



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

December 20, 2022

Re: Appeal of Development Application No. 14227
Appellant: Karstan Lachman
Land Use: Highway Commercial (C-H)

Upon receiving a request from the Appellant, it is the decision of the Subdivision and Development Appeal Board that the appeal hearing set for December 22, 2022 is adjourned, and the Hearing regarding an application for a change of use from "fitness facility" to "medical and Health Office (outpatient)" at 30 1917 Mayor Magrath Drive South will be held **Thursday, January 19, 2023 starting at 5:00 p.m.** It will be held in the Council Chambers, Main Floor, City Hall, 910 – 4 Avenue South.

The reasons for the decision:

- The appellant's representative requires time to properly prepare for the appeal; and
- The appellant's representative requires time to obtain relevant records.

In the interests of natural justice, the Board granted an adjournment.

As before, persons affected by this development have the right to present a written, verbal and/or visual submission to the Board. When making a presentation, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision. It is recommended that you limit your presentation to five minutes.

If you wish to submit written material to the Board, it should be delivered to the Secretary of the SDAB via email at david.sarsfield@lethbridge.ca, including your full name and mailing address no later than 12:00 noon on the Tuesday prior to the hearing. If you are unable to meet this submission deadline, please bring 12 copies of the materials to the Hearing and it will be distributed at the start of the Hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations to the Board. Please feel free to contact me at 403 329 7329 if you have any questions.

Please contact this Office if you have any questions regarding the decision. A copy of this decision has been mailed to the owner of the property, and the persons who filed the appeal.

Yours truly,

Andy Cimolai, Board Chair,
Subdivision & Development Appeal Board

Mariko Constable
E-mail: mc@huckvale.ca
Assistant: Carrie L. Pakula
Email: cp@huckvale.ca
Our file: 22-3865

Via Email: david.sarsfield@lethbridge.ca

December 16, 2022

The City of Lethbridge Subdivision and Development Appeal Board ("SDAB")
910 – 4th Avenue South
Lethbridge, Alberta, T1J 0P6

Attention: David Sarsfield, Board Secretary – SDAB

**Re: SDAB # 2022-04 30 1917 Mayor Magrath Drive South
Appeal of Refused Development Permit Application No. DEV14227**

We have been recently retained by Dr. Karstan Lachman, the applicant/appellant for the aforementioned permit/appeal, to represent him in the aforementioned matter.

We are currently in the process of reviewing the matter as well as obtaining records for the appeal. As we have just been recently retained, we are asking for a postponement of the hearing scheduled for **Thursday, December 22, 2022 at 5:00pm** for the following reasons:

- we require time to properly prepare for the appeal;
- we require time to obtain relevant records (some of which we will not receive until after the scheduled hearing date); and
- the writer is already committed other matters on the date of the hearing.

We apologize for this inconvenience and request that the hearing be postponed until at least mid-January of 2023. If you have any questions or concerns, please do not hesitate to contact the writer.

Yours Truly

,HUCKVALE LLP



Per: **MARIKO CONSTABLE**

MC

cc: Dr. Karstan Lachman

07 December 2022

Dr. Karstan Lachman
1013682 AB Ltd.
#10 – 1917 Mayor Magrath Dr S.
Lethbridge, AB T1K 2R8

Dear David Sarsfield,

RE: Request for adjournment of hearing to January 2023

I am unable to attend the scheduled hearing on December 22, 2022. Please schedule a new date in January 2023.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'K. Lachman', written in a cursive style.

Dr. Karstan Lachman



CITY OF *Lethbridge*

Office of the City Clerk

December 6, 2022

RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

An appeal has been filed against the decision of the Development Officer on December 2, 2022 to refuse a development application for a change of use from "fitness facility" to "medical and Health Office (outpatient)" at 30 1917 Mayor Magrath Drive South.

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 200 feet or 60 meters of the development are notified of the hearing by way of this letter. In addition, the owner of the property will also receive a copy of this letter.

The Subdivision and Development Appeal Board (SDAB) will hold a Public Hearing as follows:

DATE: Thursday, December 22, 2022
TIME: 5:00 p.m.
LOCATION: Council Chambers, Main Floor, City Hall
910 – 4 Avenue South

Persons affected by this development have the right to present a written, verbal and/or visual submission to the Board. When making a presentation, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision. It is recommended that you limit your presentation to five minutes.

If you wish to submit written material to the Board, it should be delivered to the Secretary of the SDAB via email at david.sarsfield@lethbridge.ca, including your full name and mailing address no later than 12:00 noon on the Tuesday prior to the hearing. If you are unable to meet this submission deadline, please bring 12 copies of the materials to the Hearing and it will be distributed at the start of the Hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations to the Board. Please feel free to contact me at 403 329 7329 if you have any questions.

Yours truly,

David Sarsfield
Board Secretary,
Subdivision and Development Appeal Board

Address: 1917 MAYOR MAGRATH DR S
Legal: 1610059;;CS

District: C-H

Address: 30 1917 MAYOR MAGRATH DR S
Legal: 1610059;3

District: C-H

Applicant: LACHMAN, KARSTAN
Address: 1917 MAYOR MAGRATH DR S LETHBRIDGE, AB T1K 2R8

Phone: 403-382-2273

Development Proposed Unit 30 - 1917 Mayor Magrath Dr S.
- Application for: Change of use from 'fitness facility' to 'Medical and Health Office (outpatient)' – for a psychology office.
- Application for: Parking Spaces waiver - 5 spaces.

District C-H HIGHWAY COMMERCIAL

Land Use MEDICAL & HEALTH OFFICE (OUT) - PERMITTED

REASONS FOR REFUSAL

DEVELOPMENT PERMIT APPLICATION – REFUSED.

Reasons for Refusal:

1. The scale or ratio (25%) of the proposed parking spaces waiver, an additional 5 spaces, is excessive.
2. It cannot be concluded that a proposed parking spaces waiver would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.
3. It cannot be concluded that a proposed parking spaces waiver would not contribute to a breach, or non-compliance with, the performance requirements of easement agreement 111 234 010. While the easement agreement is a private agreement, Land Use Bylaw 6300 includes regulation that:
Section 5. Compliance with Other Legislation.
A person or activity complying with this Bylaw must also comply with:
(3) the conditions of any caveat, covenant, easement, contract or agreement affecting the Use or Development of land or Buildings.
4. It cannot be concluded that a proposed parking spaces waiver would not unduly interfere with the amenities of the neighbourhood.

ATTACHMENTS:

- Dev14227 - Refusal Decision Informative
- Zip File, Dev14227 - Refusal Decision Informative, attachments

Decision Date

Dec 02, 2022

**Development.
Authority**_____
KEVIN DEAUST, DEVELOPMENT OFFICER**STATUTORY PLANS**

The SSRP and applicable municipal statutory plans were considered in rendering this decision.

APPEALS

The applicant has the right to appeal this decision to the Subdivision and Development Appeal Board. An appeal shall contain a statement of the grounds of appeal and shall be delivered either personally or by Registered Mail so as to reach the Secretary of the Subdivision and Development Appeal Board not later than twenty-one (21) days after the decision date indicated on the Development Permit or 'Development Permit Application - Refused' letter.

FOIP

The personal information provided as part of this permit is collected under the Alberta Municipal Government Act and in accordance with section 33(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, Land Use By-law 6300 compliance verification and monitoring, and property assessment purposes. The name of the permit holder and the nature of the permit is available to the public upon request and may be revealed in public appeal processes.

If you have questions about the collection or use of the personal information provided, please contact Information Management at 910 4 Ave S Lethbridge, AB, T1J 0P6 or phone at (403) 329-7329, or email planninganddesign@lethbridge.ca.

Application No. DEV14227

Development Application Dev14227 - Refusal Decision Informative

Land Use Bylaw 6300 regulations indicate that the Development Authority may grant a waiver of the parking and loading requirements described in Section 63, if the resulting proposed Development:

- (i) would not unduly interfere with the amenities of the neighbourhood
- (ii) would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Proposed parking spaces waiver conclusions.

1. The scale or ratio (25%) of the potential parking waiver, an additional 5 spaces, is excessive.
 - Existing approved parking waiver [temporary] is 1 space.
 - Proposed parking waiver is 5 spaces. This would result in a total of 6 spaces waived, which is 25% more than the existing parking supply of 24 spaces [$6 / 24 = 25\%$].
 - A 'medical and health office (outpatient)' use is one of the more parking intensive land use classifications. Unit 10 is already approved with a 'medical and health office (outpatient)' use, and the unit area is more than double [372m²] the size of Unit 30 [161m²].
 - The parking requirement for Unit 10 is 13 spaces, calculated and approved, in alignment with an earlier version of the land use bylaw. If unit 10 were re-calculated based on the current land use bylaw, a higher calculation would be anticipated.
 - It should be noted that the 'medical and health office (outpatient)' use includes a range of potential occupancies that could occur within the space.
 - This could include a psychology or counselling office, a medical or dental clinic, or other health and wellness clinics or services.
 - Land use bylaw regulations indicate that 'the Use of land or the Use of a Building is not affected by reason only of a change in ownership, tenancy or occupancy'.
 - The 'use' and any waiver(s) associated to the 'use' would continue and not terminate upon cessation of the tenancy or occupancy.
 - It is important to recognize that land use regulations do not look to regulate the day to day operations of a business [i.e. days/hours, staff, customers/clients].
 - Businesses are unique and will adjust their day to day operations to suite their individual business needs and are likely to evolve over time. Land use regulation does not look to restrict the ability of a business to modify their day to day operations, and this would also not be feasible from a compliance monitoring perspective.

2. It cannot be concluded that a proposed parking spaces waiver would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.
 - There are not any adjacent roadways having a supply of public parking spaces.
 - The supply and availability of on-street parking spaces can minimize the impact of a parking spaces waiver but a waiver still requires careful consideration recognizing that on-street parking spaces are public spaces, and not intended for the sole benefit of a private property.
 - Given the site design and configuration of the parcel it would be reasonable to anticipate that the neighbouring property, 1921 Mayor Magrath Dr S, may be impacted by a parking waiver.

- In support of the waiver proposal the applicant was advised that if they were able to supply a letter of support for a +/- 6 space parking waiver from the neighbouring property, 1921 Mayor Magrath Dr S, that would be a significant support item.
 - It was relayed that if the neighbouring property owner offers their support, that it would be expected that they are aware of, and not concerned with, the possibility that their parking lot may be used by customers or employees of the applicants building, 1917 Mayor Magrath Dr S.
 - The neighbouring property owner, 1921 Mayor Magrath Dr S, did not offer support for a parking waiver and has relayed that they have experienced recurrent parking issues.
3. It cannot be concluded that a proposed parking spaces waiver would not contribute to a breach, or non-compliance, with the performance requirements of easement agreement 111 234 010.
- While the easement agreement is a private agreement, Land Use Bylaw 6300 includes regulation that:
 - Section 5. Compliance with Other Legislation.
 - A person or activity complying with this Bylaw must also comply with:
 - (3) the conditions of any caveat, covenant, easement, contract or agreement affecting the Use or Development of land or Buildings.
4. It cannot be concluded that a proposed parking spaces waiver would not unduly interfere with the amenities of the neighbourhood.
- The adjacent private parcel directly north, 1515 Lakeview Dr S, is owned by the City of Lethbridge [Municipal Corporation]. This parcel's land title is designated as community reserve. The parcel is zoned P-R, Park and Recreation, and the zoning district's purpose is for the development of park, recreational, cultural or community assembly uses.
 - The parcel known as 'Lakeview Greenstrip South' is a linear park and it would be reasonable to consider the park a neighbourhood amenity.
 - At the trailhead to the linear park there are +/- 10 parking spaces available for public use.
 - It is quite probable that some of these spaces may be used on a fairly recurrent basis by the nearby private lands and development.
 - It is important to recognize that these parking spaces are public spaces, and not intended for the sole benefit of a private property.

