com

Lastly, in case you were interested, I am forwarding you the letter that was submitted to the City on behalf of over 40 Elbow Park residents opposing the application. Please note that the letter argues matters that the City can consider when assessing subdivision applications....there were many, many other arguments which the City does not recognize therefore they were not raised.

Should you wish to discuss further, including the nuances of the caveat, I'm reachable at 403-829-9549.

Best Regards,
Hugoline Morton

From: Hugoline Morton <huginemorton@hotmail.com>

Sent: September 7, 2020 7:37 PM

To: Dunnette, Meghan E. <Meghan.Dunnette@calgary.ca>; CPAG Circ <CPAGCirc@calgary.ca>

Cc: Christie Martin <cemmartin@icloud.com>; Chi Dang <cbdang@gmail.com>; Lynnleannewbster@gmail.com <lynnleannewbster@gmail.com>; kimbwint@shaw.ca <kimbwint@shaw.ca>; Jacquelyn Mitchell <jmitchell6609@gmail.com>; Perminder Basran <basran.perminder@gmail.com>; Lisa Poole <llpoole@me.com>; Nicky <nickyobrien1@gmail.com>; risadesa@gmail.com <risadesa@gmail.com>; Julie McFadyen <julieandtrev@shaw.ca>; robert.engbloom@nortonrosefulbright.com <robert.engbloom@nortonrosefulbright.com>; Melanie Darbyshire <melanie.c.darbyshire@gmail.com>; Allison Atkinson <aatkinson@shaw.ca>; Karen Illsey <karenillsey@icloud.com>; Aarnoud van Weelderen <aarnoud.vanweelderen@gmail.com>; Laura Roberts <lauraroberts80@gmail.com>; Allison Warkentin <allison.twiss@gmail.com>; hectormcfadyen@shaw.ca <hectormcfadyen@shaw.ca>; CamillemcCreath@iCloud.com <CamillemcCreath@iCloud.com>; gaillgorman@yahoo.com <gaillgorman@yahoo.com>; thferguson@telus.net <thferguson@telus.net>; phyllis robb <robb4@shaw.ca>; rosemary.buckland@gmail.com <rosemary.buckland@gmail.com>; kristajferguson@hotmail.com <kristajferguson@hotmail.com>; Angela Roehm <philair@telus.net>; Nicole D <nsdixon1@gmail.com>; John Clarke <clarkeyj@telusplanet.net>; rhonda@fultonfamily.ca <rhonda@fultonfamily.ca>; Krista Poole <kmaymom@gmail.com>; jennifer.larke@yahoo.ca <jennifer.larke@yahoo.ca>; Magda Dizip <magda@syrenamedical.com>; lorenadarbyshire@gmail.com <lorenadarbyshire@gmail.com>; hagedorf@telus.net <hagedorf@telus.net>; Jenny Shouldice <jennysouldice100@gmail.com>; swo@telusplanet.net <swo@telusplanet.net>; ellenchidley@icloud.com <ellenchidley@icloud.com>; cdchristie@shaw.ca <cdchristie@shaw.ca>; pbkubik777@gmail.com <pbkubik777@gmail.com>; lesleygrieve@icloud.com

<lesleygrieve@icloud.com>; Cathy <cathyjmyu@gmail.com>

Subject: Letter of Opposition to SB2020-0165, 1023 32nd Avenue SW

Hi Meghan,

Please find attached a letter outlining my neighbours' arguments opposing the subdivision application for 1023 32nd Ave SW.

Thanks again for extending the deadline to comment.

Hugoline Morton

403-829-9459

From: Dunnette, Meghan E. <Meghan.Dunnette@calgary.ca>

Sent: August 28, 2020 12:36 PM

To: Hugoline Morton <hugolinemorton@hotmail.com>; CPAG Circ <CPAGCirc@calgary.ca>

Cc: Mike Major <mjmajor@shaw.ca>; Joan Hudson <dhhjph@hotmail.com>; Vern Wadey <vwadey@hotmail.com>; Risa Desa <risadesa@gmail.com>; Vern Yu <vern.yu@enbridge.com>

Subject: RE: SB2020-0165

Hi Hugoline,

I can certainly give you until September 9th to provide comments. Subdivision is a more technical process than development. Subdivision is really concerned about the lot meeting the rules of the land use bylaw (which this proposal does) and adherence to the guidelines of the municipal development plan which overall seeks to increase density throughout the City. I have attached a copy of the R-C1 land use district rules for your reference and you can find a copy of the Municipal Development Plan on this page here is you scroll to the

bottom: <https://www.calgary.ca/pda/pd/municipal-development-plan/municipal-development-plan-mdp.html>

In terms of driveways access; access to lots is always a consideration in terms of subdivision but primary in terms of ensuring that every parcel created has legal access (parcel must be able to connect to a street, cannot be land locked). Our transportation group does a review of any proposed subdivision, they have completed their review and note no concerns here. In terms of front attached garages I cannot really consider that situation here, this falls more in the realm of development permit application considerations.

Best Regards;

Meghan

From: Hugoline Morton <hugolinemorton@hotmail.com>

Sent: Friday, August 28, 2020 11:54 AM

To: Dunnette, Meghan E. <Meghan.Dunnette@calgary.ca>; CPAG Circ <CPAGCirc@calgary.ca>

Cc: Mike Major <mjmajor@shaw.ca>; Joan Hudson <dhhjph@hotmail.com>; Vern Wadey <vwadey@hotmail.com>; Risa Desa <risadesa@gmail.com>; Vern Yu <vern.yu@enbridge.com>

Subject: [EXT] Re: SB2020-0165

Thanks for your email Meghan. It was very information and prompt.

I would certainly appreciate another week to comment and review. Are you suggesting until 5pm next Friday, September 4? With school starting, COVID and neighbours still away if there is a possibility to move it to the Wednesday after the long week (September 9th) I think that would allow sufficient time for a fair review. It's apparent to me that since there is a 60 day turn around time, the would-be subdividers intentionally chose the summer to submit their application to minimize neighbourhood involvement which sets an uncomfortable tone.

Also, you mention the factors to be evaluated when assessing a subdivision include those listed below. Can you send me the full list? Or a link to the policy/bylaw to be applied? Can you advise whether the number of front driveways/attached garages are a factor? This area is not suburban and should only have a minimal number of attached garages where necessary.