1917 Mayor Magrath Dr S. Current development application proposal.

Unit 30. Development Application, File no. Dev14227

- Application for: Change of use from 'fitness facility' to 'Medical and Health Office (outpatient)' – for a psychology office.
- Application for: Parking Spaces waiver - 5 spaces.

-
- Use application: Medical and Health Office (outpatient)
 - Parking calculation: Unit 30 GFA = 161m². Parking at 1 space per 15m² GFA.
161m² / 15m² = 11 spaces (rounding principles applied).
 - Parking requirement: 11 spaces.
 - Proposed parking waiver: 5 spaces.
- Unit 10. Requires 13 parking spaces [Dev06458]
Unit 20. Requires 5 parking spaces [Dev10523]
Unit 30. Calculated requirement of 11 parking spaces

29 parking spaces total required.

24 parking spaces total supplied.

= 5 spaces undersupplied.

Unit 30. Proposal Evaluation for alignment with Land Use Bylaw 6300 regulation.

- C-H Highway Commercial. Parcel zoning district.
- A 'Medical and Health Office (outpatient)' use is a permitted use in the C-H district.
 - A **permitted** use means Use of land or buildings in a district for which, unless exempted from requiring a Development Permit, a Development Permit must be issued with or without conditions, if the proposed Development conforms with this Bylaw.
 - '**Medical and Health Office (Outpatient)**' means Development providing medical and health care on an outpatient basis and may incorporate a dispensary which sells pharmaceutical and related medical supplies as an Accessory Use. This term refers to Uses such as medical and dental offices, clinics and health and wellness services such as physiotherapy, counselling, chiropractic, naturopathic and therapeutic massage.
 - A parking space required by this Bylaw shall be located: (i) on the same Parcel as the Use or Building for which it is required.
 - Parcel means the aggregate of the one or more contiguous areas of land described in a certificate of title.

1917 Mayor Magrath Dr S. Development Approvals, Redevelopment and Post-redevelopment.

Units 10, 20, 30. Development Approval Permit Dev06458 [Sept 2014].

- Application for: Site and Building Redevelopment- 3 CRU Units within building [10, 20, 30].
 - Use approval, Unit 10: Medical & Health Office (outpatient).
 - Parking Req., Unit 10: 13 spaces.
 - Use approval, Units 20 & 30: Office.
 - Parking Req., Units 20 & 30: 9 spaces.
-
- Total Parking Required: 22 spaces.
 - Total Parking Supplied: 22 spaces.

Unit 30. Development Approval Permit Dev07129 [July 2015].

- Application for: Change of use from 'office' to 'fitness facility'.
- Application for: Site plan revision. Increasing parking supply to 24 spaces.

- Use approval: Fitness Facility.
- Parking requirement: 6 spaces.
- Total parking requirement: 24 spaces.
- Total parking supplied: 24 spaces.

Unit 20. Development Approval Permit Dev10523 [Oct 2018].

- Application for: Change of use from 'office' to 'retail cannabis store'.
- Application for: Single space parking waiver.

- Use approval: Retail Cannabis Store.
- Parking waiver: 1 space.
(a) based on shared use provisions.
(b) temporary. Expires with cessation of land use, and not transferable to another use.
- Parking requirement: 5 spaces.
- Total parking requirement: 24 spaces.
- Total parking supplied: 24 spaces.

1917 Mayor Magrath Dr S. Parcel Access [includes access to the parcel parking].

- 1921 Mayor Magrath Dr S. provides access to 1917 Mayor Magrath Dr S.
- Access Right of Way Plan: 921 2478
- Access Easement Agreement: 111 234 010 (amending 921 304 898).
Resulting from settlement agreement. Court of Queen's Bench of Alberta [File No. 1106-00364].

Grantor: 1921 Mayor Magrath Dr S [Plan 921 2477, B7, L20].
Grantee: 1917 Mayor Magrath Dr S [Plan 921 2477, B7, L19].

1. For greater certainty, the parties acknowledge and agree that the Right-of-Way Easement registered on the title to the Lands of the Grantor and Grantee on December 2., 1992, bearing instrument number 921 304 898, does not grant, permit or allow the Grantee or its invitees to use the Grantor's Lands outside the roadway delineated as Area "A" on Plan 9212478, nor does the said Right-of-Way Easement permit the Grantee or its invitees to park on the Grantor's Lands.

Aerial View [2021] showing Access ROW Plan 921 2478



Attachments:

- a, Development Application Package
- b, Applicant info requests & responses
- c, 1917 MMDS letter waiver support request
- d, 1921 MMDS email cannot support waiver
- e, 1515 Lakeview Dr S - CofL Property Info
- f, easement agree 111234010 amending 921304898
- g, 1917 MMDS, GIS Property Info & Aerials
- h, 1921 MMDS, GIS Property Info & Aerials
- i, LUB 6300 excerpts
- j, Applicant email [Dec 1 22], Psychology Office - Operations Info



CITY OF
Lethbridge

NOTICE OF APPEAL
Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the *Municipal Government Act* and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

Site Information			(Date Received Stamp)
Municipal Address of Appeal #30 1917 Mayor Magrath Drive South			
Legal Description of Site (must be completed for subdivision appeals) 1610059;;CS			
Development Application Number or Subdivision Application Number DEV 14227			
Appellant Information			
Name Kasstan Lachman			
Mailing Address 133 Canyon Close			
City Lethbridge	Province Alberta	Postal Code T1K6W6 (Office use Only)	
Residence # 403 328 8553	Business # 587 257 2665	Email dr.lachman@cooldental.ca	

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

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

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

The grounds for this appeal are as follows:

Parking bylaws are completely unreasonable given the type of use. Tenant only sees on average 15 patients /week. The requirement of 11 parking spaces is grossly over what is needed.

(Attach a separate page if required)

This Personal information is collected under the authority of the Freedom of Information and protection of Privacy Act, Section 33(c) and the Municipal Government Act, Sections 6788 and 685 Note: **This information will form part of a file available to the public**, if you have any questions regarding the collection of this information, contact the FOIP Coordinator at (403) 329-7329.

Signature of Appellant		Date 2021/12/05
FOR OFFICE USE ONLY		
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD
		Date Appellant Notified YYYY MM DD

Development Permit Application

Multi-Family, Commercial, Industrial, and Public Use Developments

All of the following information is necessary to facilitate a thorough and timely evaluation and decision of your application. All materials submitted must be clear, legible and precise. Only applications that are complete will be accepted. **PLEASE NOTE: this application is ONLY for a development permit.** If a building permit is also required, you must apply for it separately.

Project Address
#30 1917 Mayor Magrath Drive South

Access Code

Applicant

Name Karstan Lachman

Address 1917 Mayor Magrath Drive South

City Lethbridge Postal Code T1K 2R8

Phone 403 382 2273

E-mail dr.lachman@cooldental.ca

Signature 

Property Owner

Name 1013682 AB Ltd.

Address 133 Canyon Close

City Lethridge Postal Code T1K 6W6

Phone 403 328 8553 B/L # 865276950

E-mail dr.lachman@cooldental.ca

Signature 

Providing an email means you consent to receiving documents or communications related to this application, including but not limited to development permit decisions, acknowledgments confirming an application is complete, and any notices identifying any outstanding documents and information, by email.

- Does the property have any registrations on title? Yes No
- Have you reviewed any registrations on title? Yes No

As the applicant I affirm:

- I am the registered owner of the above noted property
- I have entered into a binding agreement to purchase the above noted property with the registered owner(s)
- I have permission of the registered owner(s) of the above noted property to make the attached application for a Development Permit

RECEIVED

By Leda Kozak Tittsworth at 12:06 pm, Nov 07, 2022

Description of Work: (Check all applicable)

- New Commercial, Industrial, or Public Use New Multi-Residential Building Site & Civil Amendments Compliance Waiver
- Addition to Existing Exterior Alteration Landscaping
- Change of Use WECS Solar Energy System

Detailed Description of Work:

Parking waiver for Unit #30 for change of use.

All personal information collected on this form is collected under the Municipal Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits and planning & development purposes. Please Note that such information may be made public. If you have any questions about the collection, use, or disclosure of the personal information provided, please contact Information Management at 910 4 Ave S, Lethbridge, AB, T1J 0P6 or by phone at 403-329-7329

Development Permit Application

Multi-Family, Commercial, Industrial, and Public Use Developments

All Buildings, Alterations, and/or Additions to Existing Buildings

Occupant / Use Psychology Office # of off-street parking stalls 24 Total Site Area (M²) 773

Total Gross Floor Area (m²) including all floors and mezzanine for each separate use

Use 1 174m² Use 2 _____ Use 3 _____ Use 4 _____ Use 5 _____

Total Net Floor Area (m²) for C-D (Downtown Commercial), DT-1 (Downtown 1), and DT-2 (Downtown 2)

Use 1 _____ Use 2 _____ Use 3 _____ Use 4 _____ Use 5 _____

Alterations / Additions to Commercial / Industrial / Public Buildings

Existing Floor Area (m²) 174m² # of off-street parking stalls 24 Proposed New Floor Area (m²) 174m²

Multi-Unit Residential Development

of studio / bachelor units _____ # of 1 bedroom units _____ # of 2 bedroom units _____

of ≥3 bedroom units _____ Total # of dwelling units proposed _____ # of off-street parking stalls _____

Change of Use within a specific building

Previous tenant / occupant
Curves Fitness

Total area of space occupied by this use (m²)
174m² Number of off-street parking stalls provided
24

Will you be sharing this space with another tenant
no Adjacent tenant(s)
CoolDental, Bridge Bud Supply

Will you be doing any construction or modification of the space (e.g. adding a mezzanine, second story, adding or removing walls, washrooms, etc)?
If so, explain (other permits may be required)
Interior leashold renovations. New office space walls. Minor electrical and plumbing.

Will there be any combustible, flammable or explosive materials stored, used or produced at this business?
No

Will the business activities or uses occurring at this location produce any dust, liquids or gases? For example, manufacturing, furniture refinishing, vehicle repairs, welding, cooking or food preparation?
No

Office Use Only

Permit Required Yes No Overlay _____

Zoning C-H Development Permit # DEV14227

Allowable Use Permitted Discretionary Building Permit # _____

Development Fees to be charged

Permit Fee \$ 366

Advertising Fee \$ 100

Total \$ 466

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November 30, 2022

Development Officer | Planning & Design | City of Lethbridge

1st Floor City Hall
910 4th Avenue South
Lethbridge, Alberta T1J 0P6

Attention: Mr. Kevin Deaust

Re: Parking waiver for the change of use for the Property municipally located at 1917 Mayor Magrath Drive South, Suite 30, Lethbridge, Alberta

Our Psychology office has been looking for a new location, and we recently found a great property at 1917 Mayor Magrath Drive South. We have worked with the Landlord over the last few weeks to negotiate terms and recently submitted an offer to lease one of the units.

We have toured the property several times and know the location would be welcoming to our clients and suit our needs. Our practice will see approximately fifteen patients per week in-person. We do not operate like a typical medical clinic that could see upwards of fifty to one hundred patients daily, and bookings are back-to-back. Appointments are generally 50 minutes in length, we schedule thirty minutes between each meeting, and our office will not have set operating hours. To accommodate our clients needs, we schedule in-person appointments seven days a week at anytime during the day or evening. We would not cause traffic congestion within the property as appointments will not be at set times and will be random. We utilize approximately four hours per day for seeing patients, whether in person or by other means. The remaining time is for conducting research, appointment preparation, consultation, and professional development. CoolDental and Bridge Bud Supply's operating hours would compliment our office as their highest customer traffic times would mainly be outside the hours we schedule appointments. The property provides us with an affordable lease rate, excellent visibility and is a welcoming space for our clients. When we have toured the space, we have never had any concerns finding parking, and there are usually very few cars in the parking lot.