Thanks again,
Hugoline

From: Dunnette, Meghan E. <Meghan.Dunnette@calgary.ca>
Sent: August 28, 2020 8:06 AM
To: Hugoline Morton <hugolinemorton@hotmail.com>; CPAG Circ <CPAGCirc@calgary.ca>
Cc: Mike Major <mjmajor@shaw.ca>; Joan Hudson <dhhjph@hotmail.com>; Vern Wadey <vwadey@hotmail.com>
Subject: RE: SB2020-0165

Hi Hugoline,

Thank you for taking the time to provide your comments regarding this subdivision. To respond to your comments:

1. Notification to neighbors is to adjacent owners only. Adjacent owners are those who are immediately to the side, rear and in front of the proposed subdivision and letters are mailed to those addresses as is required by the Municipal Government Act. We do not put signs or provide any other notification. The flyer is not created by the city, perhaps the community association created the flyer to increase notification? Subdivision plans are copyrighted and the city is unable to send them out to adjacent neighbors. The community association receives one which they are allowed to show to community members.

The timelines for processing a subdivision application are very tight we only have 60 days to process a file to completion. That includes sending and receiving back all comments from utility companies, neighbors and the community association as well as the internal review that the city does which includes transportation, development engineering as well as parks and any other department that any of those internal groups feels needs to comment. That information must then be reviewed and given to the applicant who must have time to address, change or correct plans or provide additional information if it is required. This unfortunately means that we do not have much time to give neighbors to provide comments. I can provide you with an additional week if you would like to provide any more comments on this file.

2. There are limits on what factors I can consider in the review process for proposed subdivisions. Subdivision technicians are unable to consider property value impacts, views, or even potential development permit related concerns in the subdivision approval process.

Considerations for subdivision purposes include:

- Location and orientation of the proposed subdivision line
- Shape of the new parcel size
- Parcel dimensions (which must comply with the land use bylaw rules and must follow the existing lotting pattern on the block)

3. Our development engineering group reviews the file for these types of considerations, I have passed along to the development engineer the concerns of the adjacent neighbors in regards to this matter and the development engineering is taking these concerns into consideration through her review. Many of these concerns would be addressed at the development permit stage, however I do know that the development engineering is looking into what we are able to condition at the subdivision stage in regards to this concern.

Best Regards;

Meghan

From: Hugoline Morton <hugolinemorton@hotmail.com>

Sent: Thursday, August 27, 2020 9:15 PM

To: Dunnette, Meghan E. <Meghan.Dunnette@calgary.ca>; CPAG Circ <CPAGCirc@calgary.ca>

Cc: Mike Major <mjmajor@shaw.ca>; Joan Hudson <dhjhph@hotmail.com>; Vern Wadey <vwadey@hotmail.com>

Subject: [EXT] Re: SB2020-0165

Hi,

My name is Hugoline Morton, resident of 3405 8A St. SW. I was advised via flyer Of a notice of development application at 1027 32 ave SW (Note: I believe the notice contained the incorrect address) approximately 10 days ago for a zoom call today. This was the only public notice we received and it did not include any background plans or information - the plans were only to be provided on the zoom call. I participated on the call today at 7pm and learned that the deadline for comments is tonight.

I wanted to express my concerns about the subdivision and the process:

1-Lack of Due Process. I request more time to consider this subdivision and for my other neighbours to have the option to comment. To be notified via flyer 10 days before the deadline in the middle of summer with no background information is a serious lack of due process. Further due to the extremely short timeline and complete lack of information, I have not had the opportunity to discuss the information with my neighbours (as we all just saw the plans on the call 30 mins ago) and many of my neighbours have no idea that this is occurring. Lastly, I understand the development coordinator will be submitting comments tonight. I will not have the opportunity to review or comment on their comments to ensure they are not biased and that they reflect the opinions expressed on the call. I hereby request that opportunity.

2-Market factors/Subdivison and Negative Effect on Property Taxes

The rationale provided by the would-be developer to subdivide the land in two parcels for two homes is that it will add two beautiful homes to the neighbourhood therefore increasing the value of the surrounding homes. As of tonight on MLS, there are 19 homes for sale over \$1m between 14th, Sifton, Premier and Elbow Drive. Further, there are 684 houses for sale over \$1m in Calgary tonight. There are also 3 empty lots on 32nd Ave which are not yet for sale or not completed. While densification via subdivision is indeed a very important policy objective, given Alberta's current economic condition and outlook, it is safe to say there simply is a massive oversupply of luxury homes and significant downward pressure on property values. To add more high priced properties to the market will contribute to the problem of oversupply, exacerbating the downward pressure on the value of the homes and will result in a decrease of the City's overall tax revenues.

3-The Lot Itself

Because of the lack of proper process, I have not had the chance to verify what my other neighbours were saying on the call. However, many had serious concerns about the structure of the land and the ability of retaining walls to withstand two houses on the lot, privacy etc. We all need more time to consider these aspects.

If possible, I would like to be able to discuss this over the phone. My cell is 403-829-9549.

Otherwise, please feel free to respond via email.

Regards,
Hugoline Morton

From: Margo Coppus <margo@coppus.ca>

Sent: August 27, 2020 8:16 PM

To: Hugoline Morton <hugolinemorton@hotmail.com>; Vern Wadey <vwadey@hotmail.com>; Mike Major <mjmajor@shaw.ca>; Joan Hudson <dhhjph@hotmail.com>

Subject: SB2020-0165

Thanks for joining the meeting. Here is the contact information if you would like to send your own letter.

cpag.circ@calgary.ca Meghan.Dunnette@calgary.ca

Comments are due tonight!

Margo Coppus

margo@coppus.ca

1A100190

ORIGINAL

ORIGINAL

Reg. Cert. 70 D154
New - 70 0 346
247

MOUNT ROYAL CALGARY

Resubdivision of
LOTS A & B BLOCK 90, LOTS A & B BLOCK 91, & BLOCK X,
REGD PLAN NO 7080AJ, all in
SE 1/4 Sec. 9, TR 24, R1W5THM.

By E. Bartlett, A.L.S., 1946

CALGARY TOWN PLANNING COMMISSION
RECOMMENDED BY
CITY ENGINEER
CITY CLERK
CITY COUNCIL

Scale: 100 feet = 1 inch.

Canadian Pacific Railway Co.,
Dept. of Natural Resources,
By its Attorney,

Whitwell
Whitwell
Manager
Calgary, Alberta, 12th August 1946.

Notes:
1. All measurements are given in feet and decimals of a foot.
2. The lines are not necessarily straight lines.
3. The lines are not necessarily parallel lines.
4. The lines are not necessarily perpendicular lines.
5. The lines are not necessarily equal in length.
6. The lines are not necessarily equal in area.
7. The lines are not necessarily equal in volume.
8. The lines are not necessarily equal in weight.
9. The lines are not necessarily equal in value.
10. The lines are not necessarily equal in quality.

I, E. Bartlett, of the City of Calgary in the Province of Alberta, do hereby certify that the above plan is a true and correct copy of the original plan as shown to me in accordance with the provisions of the Land Title Act, and that this plan is correct and true and is prepared in accordance with the provisions of the Land Title Act.

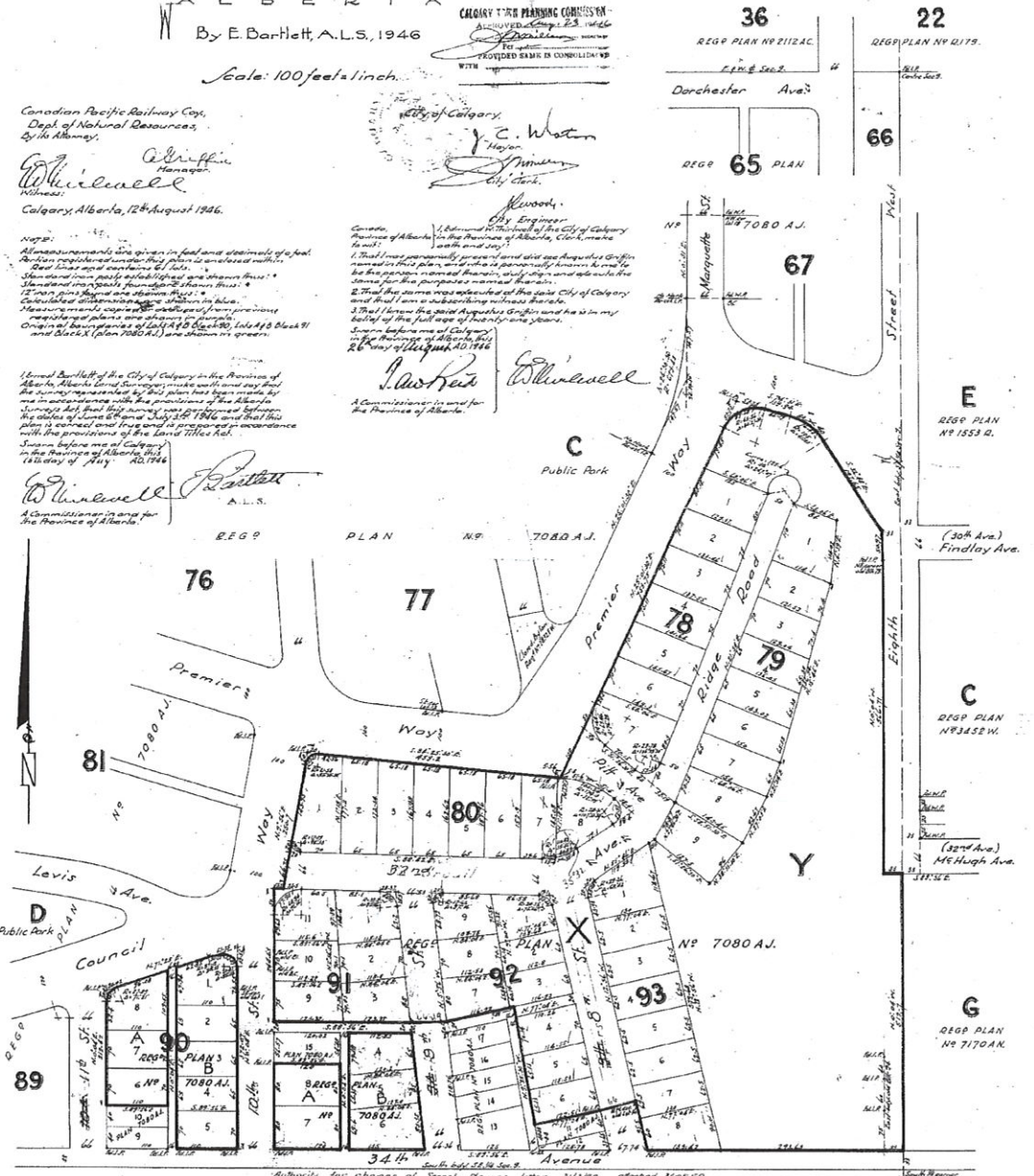
Whitwell
Whitwell
A.L.S.
A Commissioner in and for the Province of Alberta.

J. C. Weston
Weston
City Clerk
Whitwell
Whitwell
City Engineer
Calgary, Alberta, 12th August 1946.

VAULT 1047
I hereby certify that the above plan is a true and correct copy of the original plan as shown to me in accordance with the provisions of the Land Title Act, and that this plan is correct and true and is prepared in accordance with the provisions of the Land Title Act.

Approval of subdivision approved subject to registration of an Order of the City of Calgary, 1946.

APPROVED 12/9/46
TOWN AND PLANNING
COMMISSION
By *Whitwell*
Director of Planning



3605 FO (1047)

September 7, 2020

Ms. Meghan Dunnette
City of Calgary Planning, Development Assessment
#8201 Municipal Building,
800 Macleod Trail S.E. Calgary, AB
T2P 2M5

Sent via email: Cpag.circ@calgary.ca, Meghan.dunnette@calgary.ca

Re: SB2020-0165, Lot 1, Block 91 - 1023 32 Ave. SW

Dear Ms. Dunnette,

First off, I want to sincerely thank you for allowing my neighbours and I some extra time to comment on the above-listed subdivision application. As previously stated via email, we were only notified of the subdivision via flyer 10 days before a Development Committee of the Elbow Park Community Association meeting on August 27, 2020 and we were not provided with any subdivision plans or house plans. At the meeting, I was notified that the deadline was in fact that night to provide comments to the City of Calgary. We are very grateful that you granted my request for an extension until September 9, 2020 to provide comments.

Attached to this letter is the list of households in Elbow Park who support this letter and who oppose the subdivision. Please see **Schedule 1** – Signatories.

The current total of households opposing the subdivision today is **41** and is growing as people are made aware of the subdivision application.

As you mentioned in your email to me on August 28, 2020, we appreciate that there are limits on the factors that can be considered when assessing a subdivision. However, we believe that the subdivision should not and cannot be approved for these two main reasons:

1. **Contextual Sensitivity:** The subdivision, if approved, is not contextually sensitive to the neighborhood.
 2. **City Precedent:** A very similar subdivision application 1 block to the west was rejected in 2018 by Tabatha Helberg, Subdivision Technician at the City of Calgary on the contextual sensitivity basis above in #1.
-
1. **Contextual Sensitivity.** The RC-1 land district rules states that the bylaw is “*intended to accommodate existing residential development and contextually sensitive redevelopment in the form of Single Detached Dwellings in the Developed Area.*” Contextually sensitive redevelopment requires that the character of the neighborhood be maintained in redevelopment. By examining the Developed Area, specifically blocks 78, 79, 90, 91, 92 and 93, which make up the original development surrounding the subdivision application in question, all of the lots have frontage of between 60 ft and 80 ft , with lot square footage ranging from approximately 7,500 to 9,600 square feet or greater. This was clearly done intentionally at the time of development in 1946 to

ensure a consistent neighborhood character. The sizes of the lots and the uniformity which was set by the planners of the area in 1946 are the foundation of the character of the neighborhood. Please see the attached **Schedule 2** – Mount Royal Calgary Subdivision Plan.