We understand that the City of Lethbridge currently classifies our intended use as an Outpatient Health Facility and requires an additional six stalls in order to permit the change of use from a fitness facility. We feel that our business plan and how we see clients is very different from most medical offices, we know that we would not require additional parking and there would be no major parking concerns if we were to operate out of the space.

It has been challenging to find the perfect office location. We have been focusing on finding an office that is comfortable for our clients and offers a reasonable lease rate. We finally found it at this location and know the space will allow our business to thrive, therefore we hope the City will grant us the required parking waiver for our intended use.

Regards,



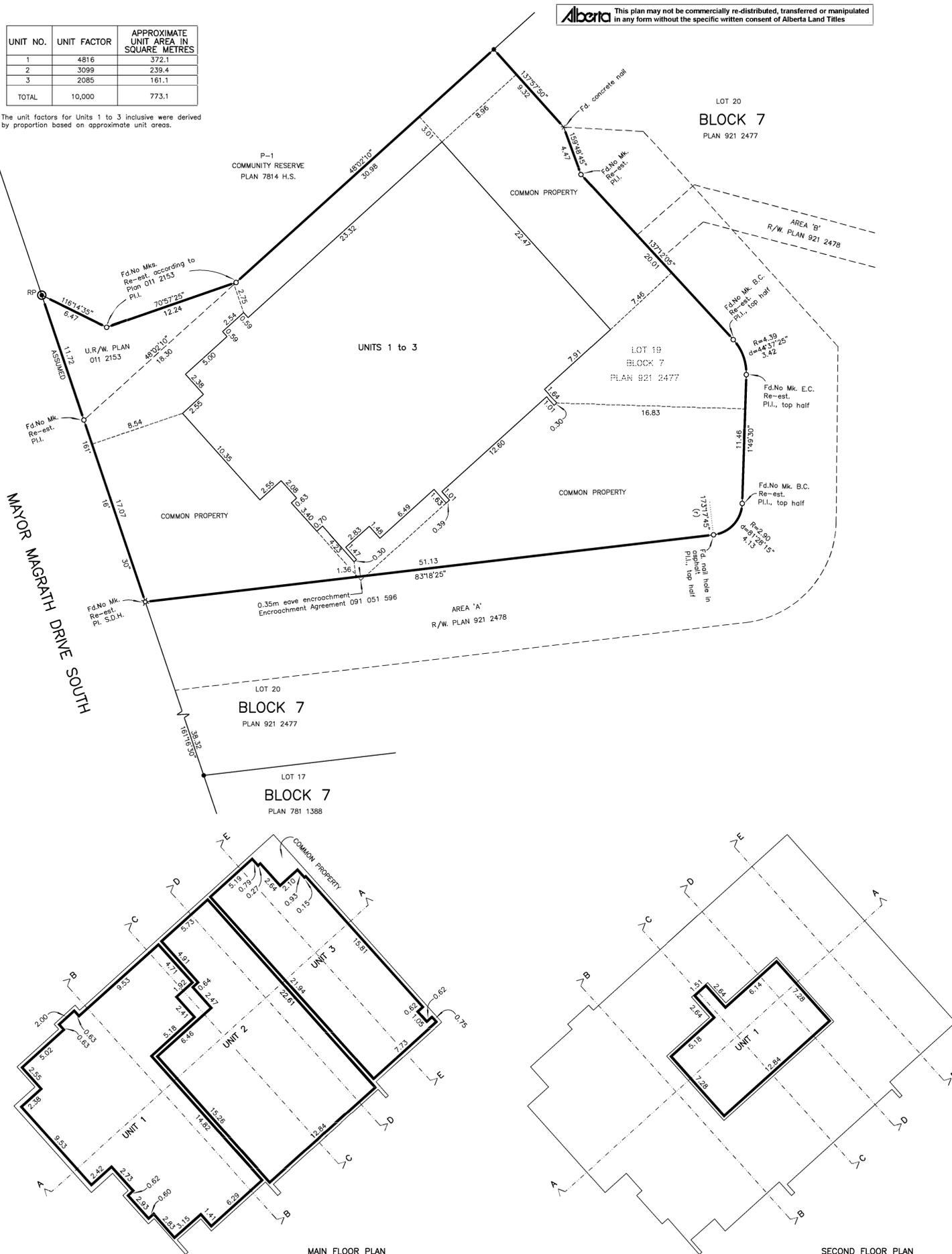
Kayla Shore

Sco Wensmann and Kayla Shore

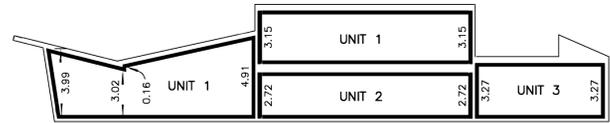
Alberta This plan may not be commercially re-distributed, transferred or manipulated in any form without the specific written consent of Alberta Land Titles

UNIT NO.	UNIT FACTOR	APPROXIMATE UNIT AREA IN SQUARE METRES
1	4816	372.1
2	3099	239.4
3	2085	161.1
TOTAL	10,000	773.1

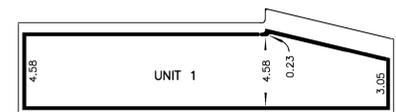
The unit factors for Units 1 to 3 inclusive were derived by proportion based on approximate unit areas.



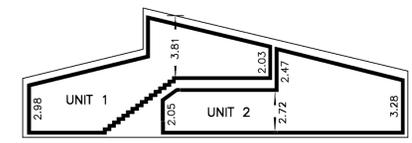
NOTE :
FOR ANY ENDORSEMENT, REGISTRATION MEMORANDUM, NOTIFICATION OR OTHER ENTRY THAT IS TO BE MADE UPON THE PLAN, PLEASE SEE THE CONDOMINIUM ADDITIONAL SHEET (CS) WHICH IS ADDED TO THIS PLAN PURSUANT TO THE CONDOMINIUM PROPERTY ACT REGULATION.



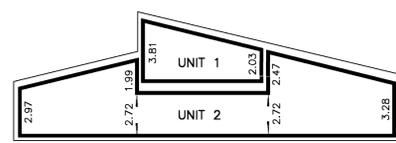
CROSS-SECTION 'A-A'



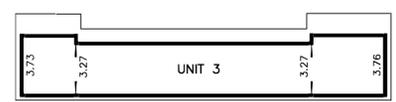
CROSS-SECTION 'B-B'



CROSS-SECTION 'C-C'



CROSS-SECTION 'D-D'



CROSS-SECTION 'E-E'

Condominium Corporation Address
1013682 ALBERTA LTD.
133 CANYON CLOSE WEST
LETHBRIDGE, ALBERTA
T1K 6W6

REGISTRAR
LAND TITLES OFFICE

SHEET 1 OF 1

PLAN NO. **161 0059**

ENTERED AND REGISTERED
ON **January 8, 2016**

INSTRUMENT NO : **161 005 603**

D. J. Amantea
A.D. REGISTRAR

CITY OF LETHBRIDGE

PLAN SHOWING SURVEY OF

CONDOMINIUM PLAN

ON

LOT 19, BLOCK 7, PLAN 921 2477

WITHIN

S.W. 1/4 SEC. 28, TWP. 8, RGE. 21, W.4 M.

BY : **D.J. AMANTEA, A.L.S.**

SCALE : 1:200



F.d.l. - Statutory Iron Posts found shown thus ●
P.I.L. - Statutory Iron Posts placed shown thus ○
S.D.H. - Star Drill Hole placed shown thus ✕
Concrete nail shown thus X

Distances are shown in metres and decimal parts thereof.
B.C. stands for beginning of curve.
E.C. stands for end of curve.
E.C. stands for end of curve.
(r) stands for radial bearing
R stands for radius
d stands for delta angle
Distances shown along curves are Arc distances
The boundaries of Condominium Units 1 to 3 inclusive are as stipulated in Section 9(1) of the Condominium Property Act.
Common Property includes all that portion not contained within Units 1 to 3 inclusive.
All dimensions and floor areas are measured to the inside of the interior finish.
All building location dimensions as shown on condominium site plan are perpendicular to the property lines and measured to the external finish.
Doors and windows located on the exterior walls of a unit are part of the unit
Portion to be registered is outlined in heavy black lines.
This plan has 3 units.

Bearings are GRID and are derived from Reg'd. Plan 011 2153 (Assumed 161°16'30")
PROJECTION - 3TM
DATUM - NAD 83
REFERENCE MERIDIAN - 114°
COMBINED SCALE FACTOR - 0.999852
RP - Geo-reference point shown thus ○ RP
Coordinate values for geo-reference point are: N:5504717.34 E:86594.06

SURVEYOR
NAME : D.J. AMANTEA, A.L.S.
SURVEYED BETWEEN THE DATES OF FEBRUARY 26TH, AND JUNE 26TH., 2015, IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYS ACT AND THE CONDOMINIUM ACT.

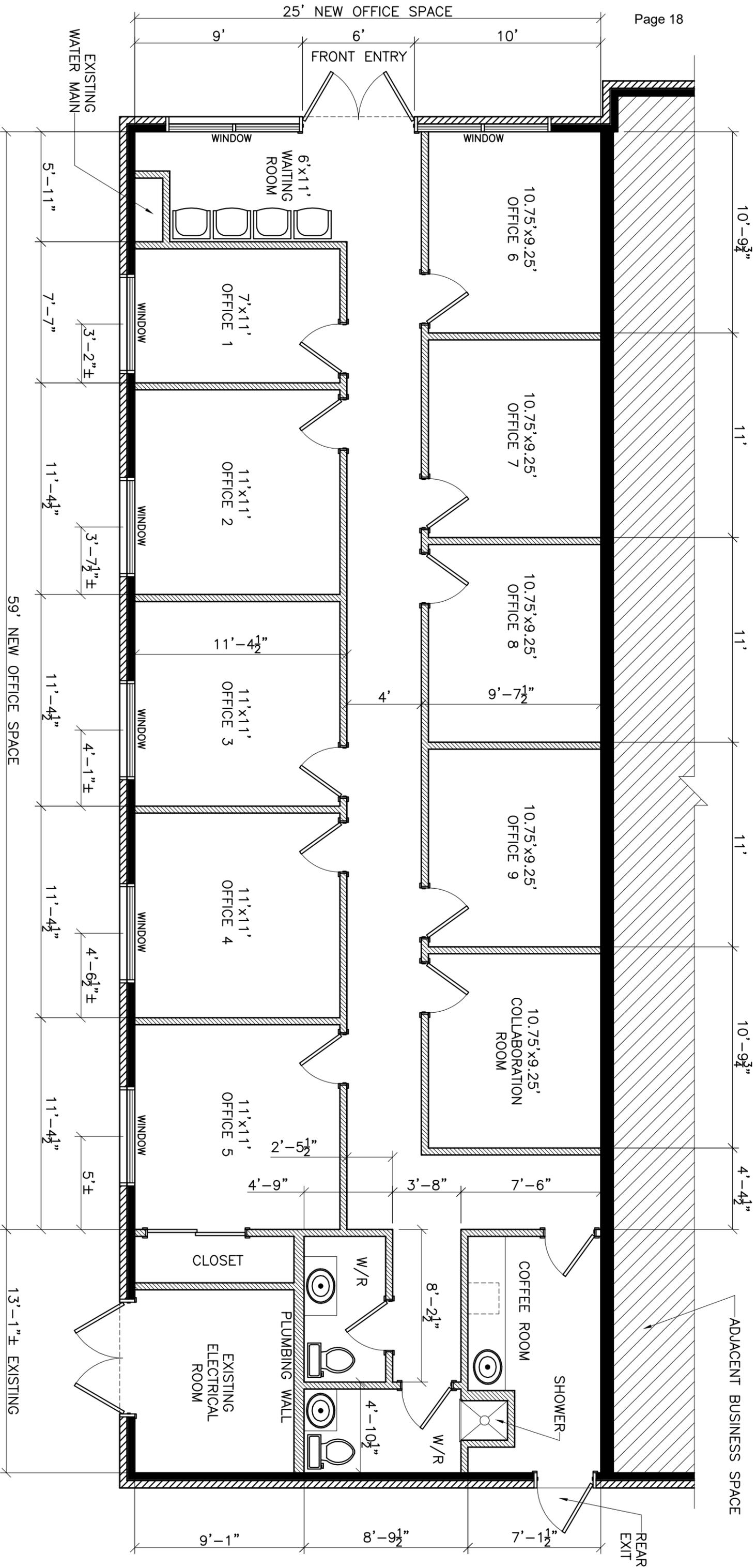
POST TENSION CABLES
There are no post tension cables located anywhere on or within the building or the property on which that building is located.