Due to the fact that the subdivision application is copyrighted, we are unable to view what the proposed subdivision lots sizes or frontages will be. In the interests of transparency, the neighbours request the opportunity to view the subdivision application to properly evaluate the contextual sensitivity of the proposed subdivision application.

Nonetheless, based on our recollection of the subdivision information from the meeting on August 27, 2020, we believe that the subdivision application if granted would not be contextually sensitive redevelopment. 1023 32 Avenue SW is a corner lot with frontage of approximately 98 ft (east side side) and 110 ft (north side). The subdivision would result in two lots of 50ft frontage with lot footage of approximately 4,900 to 5,200 square feet, which will not be contextually sensitive in the context of the lot frontages and sizes in the rest of the Developed Area. Further, it would erode the foundation set by the planners in 1946 and would be detrimental to the character of this long established neighbourhood.

Others have noted that Lot 11 in Block 91 was redeveloped into two lots of approximately 50ft and therefore, this subdivision application should also be approved. We counter that rationale on the basis that the character of the Developed Area is overwhelmingly the 60-80 ft frontage/ 7,500-9,600 square foot size. Development should not be evaluated on the basis of one or two immediate adjacent parcel but of the totality of the Developed Area. We have also been advised that the subdivision of Lot 11, Block 91 occurred ex parte (in other words, without consultation) approximately 30 years ago and once made known to the neighbours, was not met with support for the very reason that it negatively affected the character of the neighborhood.

2. **City Precedent.** In 2017, an application was made to subdivide 3412 – 10th Street SW. into two lots. That application was on the same legal block (Block 91), but on the west side of the block of the current subdivision application. Tabatha Helberg was the subdivision technician who reviewed the file. The application on 10th Street met all the subdivision requirements including transportation and infrastructure impacts, location and orientation of the proposed subdivision and shape of the new parcel in the same way that the City has indicated the application for the subdivision of 1023 32 Ave SW meets the subdivision requirements. During her review, Ms. Helberg came to view the lot and the neighborhood and ultimately determined that subdividing the 10th Street lot into two parcels would not be contextually sensitive redevelopment per the RC-1 land district rules and the argument set out in #1 above. The application was rejected.

The two lots (10th Street and 32nd Avenue) and their subdivision applications are very similar and since one was rejected, the other one should be as well. Not only is the rationale for rejection

sound and based in the City's own bylaws, it would be prejudicial to reject one application and approve the other.

We also wish to reference the City of Calgary Municipal Development Plan (September 2009) which has an objective to increase density or intensification outside of the city's downtown core. Specifically, section 2.3.2 (also Bylaw 19P2017) states that "attention must be paid to ensuring that appropriate local context is considered when planning for intensification and redevelopment." As stated above, the local context in our view does not support this particular type of redevelopment.

We also note that after examining the Developed Area, very few lots are of a sufficient size to be considered for subdivision, meaning that a coordinated densification of the Developed Area is not possible. Furthermore, to approve the subdivision application for the sake of one additional residence does not achieve densification in a meaningful way. When weighed against the lack of contextual sensitivity, it does not seem to be warranted.

I hope this is helpful. Please let us know whether we can clarify any points or answer any questions related to this matter. My cell is 403-829-9549.

Regards,

[signed]

Hugoline Morton
& the signatories in Schedule 1

Schedule 1 – Signatories to Letter

1.	Christie Martin	cemmartin@icloud.com	3827 7A St SW
2.	Chi Dang	cbdang@gmail.com	3806 8A st SW
3.	Ashley and Lynne Webster	lynnleannewebster@gmail.com	3801 8 ST SW
4.	Kim and Ian Bwint	kimbwint@shaw.ca	3622 10st SW
5.	Jacquelyn and Patrick Mitchell	jmitchell6609@gmail.com	3412 10th St SW
6.	Perminder Basran and Trevor	basran.perminder@gmail.com	3610 10th St SW
7.	Lisa Poole	llpoole@me.com	3637 6th St SW
8.	Nicky O'Brien & Pearse Cole	nickyobrien1@gmail.com	1216 34 Ave SW
9.	Risa Desa	risadesa@gmail.com	3411 9 st sw
10.	Julie McFadyen & Trevor Cossarini	julieandtrev@shaw.ca	3635 9 St SW
11.	Robert and Nancy Engbloom	robert.engbloom@nortonrosefulbright.com	3410 10 th St.SW
12.	Melanie and Christian Darbyshire	melanie.c.darbyshire@gmail.com	3628 9 St SW
13.	Alison & Ian Atkinson	aatkinson@shaw.ca	3811 9 St SW
14.	Karen Isley & Adam Kirton	karenillsey@icloud.com	3608 9 Street SW
15.	Hugoline Morton & Vern Yu	hugolinemorton@hotmail.com	3405 8A Street SW
16.	Aarnoud & Monica van Weelderen	aarnoud.vanweelderen@gmail.com	3404 8A Street SW
17.	Cathy & Jim Yu	cathyjmyu@gmail.com	3406 8A Street SW
18.	Laura & Adam Roberts	lauraroberts80@gmail.com	3404 11th St. SW
19.	Allison & David Warkentin	Allison.twiss@gmail.com	3403 8A St. SW
20.	Gail and Hector McFadyen	hectormcfadyen@shaw.ca	411 8A street SW
21.	Camille McCreath	CamillemcCreath@iCloud.com	3819 12th St. SW
22.	Gail and John Gorman	gailgorman@yahoo.com	3020 7th St. sw.
23.	Dianne and Tom Ferguson	tferguson@telus.net	1013 32 Ave SW
24.	Phyllis and Chris Robb	robb4@shaw.ca	
25.	Richard and Rosemary Buckland	rosemary.buckland@gmail.com	3615 12th St. SW
26.	Krista and Scott Ferguson	kristajferguson@hotmail.com	3803 10 Street SW
27.	Angela Roehm & Philip Pattison	philair@telus.net	3824 10 st sw
28.	Ken & Nicole Dixon	Nsdixon1@gmail.com	3619 12 St SW
29.	John and Andrea Clarke	clarkeyj@telusplanet.net	3627-12th St S.W
30.	Rhonda Fulton	rhonda@fultonfamily.ca	3808 9th Street SW
31.	Krista Poole	kmaymom@gmail.com	3633 7th Street SW
32.	Stephen and Jennifer Larke	jennifer.larke@yahoo.ca	3804 10 St. S.W.
33.	Steve and Magda Dizep	Magda@syrenamedical.com	919 38 Avenue SW
34.	Rick and Lorena McDonald	lorenadarbyshire@gmail.com	3630 8a St SW
35.	Frances and Frank Hagedorn	hagedorf@telus.net	3810 – 11 St. S. W.
36.	Jenny and Jesse Shouldice	jennyshouldice100@gmail.com	3607 13 th St. SW
37.	Tom and Holly Newton	swo@telusplanet.net	3807 10 Street SW
38.	Ellen & Bill Chidley	ellenchidley@icloud.com	1035 32 nd Ave. SW
39.	Carolyn Christie	cdchristie@shaw.ca	1016 32 nd Ave. SW
40.	Paul Kubik	pbkubik777@gmail.com	1006 32nd Ave SW
41.	Leslie Grieve	lesleygrieve@icloud.com	3804 11 St. SW

CAVEAT.

7648 FT.

THE REGISTRAR
FOR THE SOUTH ALBERTA LAND REGISTRATION DISTRICT:

TAKE NOTICE that the CANADIAN PACIFIC RAILWAY COMPANY
claims an interest in:

- 70.0 mb
- 70.0 mb
- OK.
RE TO FORM
Assistant Registrar
- Lots One (1) to Seven (7), Block Seventy-eight (78);
 - Lots One (1) to Nine (9), Block Seventy-nine (79);
 - Lots One (1) to Five (5) and Lot Eight in Block Eighty (80);
 - Lots Two (2), Three (3), Five (5), Six (6) and Seven (7), Block Ninety (90);
 - Lots One (1), Four (4) and Lots Eight (8) to Eleven (11) inclusive, Block Ninety-one (91);
 - Lots One (1), Seven (7), Eight (8) and Nine (9), Block Ninety-two (92); and
 - Lots One (1) to Eight (8) inclusive, Block Ninety-three (93), according to a plan of part of the City of Calgary, of record in the Land Titles Office for the South Alberta Land Registration District as Plan 3605 F.O., all standing in the register in the name of the Canadian Pacific Railway Company;

under and by virtue of an Agreement made between the Canadian Pacific Railway Company and Joseph J. Greenan, Barrister, and Mary P. Greenan (his wife), both of the City of Calgary, dated the 29th day of April, 1948, copy of which Agreement is hereto attached.

AND the Canadian Pacific Railway Company forbids the registration of any person as transferee or owner of, or of any instrument affecting the said estate or interest unless such instrument be expressed to be subject to its claim.

~~IT APPOINTS the Office of its Department of Natural resources in the City of Calgary, in the Province of Alberta,~~

as the place at which notices and proceedings relating
hereto may be served.

DATED this 29th day of April, A.D.1948.



Witness.

) CANADIAN PACIFIC RAILWAY COMPANY

) Per Leslie Munroe
) Leslie Munroe, Manager,
) Department of Natural Resources.

7648 F.T.

THIS AGREEMENT made in duplicate this 29th of
April, A.D.1948.

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,
(hereinafter called "the Owner"),

OF THE FIRST PART,

- and -

JOSEPH J. GREENAN, Barrister,
and MARY P. GREENAN, (his wife),
both of the City of Calgary, in
the Province of Alberta, (herein-
after called "the Purchasers"),

OF THE SECOND PART.



IN CONSIDERATION of the sum of Nine Hundred Dollars (\$900.00) paid by the Purchasers to the Owner, receipt of which sum is hereby acknowledged, the Owner has sold and agreed to transfer to the Purchasers Lot Seven (7), in Block Ninety (90), according to a plan of part of the City of Calgary of record in the Land Titles Office for the South Alberta Land Registration District as Plan No. 3605 F.O., subject to the following covenants, terms and conditions:

1. That the Owner shall, as and when requested by the Purchasers, transfer to the Purchasers said Lot Seven (7), Block Ninety (90), Plan No. 3605 F.O.
2. As the amount of the 1948 taxes in respect of the said Lot is not yet known, the Purchasers agree to pay the full year's taxes for the year 1948 in respect of the said lot, and upon production by them of their Tax Receipt, the Owner hereby

agrees to refund to them the proportion of the said taxes due from the 1st day of January, 1948, to the 31st day of March, 1948.

3. The Owner hereby agrees to insert in all Agreements for Sale entered into by the Owner for the sale of any one of the following lots or parcels of land, namely:

- Lots One (1) to Seven (7), Block Seventy-eight (78).
- × Lots One (1) to Nine (9), Block Seventy-nine (79).
- Lots One (1) to Five (5) and Lot Eight (8) in Block Eighty (80).
- Lots Two (2), Three (3), Five (5) and Six (6), Block Ninety (90).
- Lots One (1), Four (4), and Lots Eight (8) to Eleven (11), Block Ninety-one (91).
- Lots One (1), Seven (7), Eight (8) and Nine (9), Block Ninety-two (92); and
- Lots One (1) to Eight (8), Block Ninety-three (93), as shown on said plan No. 3605 F.O.,

restrictive covenants similar to the covenants hereinafter contained.

IT IS HEREBY COVENANTED AND AGREED with the Owner by the above mentioned Purchasers on behalf of themselves, their executors, administrators and assigns, and successors in title, as follows:

(a) That there shall not be erected or suffered or permitted to be erected or used or placed upon the said Lot Seven (7), Block Ninety (90), Plan 3605 F.O., any building whatsoever except for the purposes of a private residence and private garage in connection therewith.

(b) That there shall not be erected upon the said Lot more than one (1) such residence and garage.

(c) That there shall not be erected on the said lot any dwelling house to cost less than Seven Thousand Dollars (\$7,000.00), and same shall be of a neat design and completed in a proper and workmanlike manner.

(d) That if the said dwelling house consists of basement and one floor, the ground area occupied by same shall not be less than Twelve Hundred (1200) square feet, exclusive of the garage, and if it consists of One and a Half ($1\frac{1}{2}$) or more storeys, said dwelling house shall occupy a ground area of not less than One Thousand (1,000) square feet, exclusive of the garage.

(e) That no house or other building shall be located or placed on the said lot within Twenty-five (25) feet of the Street or Avenue, ^{any dwelling house} and shall be not less than Twenty-five (25) feet from the rear of said lot.

(f) That the said lot shall not be used for the purpose of a sand or gravel pit or quarry, and there shall not be removed or suffered or permitted to be removed any sand, gravel, stone or other material, except such as may be necessary for improving the lot or building thereon.