REGISTERED OWNER
1013682 ALBERTA LTD.

MUNICIPAL AUTHORITY
NAME : CITY OF LETHBRIDGE
FILE: SBD00442
DATE APPROVED : JULY 8TH., 2015.

DRAWING FILE : 15-12644-1.DWG
CLIENT : 1013682 ALBERTA LTD.
FILE NO. : 15-12644-1





- NOTES:
1. COFFEE ROOM & WASHROOMS ARE EXISTING.
 2. ONE WASHROOM HAS BEEN APPROVED AS BARRIER FREE.
 3. WINDOW SIZES & LOCATIONS ARE APPROXIMATE.
 4. WALLS ARE ASSUMED TO BE 4.5" THICK (2X4 STUDS w/ 1/2" DRYWALL BOTH SIDES)

REVISIONS			
NO	DESCRIPTION	DATE	BY
0	ISSUED FOR CLIENT APPROVAL	10/26/22	RAR

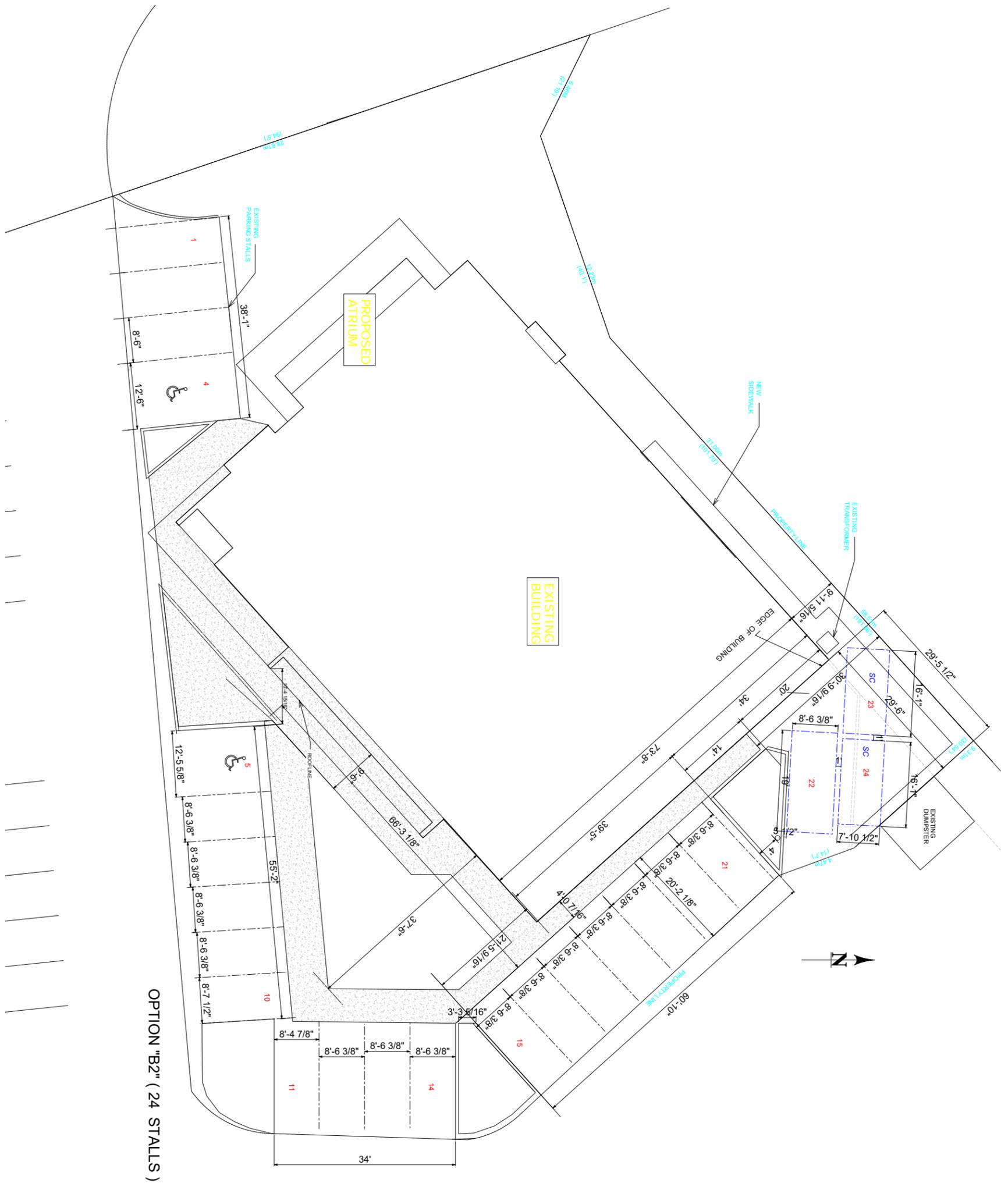


CLIENT
 PRAIRIE SAGE
 COUNSELLING AND CONSULTING
 1917 Mayor Magrath Drive South
 Unit 30 | Lethbridge, AB T1K 2R8

PROJECT
 OFFICE RENOVATION
TITLE
 NEW OFFICE LAYOUT

SCALE	DATE
3/16"=1'	10/25/22
DRAWN BY	CHECKED BY
RAR	

DRAWING NO.
A1
REVISION: 0



OPTION "B2" (24 STALLS)

Revisions	
No.	By / Date
1	5/11/2013
2	
3	
4	

Project Manager
REED HUDSON

SOUTHWEST
Design & Construction Ltd.
3755 - 18th AVENUE, NORTH
LETHBRIDGE, AB
T1H 6T2
Bus. 403-320-5400

No.	
Date:	
Drawn By:	K. ADLER
Checked By:	
Scale:	1" - 20'

Project:
DR LACHMAN BUILDING

Land Use

Drawing Title
PARKING LAYOUT OPTION B2

Project Address

Drawing Number
002



Subdivision & Development Appeal Board

SDAB Meeting, Jan 19th 2023.



NOTIFICATION SUMMARY

Neighbourhood: Notification for a refusal decision not required.
Neighbourhood Associations(s): Not Applicable. None.

LAND USE BYLAW SUMMARY

Use: Medical and Health Office (outpatient).
 Permitted use, C-H zoning district.

Use Definition:	' Medical and Health Office (Outpatient) ' means Development providing medical and health care on an outpatient basis and may incorporate a dispensary which sells pharmaceutical and related medical supplies as an Accessory Use. This term refers to Uses such as medical and dental offices, clinics and health and wellness services such as physiotherapy, counselling, chiropractic, naturopathic and therapeutic massage.	
Parking Calculation:	Unit 30 GFA = 161m ² . Parking at 1 space per 15m ² GFA. 161m ² / 15m ² = 11 spaces (rounding principles applied).	
Parking Requirement:	11 spaces.	
Proposed Waiver:	5 spaces. Unit 10. Requires 13 parking spaces [Dev06458]. Unit 20. Requires 5 parking spaces [Dev10523]. Unit 30. Calculated requirement of 11 parking spaces. ----- 29 parking spaces, total required. 24 parking spaces, total supplied. = 5 spaces undersupplied (proposed waiver).	
Parking (general rules):	(b) Location of Parking Spaces: A parking space required by Land Use Bylaw 6300 shall be located: (i) on the same Parcel as the Use or Building for which it is required.	

EVALUATION

Background.

- In 1992 parcel 1917 Mayor Magrath Dr S was created through subdivision from parcel 1921 Mayor Magrath Dr S.
 - A condition of the subdivision approval required a reciprocal easement agreement to ensure shared access, traffic circulation, use of the parking lot, and joint use of the storm sewer facilities as a single line services the existing parking lot.
 - Right of Way Plan 921 2478 and its associated easement agreement 921 304 898 established in response to the conditioned requirement.

Aerial View [2021] showing Access ROW Plan 921 2478



- In April of 2011 an application was filed to the Court of Queen’s Bench of Alberta, by 673076 AB Ltd. (owner 1921 MMDS) with a remedy sought including – declarations that:
 - The 1992 Roadway easement does not allow respondent (1917 MMDS) to use applicant’s (1921 MMDS) land for parking;

- Respondent (1917 MMDS) has no legal or other right to use Applicant's (1921 MMDS) parking;
- Respondent's (1917 MMDS) use of applicant's (1921 MMDS) parking is trespassing on applicant's (1921 MMDS) land.
- On August 24th of 2011 amending agreement 111 234010 (amending 921 304 898) signed.
 - Grantor: 1921 Mayor Magrath Dr S [Plan 921 2477, B7, L20].
 - Grantee: 1917 Mayor Magrath Dr S [Plan 921 2477, B7, L19].

1. For greater certainty, the parties acknowledge and agree that the Right-of-Way Easement registered on the title to the Lands of the Grantor and Grantee on December 2., 1992, bearing instrument number 921 304 898, does not grant, permit or allow the Grantee or its invitees to use the Grantor's Lands outside the roadway delineated as Area "A" on Plan 9212478, nor does the said Right-of-Way Easement permit the Grantee or its invitees to park on the Grantor's Lands.
- On September 19th of 2011 a discontinuance of action was filed with Court of Queen's Bench of Alberta, by 673076 AB Ltd. (owner 1921 MMDS).
- In December 2012 the business license for 'The stone restaurant and lounge' operating from 1917 Mayor Magrath Dr S was closed.

----- **Pre-Redevelopment Background Concluded. Material information.**

- In September 2014 site and building redevelopment with creation of 3 CRU units within the existing building [10, 20, 30] – development permit Dev06458.
 - Unit 10. Medical & Health Office (outpatient). 13 parking spaces required.
 - Unit 20 & 30. Office. 9 parking spaces required.
 - 22 parking spaces required and 22 parking spaces supplied.
- In July 2015 change of use for unit 30, from 'office' to 'fitness facility' and a site plan revision increasing the parking supply from 22 parking spaces to 24 spaces - development permit Dev07219.
 - Site plan revision modifying former loading space (stall 22) to accommodate parking for 3 vehicles (1 standard, 2 small car). The development permit notes:
 - that the small car spaces are stacked and will most likely be used by staff.
 - Land use bylaw 5700 does not preclude this stacked parking scenario.
 - The small car spaces must be identified in accordance with the LUB.
 - The parking supply is increased by 2 spaces and a waiver is not required.
 - 6 parking spaces required for the 'fitness facility' use, and 24 spaces total required for the entire building.

- In October 2018 change of use for unit 20, from 'office' to 'retail cannabis store' including a single space parking waiver – development permit Dev10523. Single space parking waiver based on (a) share use provisions, and (b) temporary – expires with cessation of land use, and not transferable to another use.
 - 5 parking spaces required for the 'retail cannabis store' use, and 24 spaces total required for the entire building.
- October 24th 2022 change of use inquiry – 'medical and health office (outpatient)', re: unit 30, 1917 Mayor Magrath Dr – for: counselling collective of psychology and clinical social workers.
- October 25th 2022 change of use inquiry response with background information, current use approvals, preliminary feedback in relation to the potential change of use and its estimated parking calculation and the resulting parking shortage.
- October 31st 2022 change of use application forms and application information supplied to Avison Young. It was relayed that:
 - If the applicant is able to supply a letter of support [with the development application], for a +/- 6 space parking waiver, from the neighbouring property owner: 1921 Mayor Magrath Dr S that would be a significant support item for a waiver proposal.
 - The impact of a parking would be most likely to be experienced by the neighbouring property owner given the site design and configuration of the two parcels.
 - If the neighbouring property owner offers their support for a +/- 6 space parking waiver we would expect that they are aware of, and not concerned with, the possibility that their parking lot may be used by customers or employees of the building at 1917 MMDS.
- Nov 3rd 2022 City of Lethbridge Planning & Design department included in the cc to an email from the owner of 1921 Mayor Magrath Dr S to Avison Young indicating that they cannot offer support for a parking waiver.
 - This in response to the Nov 2nd 2022 letter from Avison Young to the owner of 1921 Mayor Magrath Dr S requesting support for a parking waiver in relation to a conditional offer on Unit 30 – 1917 Mayor Magrath Dr S.
- Nov 7th 2022 change of use development permit application submitted by Karsten Lachman [applicant / owner: 1013682 AB Ltd. – signed Karsten Lachman]. Proposed change of use for a psychology office, inclusive of a parking waiver for the change of use.
- Nov 10th 2022 application file process update with anticipated timing for review and decision works emailed to applicant. It was relayed that:
 - Nov 14th – 28th. Application review works.

- Nov 29th – Dec 2nd. Decision draft works and release window target – Dec 2nd.
- Nov 22nd 2022 response to applicant Nov 18th inquiry re: business operations for psychology office. In the response it was relayed that:
 - The planned day to day operations for the psychology group is not necessary for evaluation and decision on the current change of use proposal.
 - Land use classifications do not look to regulate the day to day operations of a business.
 - Land use regulations note that ‘the use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy’.
- Nov 22nd 2022 response to applicant Nov 22nd inquiry re: ability to associate a parking waiver to the potential business occupancy. In the response it was relayed that:
 - Would be in contradiction with land use regulation.
 - A parking spaces waiver would apply to the ‘use’ and not the tenancy or occupancy. The ‘use’ would continue and not terminate upon cessation of the tenancy or occupancy – i.e psychology office.
- Dec 1st 2022 applicant email with letter from prospective tenant, psychology office, supplying planned business operations information.
- Dec 2nd 2022 refusal decision completed.
- Dec 2nd 2022 Refusal decision package consisting of the (i) Development Permit Application – Refused, (ii) Refusal Decision Informative, and (iii) Zip File, Refusal Decision Informative attachments.
 - Emailed to the applicant: Karsten Lachman.
 - Emailed to the adjacent property owner, 1921 MMDS: D. Brodoway.
- Dec 5th 2022 Secretary to SDAB advised that an appeal against the refusal decision had been received – submitted by: Karsten Lachman.
- Dec 6th 2022 Secretary to SDAB advised that appeal hearing would be Dec 22nd 2022.

LEGISLATION & POLICY

Land Use Bylaw 6300

- Part 1. Division 1. Section 4. Definitions.
- Part 1. Division 1. Section 5. Compliance with Other Legislation.
 - (3) the conditions of any caveat, covenant, easement, contract or agreement affecting the Use or Development of land or Buildings.
- Part 2. Division 3. Section 20. Decision Process for Permitted Uses.
 - (2) requiring a waiver of the one or more provisions of this Bylaw which the Development Authority is authorized to grant, the Development Authority shall:

- (b) refuse to grant the waiver and refuse the application, giving the reason(s) for refusal.
- Part 2. Division 3. Section 22. Authorized Waivers.
 - (2) Certain provisions of this Bylaw, described in Section 22(4), may be waived if the resulting proposed Development:
 - (a) conforms with the Use prescribed for the land or Building in this Bylaw, and
 - (i) would not unduly interfere with the amenities of the neighbourhood, or
 - (ii) would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.
 - (4) The Development Authority may grant the following waivers:
 - (h) a waiver of the parking and loading requirements described in Section 63,
- Part 2. Division 3. Section 24. Development Application Decisions. (3)
- Part 2. Division 3. Section 27. Notification After Decision.
- Part 2. Division 4. Section 31. Appeal Process. (3) (4) (5)(b).
- Part 3. Division 1. Section 63. Parking and Loading Requirements.
 - (1) General Requirements:
 - (b) Location of Parking Spaces:
 - A parking space required by this Bylaw shall be located:
 - (i) on the same Parcel as the Use or Building for which it is required, or
 - (2) Calculation in all Districts:
 - The number of parking and Loading Spaces described in this Bylaw shall be provided and maintained for the Uses specified therein, unless:
 - (a) a waiver is granted pursuant to Section 22,
 - (5) Requirements for Regular Parking Spaces
 - (a) Number:
 - (i) Minimum..... as per the following tables.
- Part 3. Division 2. Section 68. C-H Hghway Commercial. (2)

CONCLUSION

Appendix B: Dev14227 - REFUSED, Development Permit Application

Appendix C: Dev14227 - Refusal Decision Informative

The development permit application for

- a change of use from 'fitness facility' to 'Medical and Health Office (outpatient) – for a psychology office.
 - a parking spaces waiver – 5 spaces.
- was **refused** for the following reasons:

1. The scale or ratio (25%) of the proposed parking spaces waiver, an additional 5 spaces, is excessive.

Rationale from the Refusal Decision Informative:

- Existing approved parking waiver [temporary] is 1 space.
 - Proposed parking waiver is 5 spaces. This would result in a total of 6 spaces waived, which is 25% more than the existing parking supply of 24 spaces [$6 / 24 = 25\%$].
 - A 'medical and health office (outpatient)' use is one of the more parking intensive land use classifications. Unit 10 is already approved with a 'medical and health office (outpatient)' use, and the unit area is more than double [372m²] the size of Unit 30 [161m²].
 - The parking requirement for Unit 10 is 13 spaces, calculated and approved, in alignment with an earlier version of the land use bylaw. If unit 10 were re-calculated based on the current land use bylaw, a higher calculation would be anticipated.
 - It should be noted that the 'medical and health office (outpatient)' use includes a range of potential occupancies that could occur within the space.
 - This could include a psychology or counselling office, a medical or dental clinic, or other health and wellness clinics or services.
 - Land use bylaw regulations indicate that 'the Use of land or the Use of a Building is not affected by reason only of a change in ownership, tenancy or occupancy'.
 - The 'use' and any waiver(s) associated to the 'use' would continue and not terminate upon cessation of the tenancy or occupancy.
 - It is important to recognize that land use regulations do not look to regulate the day to day operations of a business [i.e. days/hours, staff, customers/clients].
 - Businesses are unique and will adjust their day to day operations to suite their individual business needs and are likely to evolve over time. Land use regulation does not look to restrict the ability of a business to modify their day to day operations, and this would also not be feasible from a compliance monitoring perspective.
2. It cannot be concluded that a proposed parking spaces waiver would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Rationale from the Refusal Decision Informative:

- There are not any adjacent roadways having a supply of public parking spaces.
 - The supply and availability of on-street parking spaces can minimize the impact of a parking spaces waiver but a waiver still requires careful consideration recognizing that on-street parking spaces are public spaces, and not intended for the sole benefit of a private property.

- Given the site design and configuration of the parcel it would be reasonable to anticipate that the neighbouring property, 1921 Mayor Magrath Dr S, may be impacted by a parking waiver.
 - In support of the waiver proposal the applicant was advised that if they were able to supply a letter of support for a +/- 6 space parking waiver from the neighbouring property, 1921 Mayor Magrath Dr S, that would be a significant support item.
 - It was relayed that if the neighbouring property owner offers their support, that it would be expected that they are aware of, and not concerned with, the possibility that their parking lot may be used by customers or employees of the applicants building, 1917 Mayor Magrath Dr S.
 - The neighbouring property owner, 1921 Mayor Magrath Dr S, did not offer support for a parking waiver and has relayed that they have experienced recurrent parking issues.
3. It cannot be concluded that a proposed parking spaces waiver would not contribute to a breach, or non-compliance with, the performance requirements of easement agreement 111 234 010.

Rationale from the Refusal Decision Informative:

- While the easement agreement is a private agreement, Land Use Bylaw 6300 includes regulation that:
 - Section 5. Compliance with Other Legislation.
 - A person or activity complying with this Bylaw must also comply with:
 - (3) the conditions of any caveat, covenant, easement, contract or agreement affecting the Use or Development of land or Buildings.
4. It cannot be concluded that a proposed parking spaces waiver would not unduly interfere with the amenities of the neighbourhood.

Rationale from the Refusal Decision Informative:

- The adjacent private parcel directly north, 1515 Lakeview Dr S, is owned by the City of Lethbridge [Municipal Corporation]. This parcel's land title is designated as community reserve. The parcel is zoned P-R, Park and Recreation, and the zoning district's purpose is for the development of park, recreational, cultural or community assembly uses.
- The parcel known as 'Lakeview Greenstrip South' is a linear park and it would be reasonable to consider the park a neighbourhood amenity.
- At the trailhead to the linear park there are +/- 10 parking spaces available for public use.

- It is quite probable that some of these spaces may be used on a fairly recurrent basis by the nearby private lands and development.
- It is important to recognize that these parking spaces are public spaces, and not intended for the sole benefit of a private property.



Appendices A, Application Package



Development Permit Application

Multi-Family, Commercial, Industrial, and Public Use Developments

All of the following information is necessary to facilitate a thorough and timely evaluation and decision of your application. All materials submitted must be clear, legible and precise. Only applications that are complete will be accepted. **PLEASE NOTE: this application is ONLY for a development permit. If a building permit is also required, you must apply for it separately.**

Project Address
#30 1917 Mayor Magrath Drive South

Access Code

Applicant
Name Karstan Lachman
Address 1917 Mayor Magrath Drive South
City Lethbridge Postal Code T1K 2R8
Phone 403 382 2273
E-mail dr.lachman@cooldental.ca
Signature 

Property Owner
Name 1013682 AB Ltd.
Address 133 Canyon Close
City Lethridge Postal Code T1K 6W6
Phone 403 328 8553 B/L # 865276950
E-mail dr.lachman@cooldental.ca
Signature 

Providing an email means you consent to receiving documents or communications related to this application, including but not limited to development permit decisions, acknowledgments confirming an application is complete, and any notices identifying any outstanding documents and information, by email.

- Does the property have any registrations on title? Yes No
Have you reviewed any registrations on title? Yes No

As the applicant I affirm:

- I am the registered owner of the above noted property
 I have entered into a binding agreement to purchase the above noted property with the registered owner(s)
 I have permission of the registered owner(s) of the above noted property to make the attached application for a Development Permit

RECEIVED
By Leda Kozak Tittsworth at 12:06 pm, Nov 07, 2022

Description of Work: (Check all applicable)

- New Commercial, Industrial, or Public Use New Multi-Residential Building Site & Civil Amendments Compliance Waiver
 Addition to Existing Exterior Alteration Landscaping
 Change of Use WECS Solar Energy System

Detailed Description of Work:

Parking waiver for Unit #30 for change of use.

Any personal information collected on this form is collected under the Municipal Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits and planning & development purposes. Please Note that such information may be made public. If you have any questions about the collection, use, or disclosure of the personal information provided, please contact Information Management at 910 4 Ave S, Lethbridge, AB, T1J 0P6 or by phone at 403-329-7329

Development Permit Application

Multi-Family, Commercial, Industrial, and Public Use Developments

All Buildings, Alterations, and/or Additions to Existing Buildings

Occupant / Use Psychology Office # of off-street parking stalls 24 Total Site Area (m²) 773

Total Gross Floor Area (m²) including all floors and mezzanine for each separate use

Use 1 174m² Use 2 _____ Use 3 _____ Use 4 _____ Use 5 _____

Total Net Floor Area (m²) for C-D (Downtown Commercial), DT-1 (Downtown 1), and DT-2 (Downtown 2)

Use 1 _____ Use 2 _____ Use 3 _____ Use 4 _____ Use 5 _____

Alterations / Additions to Commercial / Industrial / Public Buildings

Existing Floor Area (m²) 174m² # of off-street parking stalls 24 Proposed New Floor Area (m²) 174m²

Multi-Unit Residential Development

of studio / bachelor units _____ # of 1 bedroom units _____ # of 2 bedroom units _____

of ≥3 bedroom units _____ Total # of dwelling units proposed _____ # of off-street parking stalls _____

Change of Use within a specific building

Previous tenant / occupant
Curves Fitness

Total area of space occupied by this use (m²)
174m² Number of off-street parking stalls provided
24

Will you be sharing this space with another tenant
no Adjacent tenant(s)
CoolDental, Bridge Bud Supply

Will you be doing any construction or modification of the space (e.g. adding a mezzanine, second story, adding or removing walls, washrooms, etc)?
If so, explain (other permits may be required)
Interior leashold renovations. New office space walls. Minor electrical and plumbing.