(g) That no house or other building on the said lot shall be used for mercantile, business or manufacturing purposes, and no work of an offensive, dangerous or noisy character shall be carried on which may be or become an annoyance or nuisance.

(h) That all work done on the said lot shall comply in all

- - -
respects with By-laws or Building Regulations of the City of Calgary.

(i) That covenants similar to the above shall be inserted in all Agreements for Sale made by the Purchasers for a resale of the said lot.

(j) That the Purchasers and their executors, administrators and assigns, and successors in title, shall observe the aforesaid restrictions applicable to the said lot, and that same shall be enforceable against him or them or on behalf of the owner or owners from time to time of any of the said lots or parcels of land referred to in Paragraph 3 hereof.

(k) That the restrictions aforementioned as imposed on each of the said lots or parcels of land referred to in Paragraph 3 hereof shall be enforceable by or on behalf of or against the owner or owners from time to time of any one or more of the said lots or parcels of land referred to in said Paragraph 3.

(l) The Purchasers shall be entitled to register in the Land Titles Office a Caveat protecting the restrictions above set out, and the transfer by the owner to the purchasers of the said lots or parcels of land referred to in Paragraph 3

hereof shall be expressed to be subject to said Caveat to be registered as aforesaid. X

IN WITNESS WHEREOF the Owner has caused these presents to be executed by the Manager of its Department of Natural Resources, and the Purchasers have hereunto set their hands and seals, all on the day and year first above written.

CANADIAN PACIFIC RAILWAY COMPANY

Per Leslie Munroe
Leslie Munroe, Manager,
Department of Natural Resources.

Betty Gablehaus
Witness.

Betty Gablehaus
Witness.

Joseph J. Greenan
Joseph J. Greenan.

Mary P. Greenan
Mary P. Greenan.

CANADA)
PROVINCE OF ALBERTA)
TO WIT: v)

I, Cecil J. Weob, of the City
of Calgary, in the Province of Alberta, Secretary,
make oath and say:

1. THAT I was personally present and did see Leslie
Munroe, Manager of the Department of Natural Resources of the
Canadian Pacific Railway Company at Calgary, in the Province
of Alberta, named in the within instrument, who is personally
known to me to be the person named therein, duly sign and
execute same for the purposes named therein.

2. THAT the same was executed at the City of Calgary,
in the Province of Alberta, and that I am the subscribing
witness thereto.

3. THAT I personally know the said Leslie Munroe,
and he is in my belief of the full age of twenty-one years.

SWORN before me at the City
of Calgary, in the Province
of Alberta, this 21st day
of May, A.D. 1948.

Cecil J. Weob

E. O. Hinemell

A COMMISSIONER FOR OATHS in and for the
Province of Alberta.

CANADA)

PROVINCE OF ALBERTA)

TO WIT:)

I, Betty Galbreath, of the City of
Calgary, in the Province of Alberta, Stenographer,
make oath and say:

1. THAT I was personally present and did see Joseph J.
Greenan and Mary P. Greenan named in the within instrument,
who are personally known to me to be the persons named therein,
duly sign and execute the same for the purposes named therein.

2. THAT the same was executed at the City of Calgary,
in the Province of Alberta, and I am the subscribing witness
thereto.

3. THAT I personally know the said Joseph J. Greenan
and Mary P. Greenan, and they are in my belief of the full
age of twenty-one years.

SWORN before me at the City)
of Calgary, in the Province)
of Alberta, this 5th day)
of May, A.D. 1948.)

Betty Galbreath

A. C. Dury

A COMMISSIONER FOR OATHS in and for the
Province of Alberta.

CANADA)

PROVINCE OF ALBERTA)

TO WIT:)

I, Leslie Munroe, of the City of Calgary, in the Province of Alberta, Manager, make oath and say:

1. THAT I am agent of the above-named Caveator.

2. THAT I believe I have a good and valid claim upon the said lands and I say this Caveat is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the City of Calgary, in the Province of Alberta, this 21st day of May, A.D. 1948.

Leslie Munroe

[Signature]

A COMMISSIONER FOR OATHS in and for the Province of Alberta.

DATED

D. 194

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,

OF THE FIRST PART,

- and -

JOSEPH J. GREENAN & MARY P. GREENAN,

OF THE SECOND PART.

A G R E E M E N T.

File 16129
RRM/JAF

JAMES Mc CAIG, K.C.
C.P.R. SOLICITOR
CALGARY, ALBERTA.

7648 F.T.

April 1948

EXTRA NEW TITLE
TERRA PER CERT
TGN. THE

ALL FEES	
AMOUNT	
VALUE	
DATE	
REMARKS	

Legal Aff.

Lots 1 to 7, Block 78; Lots 1 to 9, Block 79; Lots 1 to 5, and Lot 8, in Block 80; Lots 2, 3, 5, 6 and 7 in Block 90; Lots 1, 4, and Lots 8 to 11 inclusive, Block 91; Lots 1, 7, 8 and 9, Block 92; and Lots 1 to 8 inclusive, Block 93.

LAND TITLES OFFICE
CALGARY
700 246
247

CAVEAT

I certify that the within instrument is duly Entered and Registered in the Land Titles Office for the South Alberta Land Registration District at Calgary, in the Province of Alberta at _____ o'clock _____ M., on the _____ day of _____ A.D., 19____ Number _____ Block _____ Folio _____ Registrar S. A. L. R. D.

16129

C.F.R. BELLER
CALGARY, ALBERTA.

UNDERTAKING 6

From: Jane Virtue <janevirtue@icloud.com>
Subject: Re: Elbow Park Development
Date: January 8, 2020 at 12:48:45 PM MST
To: Margo Coppus <margo@coppus.ca>
Cc: Tom O'Leary <thomas.oleary@dentons.com>

Hi Margo,

I just got off the phone with Zahra and Ali regarding the property located at 1023 32 Ave SW. It is a corner lot and they want to subdivide into two 50 foot and 47 foot lots. I told them that it seemed reasonable. There are no back alley garages and so they would design front garages which is in keeping with the other homes around them. There is a mixture of different sized lots in that area and I don't see issue with the subdivision except that the bungalow beside them may have a problem losing the light etc. They say they are considering a 3500 sq foot home and recognize the desire to keep wide side yards. This is a corner lot so may be more conducive to the subdivision. There would be one garage facing 9 Street and the other facing 32 Street so would not be side by side garages. I explained the process of the planning committee once a DP has been sent to EPRA and cautioned them about things that residents may oppose or get upset about. I suggested that they try to speak to the neighbours about the design and tree cutting etc in order to keep communication open. I spoke in terms of what residents may oppose versus the Planning Committee or Board opposition. I talked about breezeways, side yards, trees, garages, height of home, weird designs as red flags they should avoid. Let me know any thoughts you have. They have not purchased the lot as yet.