Will there be any combustible, flammable or explosive materials stored, used or produced at this business?
No

Will the business activities or uses occurring at this location produce any dust, liquids or gases? For example, manufacturing, furniture refinishing, vehicle repairs, welding, cooking or food preparation?
No

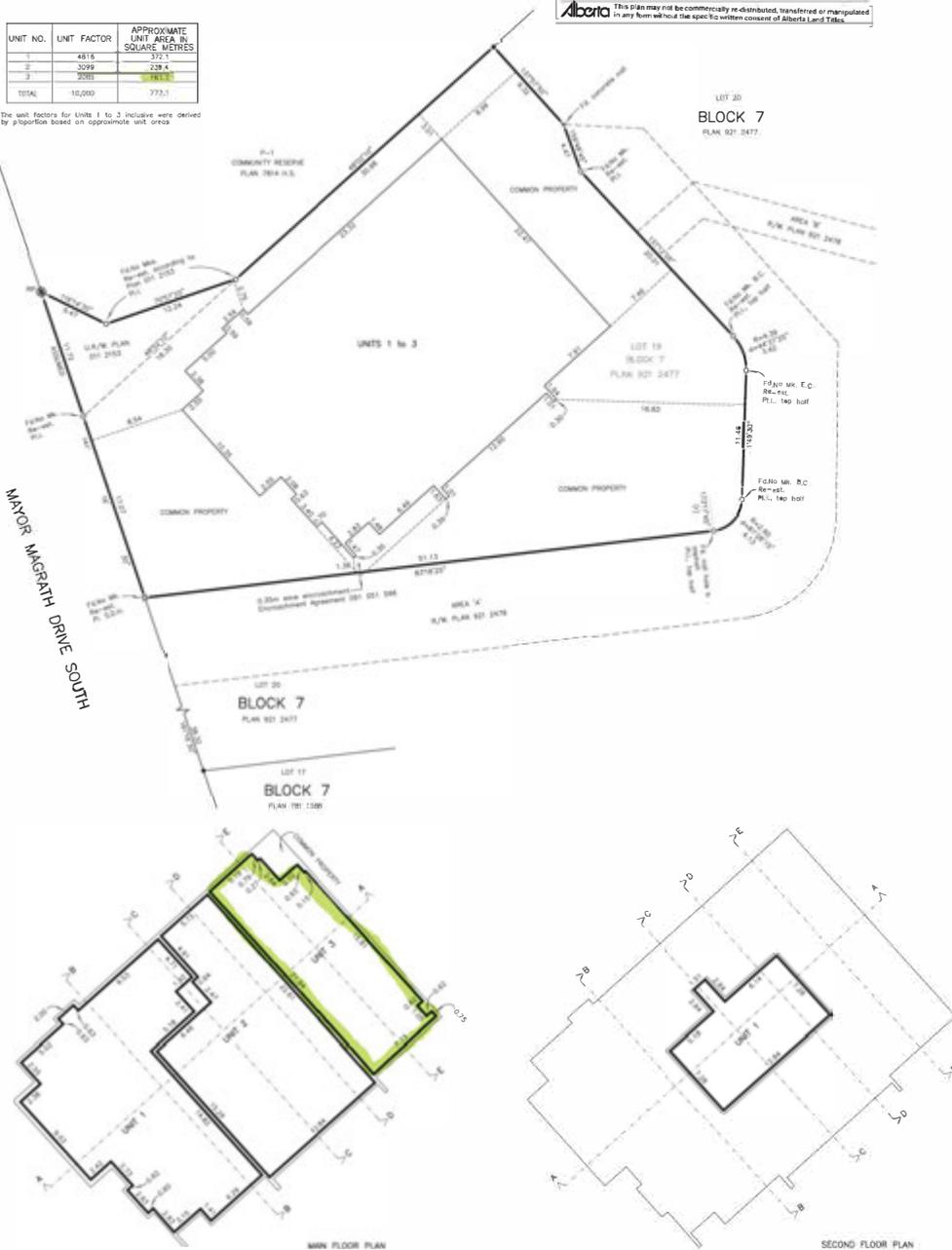
Office Use Only		Development Fees to be charged	
Permit Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Overlay	Permit Fee <u>\$ 366</u>
Zoning	<u>C-H</u>	Development Permit #	<u>DEV14227</u>
Allowable Use	<input checked="" type="checkbox"/> Permitted <input type="checkbox"/> Discretionary	Building Permit #	Advertising Fee <u>\$ 100</u>
			Total <u>\$ 466</u>

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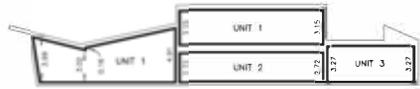
Alberta This plan may not be commercially re-distributed, transferred or manipulated in any form without the specific written consent of Alberta Land Titles.

UNIT NO.	UNIT FACTOR	APPROXIMATE UNIT AREA IN SQUARE METRES
1	4816	372.1
2	3099	238.4
3	3085	181.1
TOTAL	10,999	775.1

The unit factors for Units 1 to 3 inclusive were derived by proportion based on approximate unit areas.



NOTE:
FOR ANY ENDORSEMENT, REGISTRATION MEMORANDUM, NOTIFICATION OR OTHER ENTRY THAT IS TO BE MADE UPON THE PLAN, PLEASE SEE THE CONDOMINIUM ADDITIONAL SHEET (CS) WHICH IS ADDED TO THIS PLAN PURSUANT TO THE CONDOMINIUM PROPERTY ACT REGULATION.



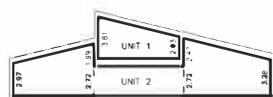
CROSS-SECTION "A-A"



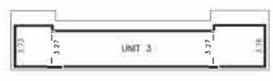
CROSS-SECTION "B-B"



CROSS-SECTION "C-C"



CROSS-SECTION "D-D"



CROSS-SECTION "E-E"

Condominium Corporation Address
1013682 ALBERTA LTD.
133 CANYON CLOSE WEST
LETHBRIDGE, ALBERTA
T1K 6W6

REGISTRAR LAND TITLES OFFICE
SHEET 1 OF 1
PLAN NO. **161 0059**
ENTERED AND REGISTERED ON **January 8, 2016**
INSTRUMENT NO. **161 005 603**
A.D. REGISTRAR

CITY OF LETHBRIDGE
PLAN SHOWING SURVEY OF
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ON
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BY : D.J. AMANTEA, A.L.S.



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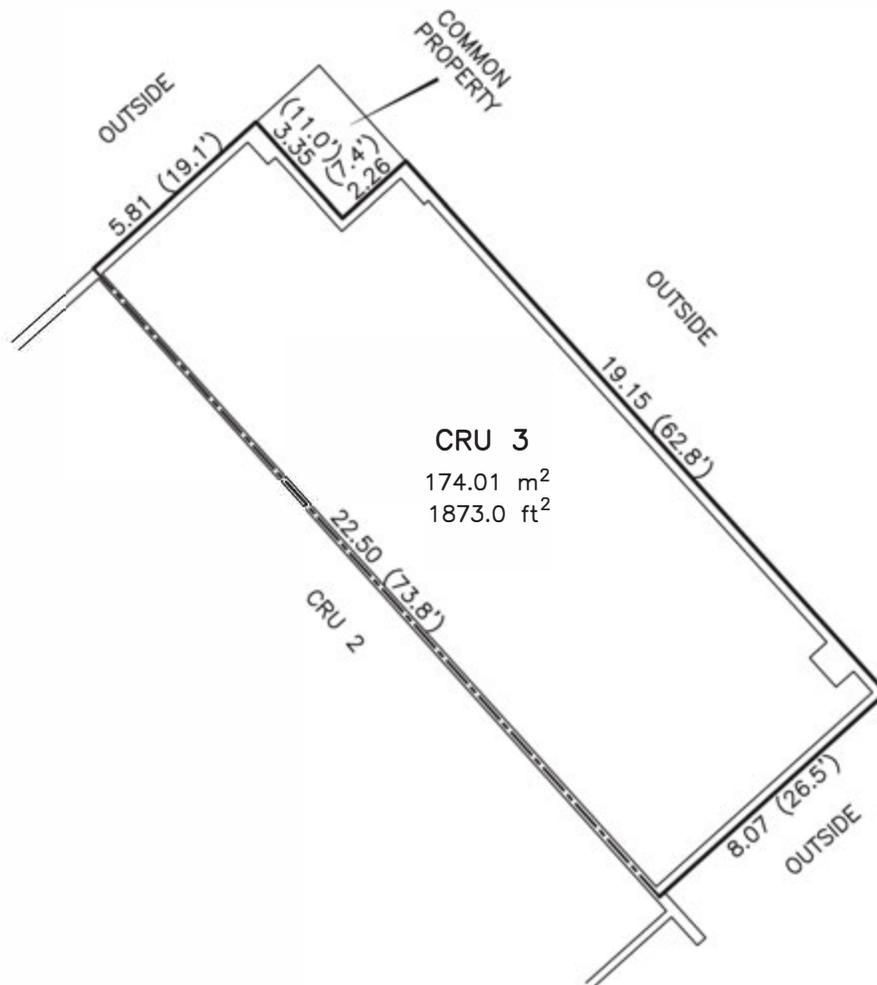
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FILE: 2005042
DATE APPROVED : JULY 8TH, 2015.
DRAWING FILE : 15-12644-1.DWG
CLIENT : 1013682 ALBERTA LTD.
FILE NO. : 15-12644-1



Plan Showing
Lease Area
 for
Unit 3, Condominium Plan _____
 at
 1917 MAYOR MAGRATH DRIVE SOUTH

Distances are shown in meters and decimals thereof.

Distances shown in brackets are in feet and decimals thereof.

ANSI/BOMA Z65.5-2010

Certified correct, this 10th. day of December, 2015

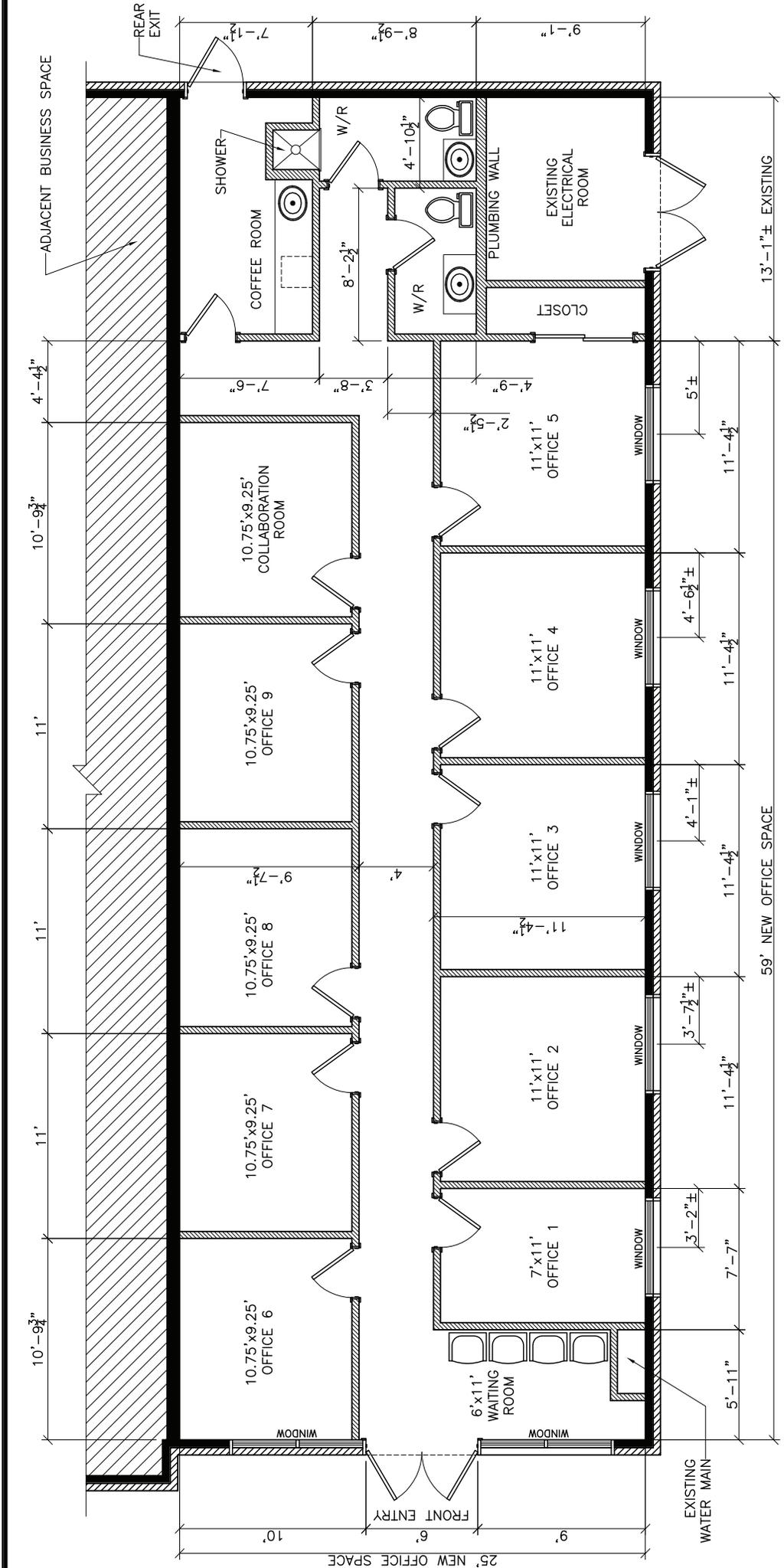
 D.J. Amantea, A.L.S.



brown okamura & associates ltd.
 Professional Land Surveyors
 514 Stafford Drive, Lethbridge, Alberta

SCALE: 1:200 (metric) DRAWING: 15-12644_CRU unit3.dwg

FILE: 15-12644 DRAWN BY: jn



- NOTES:**
1. COFFEE ROOM & WASHROOMS ARE EXISTING.
 2. ONE WASHROOM HAS BEEN APPROVED AS BARRIER FREE.
 3. WINDOW SIZES & LOCATIONS ARE APPROXIMATE.
 4. WALLS ARE ASSUMED TO BE 4.5" THICK (2X4 STUDS w/ 1/2" DRYWALL BOTH SIDES)

REVISIONS		CLIENT		PROJECT		DRAWING NO.	
NO.	DESCRIPTION	DATE	BY	SCALE	DATE	CHECKED BY	FILE #
0	ISSUED FOR CLIENT APPROVAL	10/26/22	RAR	3/16"=1'	10/25/22	RAR	PR-SAGE-OFFICE-A1
				OFFICE RENOVATION		DRAWING NO. A1	
				TITLE NEW OFFICE LAYOUT		REVISION: 0	
				PRAIRIE SAGE COUNSELLING AND CONSULTING 1917 Mayor Magrath Drive South Unit 30 Lethbridge, AB T1K 2R8			
				 R.A.R. DRAFTING & DESIGN LETHBRIDGE, ALBERTA, CAN.			

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

**1917 Mayor Magrath Dr S., Condo Unit 30.
Development Permit Application – Refused
DEV14227**

Location

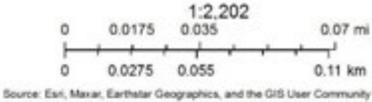
1917 Mayor Magrath Dr S



December 14, 2022

Building Numbers

- Street Network
- Legal Lots



Introduction

- A development permit application was submitted for:
 - a change of use within Unit 30 from 'Fitness Facility' to 'Medical and Health Office (outpatient)' – for a psychology office.
 - a waiver of required parking spaces for the change of use.
- Unit 30 GFA (gross floor area) = 161m².
- Parking required for the proposed use at 1 space per 15m² GFA.
- Calculated Parking Requirement = 11 spaces.

- Unit 10. Requires 13 parking spaces.
- Unit 20. Requires 5 parking spaces.
- Unit 30. Calculated parking requirement of 11 spaces.

- 29 parking spaces, total required.
- 24 parking spaces, total supplied.
= 5 spaces undersupplied.
- Proposed parking spaces waiver = 5 spaces.

Background

- In September 2014 site and building redevelopment approved with creation of 3 CRU units within the existing building 1917 Mayor Magrath Dr S. [10, 20, 30] – development permit Dev06458.
 - Unit 10. Medical & Health Office (outpatient). 13 parking spaces required.
 - Unit 20 & 30. Office. 9 parking spaces required.
 - 22 parking spaces required and 22 parking spaces supplied.

Background

- In July 2015 change of use approval for unit 30, from 'office' to 'fitness facility' and a site plan revision increasing the parking supply from 22 parking spaces to 24 spaces - development permit Dev07219.
 - 6 parking spaces required for the 'fitness facility' use, and 24 spaces total required for the entire building.

Background

CITY OF *Lethbridge*
APPROVED AS PER
LAND USE BYLAW 5700
JUL 10 2015
PERMIT #: DEV07129
SIGNATURE: _____

RECEIVED
JUL -7 2015
DEVELOPMENT SERVICES
CITY OF LETHBRIDGE

EXISTING BUILDING
PROPOSED ATRIUM
OPTION "B2" (24 STALLS)

Revisions	
NO. BY DATE	
1. BY DATE	
2. BY DATE	
3. BY DATE	
Project Manager	REED H
SOUTHWEST Design & Construction Ltd.	
Scale	1" = 1'
Project	DR LAM BUIL
Land Use	
Drawing Title	PARKING OPTM
Project Address	
Drawing Number	0C

Background

- In October 2018 change of use for unit 20, from 'office' to 'retail cannabis store' including a single space parking waiver – development permit Dev10523. Single space parking waiver based on (a) shared use provisions, and (b) temporary – expires with cessation of land use, and not transferable to another use.
 - 5 parking spaces required for the 'retail cannabis store' use, and 24 spaces total required for the entire building.

Conclusion

- The development permit application for
 - a change of use from 'fitness facility' to 'Medical and Health Office (outpatient)' – for a psychology office.
 - a parking spaces waiver – 5 spaces.

was **refused** for the following reasons:

1. The scale or ratio (25%) of the proposed parking spaces waiver, an additional 5 spaces, is excessive.

Conclusion

2. It cannot be concluded that a proposed parking spaces waiver would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.
3. It cannot be concluded that a proposed parking spaces waiver would not contribute to a breach, or non-compliance with, the performance requirements of easement agreement 111 234 010.
4. It cannot be concluded that a proposed parking spaces waiver would not unduly interfere with the amenities of the neighbourhood.

WRITTEN SUBMISSIONS OF THE APPELLANT: DR. KARSTAN LACHMAN

Application NO. DEV 14227

For the Lethbridge Subdivision and Development Appeal Board
Hearing date: January 19, 2023 at 5:00pm

Prepared by: Huckvale LLP, Per: Mariko Constable
mc@huckvale.ca

Contents

Facts/Background:	2
Grounds of Appeal:	3
1) The proposed parking waiver is not excessive and will not materially interfere with the use, enjoyment or value of neighbouring properties or unduly interfere with the amenities of the neighbourhood.....	3
2) The Proposed parking waiver will not contribute to a breach of Easement 111 234 010..	4
3) Public Policy Considerations:	5
Conclusion:	5

Facts/Background:

1. On November 7, 2022, the Appellant, Dr. Karstan Lachman applied for a Development Permit to change the use of #30, 1917 Mayor Magrath Drive South (the “Property”), Lethbridge Alberta (the “Application”).
2. Dr. Lachman is the owner the Property through his corporation 1013685 Alberta Ltd. He is also the owner of the remaining two units located at 1917 Mayor Magrath Drive South (“1917”), being units #10 and #20.
3. Dr. Lachman operates his dental practice, “Cool Dental”, out of Unit #10. The current approved use of unit #10 is Medical and Health Office.
4. Unit #20 is leased to Bridge Bud Supply Ltd. and the approved use of #20 is that of a Retail Cannabis Store.
5. All of 1917 is zoned as C-H: Highway Commercial. 1917 currently has 24 on-site parking stalls.
6. In the Application, Dr. Lachman applied to have the approved use of unit #30 changed from Fitness Facility to Medical and Health Office. The intended occupant of Unit #30 is a psychology office. Dr. Lachman was advised by the development officer that a psychology office would fall under the Medical and Health Office use pursuant to the City of Lethbridge Bylaw, LUB 6300 (the “LUB”).
7. Medical and Health Office is a permitted use under CH: Highway Commercial.
8. Unit #30 has an total footprint of 174.01 m² and a general floor area (“GFA”) of 161 m². According to the drafting plan submitted as part of the Application, the proposed psychology office of Unit #30 would include a reception area, 9 offices, a collaboration room, a coffee room, two washrooms, a shower and an existing electrical room. Offices 1- 5 are intended for clinical counselling, offices 6 – 9 are intended as staff offices.
9. The required number of on-site parking units required for a Medical and Health Office under the “General Rules for All Districts” of the LUB requires 1/15m² GFA. According to the City’s calculations, unit #30 would require 11 on-site parking spaces.
10. The total parking requirements for units #10 and #20 (in their current uses) is 18. Adding the additional 11 units required by the LUB would put the required parking units at 29. With 24 total units available, 1917 is short 5 parking on-site units.

11. The Application applied for a change of use from Fitness Facility to Medical and Health Office (Outpatient) as well as a parking space waiver for 5 spaces.
12. The Application was refused on December 2, 2022 on the following grounds:
 1. The scale or ratio (25%) of the proposed parking spaces waiver, an additional 5 spaces, is excessive.
 2. It cannot be concluded that a proposed parking spaces waiver would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.
 3. It cannot be concluded that a proposed parking spaces waiver would not contribute to a breach, or non-compliance with, the performance requirements of easement agreement 111 234 010. While the easement agreement is a private agreement, Land Use Bylaw 6300 includes regulation that:
 - Section 5. Compliance with Other Legislation.
A person or activity complying with this Bylaw must also comply with:
(3) the conditions of any caveat, covenant, easement, contract or agreement affecting the Use or Development of land or Buildings.
 4. It cannot be concluded that a proposed parking spaces waiver would not unduly interfere with the amenities of the neighbourhood.

Grounds of Appeal:

- 1) The proposed parking waiver is not excessive and will not materially interfere with the use, enjoyment or value of neighbouring properties or unduly interfere with the amenities of the neighbourhood.
13. Currently, the 24 parking units of 1917 are underutilized. Attached as Tab "A" are photos taken by Dr. Lachman during varying times and days, showing that parking use for 1917 is nowhere near capacity.
14. The intended psychologist's office operating plans would require nowhere near the calculated 11 parking units required. The psychologist office's operating hours will be seven days a week, from 8am to 8pm based on the needs of their clients. See Psychologist's supporting letter at Tab "B"
15. The client volume that would attend the psychologist office will be low and appointments will be scheduled so as to not overlap.