Thanks and I hope you are enjoying your holiday!!

Jane

On Jan 8, 2020, at 9:54 AM, Margo Coppus <margo@coppus.ca> wrote:

Hi Jane,

If you happen to talk to Zahra can you find out what lot they are interested in? The width of the lot is more important than the square footage. As long as it is 80' min, there is no problem in subdividing it into two 40' lots. Hopefully it is not along the river.

Margo

Begin forwarded message:

From: "Allidina, Zahra" <zahra.allidina@esso.ca>
Subject: RE: Elbow Park Development
Date: January 7, 2020 at 11:18:48 AM PST
To: Margo Coppus <margo@coppus.ca>
Cc: "president@elbowpark.com" <president@elbowpark.com>

Hi Margo,

Thanks for your reply, and your offer to answer questions. We can catch up after Feb 5 and in the meantime if Jane is available, I can chat with her. Jane, I have also sent you a note and would be happy to chat at your convenience.

My husband and I are interesting in a lot in Elbow Park and it is our desire to build a home there. We are a young professional family (with two small kids) and have lived in Altadore for the past 7 years. The lot we are interested in is quite large (10,790 sq ft), and our intention would be to build a 3500 sq ft home. Given the lot size, we don't need that much space and would be looking to subdivide the lot to allow for the build of another 3500 sq ft home. Each "new lot" would then be 5,561 sq ft and 5,316 sq ft according to our architect .

We've checked with the City and our Architect and both seem to think that the lot meets all the requirements to be subdivided, but I was hoping to run through this in greater detail with the Community Association, to seek guidance and their support.

We would love to settle down in and build our home in Elbow Park. Looking forward to meeting you both and to chatting with you Jane.

Regards,

Zahra

Zahra Allidina

Counsel

Law Department, Imperial Oil Limited

505 Quarry Park Blvd SE, Calgary AE T2C 5N1 | P5A163

zahra.allidina@esso.ca P 587.476.393

imperialoil.ca | [Twitter](#) | [YouTube](#)

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From: Margo Coppus [<mailto:margo@coppus.ca>]
Sent: Monday, January 6, 2020 6:30 PM
To: Allidina, Zahra <zahra.allidina@esso.ca>
Cc: president@elbowpark.com
Subject: Re: Elbow Park Development

Hi Zahra,

Thanks for contacting us for information.

I am the Chair of the Elbow Park Development Committee and would like to answer any questions you have. Unfortunately I am out of the country until about Feb 5. Would you be able to email your questions?

Jane is also quite familiar with the Elbow Park Developments and I will leave it up to her to give you a call while I am away.

Once I am back, we can invite you to a development permit review meeting with the committee to present your plans/ideas. At that time we can give you some feedback.

Hope this helps,

Margo Coppus

From: Allidina, Zahra <zahra.allidina@esso.ca>

Sent: January 2, 2020 12:25 PM

To: president@elbowpark.com

Cc: O'Leary, Thomas P.

<thomas.oleary@dentons.com>; ali.l.tejpar@gmail.com

Subject: Elbow Park Development

Hi Jane,

Happy New Year! Hope you are doing well and had a restful holiday break. I received your contact information from the Elbow Park Community Association website and from a conversation with Tom O'Leary.

I am wondering if you have a few minutes to chat some time in the next few days? My husband and I are looking to potentially build a family home in Elbow Park and we were hoping to run a few questions by you about zoning. We are still in the very early stages of considering this, but trying to do our research! We have also just spoken to Tom and he suggested that we also reach out to you.

Please let me know if you might have a few minutes to chat. We can provide more details and information on our intention. Thanks very much!

Zahra
(403) 613-9261

Zahra Allidina

Counsel

Law Department, Imperial Oil Limited


505 Quarry Park Blvd SE, Calgary AB T2C 5N1 | P5A163

zahra.allidina@esso.ca P 587.476.1393

imperialoil.ca | [Twitter](#) | [YouTube](#)

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UNDERTAKING 8



From: Jane Virtue <janevirtue@icloud.com>
Subject: Urgent Request
Date: September 4, 2020 at 1:41:48 PM MDT
To: Meghan.dunnette@calgary.ca
Cc: Cpag.circ@calgary.ca

Dear Meghan

A letter from Margo Coppus from the EPRA Development Committee was sent to you regarding SB2020-0165, Lot 1, Block 91 - 1023 32 Ave SW a few days ago. Margo neglected to send this letter to the EPRA Board for approval.

The letter does NOT reflect the opposition to this subdivision and has misrepresented many of the neighbours who were in attendance.

I respectfully ask you to please disregard the letter and a revised letter from EPRA will be sent to you ASAP.

Given that it is the long weekend, I am currently travelling in Ontario and many of our Board members were preoccupied with school for their children I am hopeful you will accept a revised letter on Tuesday or Wednesday of next week.

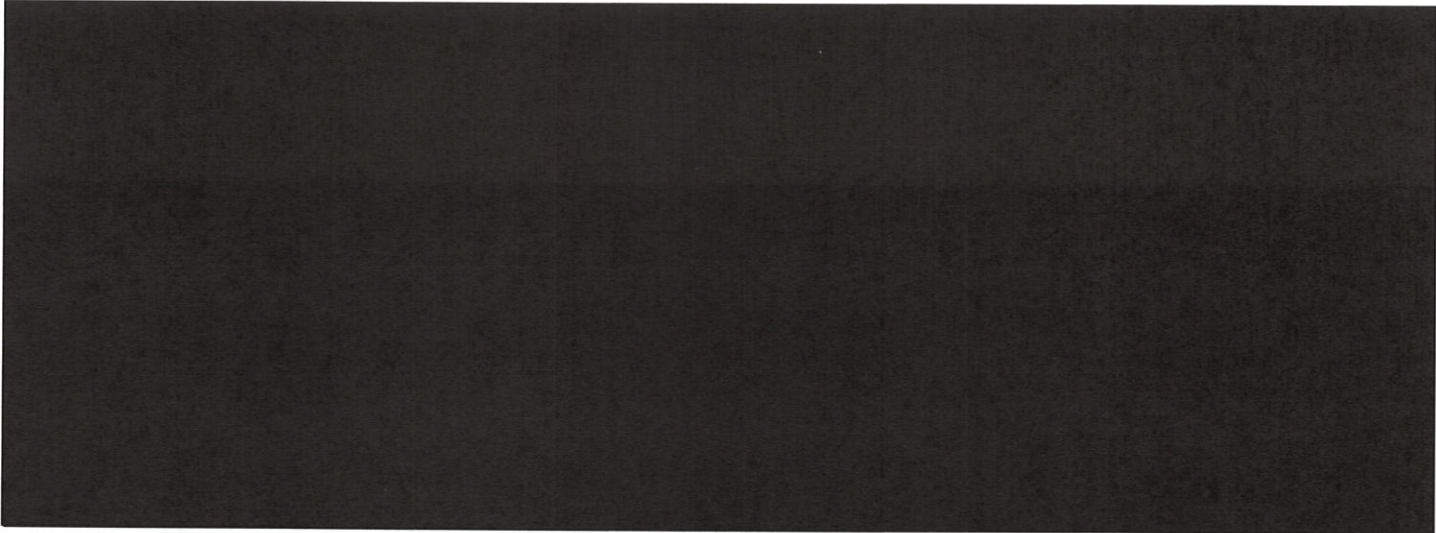
Please accept my sincere apologies for this unusual and unfortunate request.

Please respond ASAP as I know that there is a deadline.

Best Regards,

Jane Virtue
President EPRA

Sent from Jane's iPhone



From: Jane Virtue <janevirtue@icloud.com>
Subject: Revised Letter from EPRA for SB2020-0165
Date: September 7, 2020 at 7:07:05 PM MDT
To: Meghan.dunnette@calgary.ca, Cpag.circ@calgary.ca

Hi Meghan,

Please find attached the revised letter from EPRA in regard to SB2020-0165 as mentioned in my voicemail to you. If you are able to let me know that you have received it I would appreciate it.

Best Regards,

Jane Virtue
President EPRA

Date: September 7, 2020

Ms. Meghan Dunnette

City of Calgary

Planning, Development Assessment #8201 Municipal Building, 800 Macleod Trail S.E. Calgary, AB T2P 2M5

Sent via email: Cpag.circ@calgary.ca Meghan.dunnette@calgary.ca

Dear Meghan,

I left you a voice message on Friday, August 4 indicating that EPRA will submit a REVISED letter to replace the letter previously sent on August 27. Please accept the following Revision:

Re:SB2020-0165

A meeting of the Development Review Committee was held on August 27, 2020. The applicant and several neighbours joined the meeting.

Following the meeting, there has been a flurry of additional input from neighbours who were either away and unable to attend or who were unaware of the meeting.

EPRA has received several responses from residents indicating their adamant opposition to this application. EPRA would like to file the following specific concerns that were highlighted by residents at the meeting and in follow up.

1. Contextual Sensitivity:

People choose to invest in Elbow Park and raise their families in Elbow Park because of its charm and character. Charm and Character created by large tree canopies on our streets, back expansive landscaped front yards, century old homes mixed with new, landscaped front boulevards, impressive gardens, pathways leading to the river and yards that make it easy to visit with your neighbour. The residents of Elbow Park have spoken clearly in a recent EPRA survey that they want to preserve this character of our neighbourhood.

EPRA is opposed to this particular subdivision because it will negatively impact the character of Elbow Park. When one home is built on a 100 foot lot, there is enough room to provide for larger side yards between homes, there is only one front garage versus two, there is more room for green space and vegetation and the streetscape remains intact.

The proposed subdivision would result in the construction of two homes with an elevation dominated by driveway and garage. The impact is a driveway versus grass, the loss of trees and less soft landscaping between homes.

The reason that people love Elbow Park is because we can walk down our sidewalks and feel like we have a bit more nature than urban concrete. If we continue to replace our green grass and gardens with concrete, the character of our neighbourhood is damaged. The entire community loses out.

When there is space between homes, more light is able to shine into the yard of the neighbouring home, there is more space & light for vegetation to be planted and there is more space for people to chat over their fences. This is the character of Elbow Park that people love, and, it needs to be protected.

Historically, others also wanted to protect the character of Elbow Park and they did this by designating it as RC1 on a variety of different lot sizes. Subdivisions of the larger lots in Elbow Park slowly, but, surely negatively impacts the character and social fabric of our neighbourhood.

It may not seem like a big deal to approve one subdivision, however, there has been a trend to subdivide lots and EPRA is opposed to this practice. We do not want the trend to continue and we do not want the City to become complacent and base their decisions on this trend.

When you walk down a sidewalk in Elbow Park, there are very few front garages as a result of garages off of the back alley. The experience is much different walking down a sidewalk where the front of the house is greenery and garden versus concrete driveway. It is not possible for back garages on this particular lot. Subsequently, front garages and driveways are necessary. Two driveways significantly reduces the amount of landscaped yard. Having two driveways doubles that impact and negatively impacts the streetscape for not just the residents living on the street, but those who walk through our neighbourhood to the river pathways every day.

2. Retaining wall and drainage along the west property line.

The neighbour abutting this property line expressed concerns that the existing retaining wall will not withstand any construction related stress. He would like to see a condition put on the subdivision approval to ensure that a potential buyer will construct an adequately designed retaining wall. His concern is not only for the finished product but to ensure adequate stabilization during construction as well. There have been several issues with improper stabilization and subsequent collapse of retaining walls during construction in Elbow Park. In some cases this has resulted in damage to neighbouring properties and litigations.

3. Preservation of mature trees and flood mitigation.

There are several healthy mature trees that add to the character of the neighbouring properties. The Applicant assured that he will do anything in his power to retain these trees. According to his preliminary design, he will only need to remove one tree. If any other trees are removed, they will replant slightly mature trees as replacement. This is not acceptable. The canopy of mature trees is one of Elbow Park's defining characteristics and must be preserved.

Some of these trees will be on the west parcel of the subdivided lot and there is concern that nothing can be done to ensure the survival of these trees other than hope that the future owner will value these trees as well. This is unacceptable.

There has been a significant loss in the number of mature trees due to the degree of house and garage lot coverage in several recent developments. The lots are being overbuilt and Elbow Park wants to reverse this trend. This is a serious issue that requires attention as we know that trees and their capacity for water absorption are one of the best defences in flood mitigation and protection from climate change.

3. Utility Easement along the west side?

The neighbour to the south mentioned that she has an easement along her west property line and was wondering whether this easement continues along the subject property. Nobody seemed to know about this. It should be investigated.

4. Privacy for the neighbour to the south.

The Applicant explained that the preliminary design for his house will have all setbacks as per R-C1 bylaw and possibly a bigger setback to the south.

They are planning to have a 2-story Great Room to the south, so there won't be any second story windows overlooking the backyard. However, promises have been made and broken in other development applications with no recourse. This has created tremendous conflict in the neighbourhood. The privacy concerns remain.

Due to the above noted concerns and the degree of opposition from Elbow Park residents, we object to this subdivision. We respectfully request that the application is denied.

Regards,

Jane Virtue
EPRA President