16. There is no evidence that neighbouring properties or amenities are being materially or unduly interfered with by the current uses of 1917 at this time.
 17. Currently, Cool Dental displays signage indicating that customers must all park in front of 1917. See attached Tab "C" a photo of a sign displayed at Cool Dental instructing clients to park in front of the building. Clients are also verbally reminded to park in front of 1917 when appointments are booked.
- 2) [The Proposed parking waiver will not contribute to a breach of Easement 111 234 010.](#)
18. Easement 111 234 010, to the best of the Appellant's knowledge, came as a result of a legal disagreement between previous owners of 1917 and 1921 Mayor Magrath Drive South ("1921"). Attached as Tab "D"
 19. This Easement amends a previous Easement Agreement that was entered into when both 1917 and 1921 formed one parcel. It appears that Time Air Inc., the then owner, applied to subdivide out 1917 but was required to give 1917 the right of access over a portion of 1921 in order to have legal egress and ingress to 1917. Attached as Tab "E" is the original Easement Agreement and Tab "F" is a copy of the plan showing the Easement granted as well as a Real Property Report showing the easement in relation to 1917 as Tab "G".
 20. From what can be discerned from the documents, Easement 111 234 010 simply clarifies that the original Easement did not grant 1917 the right to use the parking units located on 1921. The original Easement did not grant this right, but it appears that as part of the previous owners settling their legal dispute, they agreed upon the amending agreement.
 21. Easement 111 234 010 is a private agreement as between previous landowners. Admittedly, it addresses parking specifically, however, it is respectfully submitted that the granting of a parking waiver will not allow 1917 to breach its obligations under the Easement. The Easement remains unaffected and 1921 retains all of its legal remedies and recourses in the event that the Easement is breached.
 22. In fact, it is not the responsibility of the City to provide further protection to the rights of 1921 which are already sufficiently protected by the Easement 111 234 010 and by operation of the laws of Alberta.

23. As shown in the pictures taken by the Appellant, as well as the steps taken by the Appellant in relation to his practice, Cool Dental, lack of parking in front of 1917 is not an issue at this time.

3) Public Policy Considerations:

24. Section 617 of the *Municipal Government Act*, provides the purpose of conferring planning and development powers to municipalities in a way that serves the interests of the public without infringing on the rights of the individuals:

Purpose of this Part

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

- (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and
- (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

25. Section 617 also emphasizes the economical and beneficial development and use of land. It is respectfully submitted that allowing greater access to mental health services would be to be a beneficial use of land. As stated in the supporting letter submitted by the psychologists who wish to lease Unit #30, they have identified 1917 as an ideal location to provide mental health services.
26. Additionally, allowing Dr. Lachman the ability to lease his lands (a private right) to desirable tenants will also contribute to the economic health of the surrounding area.

Conclusion:

27. For the reasons outlined above, it is respectfully submitted that the Appellant be granted his appeal and be granted approval of Application, including the application for a waiver of 5 parking units.
- 28.

Attachments:

- A. Photos
- B. Psychologists' Letter in Support of Appeal
- C. Parking Sign (Photo)
- D. Encroachment Agreement 111 234 010
- E. Original Encroachment Agreement
- F. Survey Plan – Easement
- G. RPR
- H. Excepts of LUB



All photos taken at 11:30 am on Wednesday, December 7, 2022. These photos show the 24 parking stalls of 1917 Mayor Magrath Drive South.

Parking congestion is never an issue at any time.



All photos taken at **11:30 am on Wednesday, December 7, 2022**. These photos show the 24 parking stalls of 1917 Mayor Magrath Drive South. **Parking congestion is never an issue at any time.**

Any additional parking and loading requirements at 1917 Mayor Magrath Drive South from a Psychology office:

- **will not unduly interfere with the amenities of the neighborhood**
- **will not materially interfere with or affect the use, enjoyment or value of neighboring properties**



All photos taken at 11:30 am on Wednesday December 7, 2022.

Ten on -street public parking stalls are directly adjacent to the property. They are never full at any time. Public do not use these parking stalls.

Overflow parking from 1917 Mayor Magrath Drive is never required or needed at any time.



All photos taken at 11:30 am on Wednesday December 7, 2022.
They show that 1921 Mayor Magrath Drive South. **Parking congestion is never an issue at any time.**



All photos taken at 8:30 am on Thursday, December 8, 2022.

These photos show the 24 parking stalls of 1917 Mayor Magrath Drive South. **Parking congestion is never an issue at any time.**



All photos taken at 8:30 am on Thursday, December 8, 2022.

Ten on -street public parking stalls are directly adjacent to the property. They are never full at any time. Public do not use these parking stalls.

Overflow parking from 1917 Mayor Magrath Drive is never required or needed at any time.

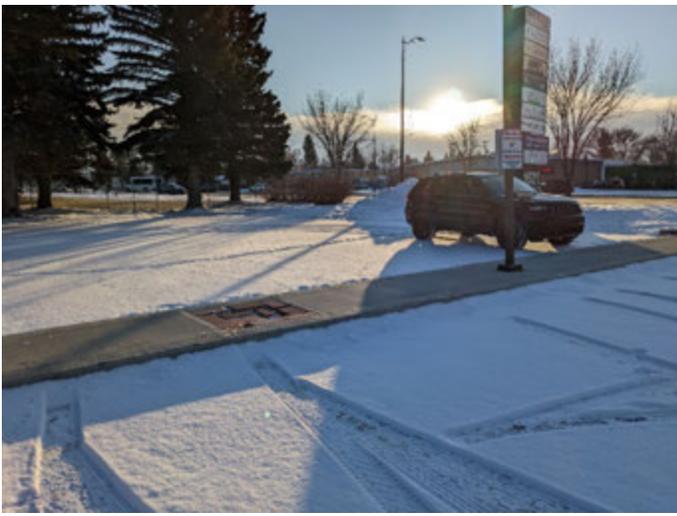


All photos taken at 8:30 am on Thursday, December 8, 2022. They show that 1921 Mayor Magrath Drive South. **Parking congestion is never an issue at any time.**



All photos taken at 3:30 pm on Monday, December 12, 2022.

These photos show the 24 parking stalls of 1917 Mayor Magrath Drive South. **Parking congestion is never an issue at any time.**



All photos taken at 3:30pm on Monday, December 12, 2022. They show that 1921 Mayor Magrath Drive South. **Parking congestion is never an issue at any time.**



All photos taken at 3:30pm on Monday, December 12, 2022.

Ten on -street public parking stalls are directly adjacent to the property. They are never full at any time. Public do not use these parking stalls.

Overflow parking from 1917 Mayor Magrath Drive is never required or needed at any time.



All photos taken at 4:30 pm on Tuesday, December 13, 2022. These photos show the 24 parking stalls of 1917 Mayor Magrath Drive South. Parking stalls are currently in use for storage.



All photos taken at 4:30pm on Tuesday, December 13, 2022.

Ten on -street public parking stalls are directly adjacent to the property. They are never full at any time. Public do not use these parking stalls.

Overflow parking from 1917 Mayor Magrath Drive is never

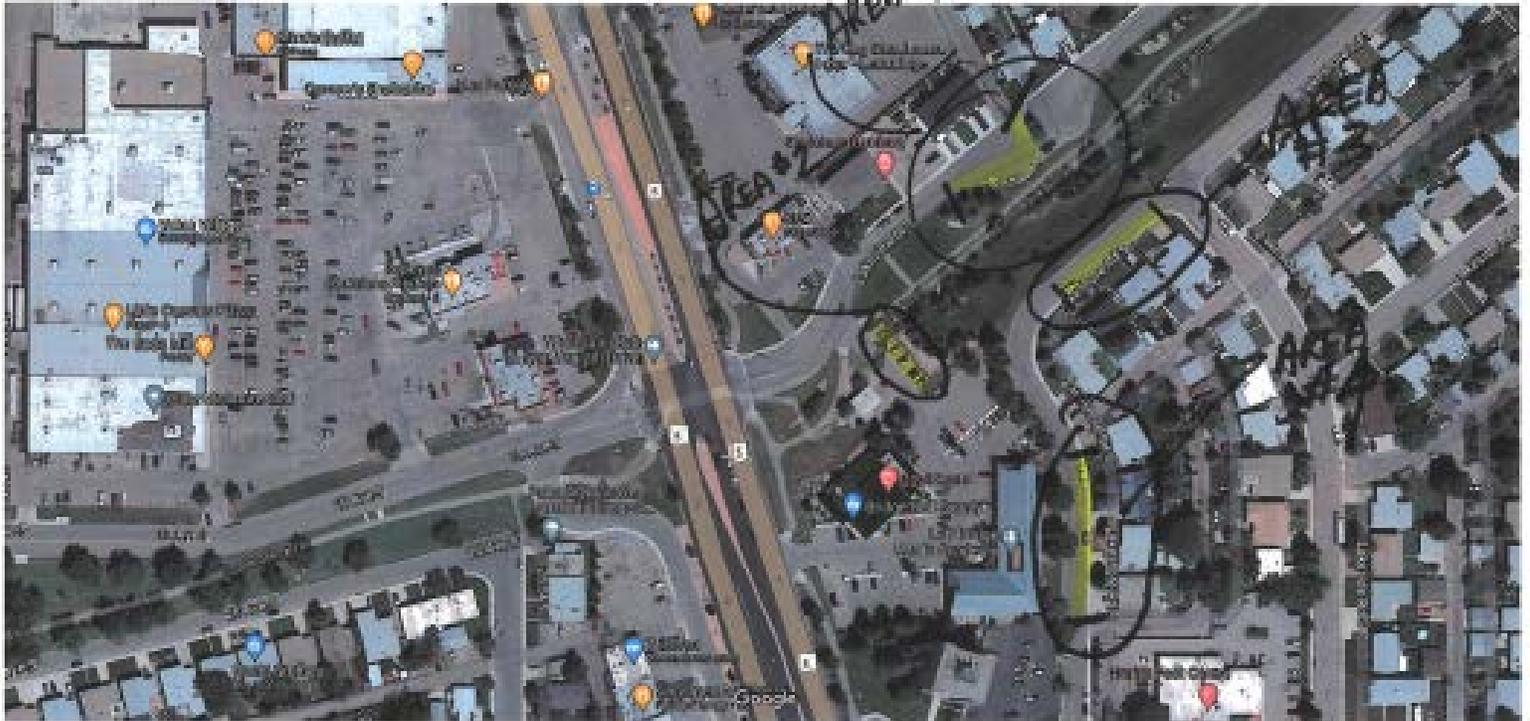


All photos taken at 6:00 pm on Wednesday, December 14, 2022. These photos show the 24 parking stalls of 1917 Mayor Magrath Drive South. Parking congestion is never an issue at any time.



Google Maps

PUBLIC PARKING SPOTS



- AREA #1 - 10 SPOTS
- AREA #2 - 10 SPOTS
- AREA #3 - 4 SPOTS
- AREA #5 - 4 SPOTS

Imagery ©2012 Airbus DS/1 Airbus, Maxar Technologies, J. Allen MO's and Co., Map Data ©2012

Subdivision & Development Appeal Board

City of Lethbridge

910 4th Avenue South

Lethbridge, Alberta T1J 0P6

Attention: Andy Cimolia, Board Chair**Re:** Appeal of Development Application No. 14227

Our Psychology office has been looking for a new location, and we found a great property at 1917 Mayor Magrath Drive South. This location is perfect for our clients as it is located in a semi-residential setting with a city park right next to it. This is why we agreed to a 6-year lease with the landlord.

We have come to learn more about the City's Land Use Bylaw 6300 for Medical and Health Office's. Unfortunately, the way the bylaw is construed, Psychologists are grouped together with other medical doctor offices. Our business model though is very different; and we would like to explain these differences vs. a typical medical doctor's office.

1. On average, each Psychologist will meet with 3 to 4 patients, in person, per day. Additional patient appointments are handled remotely. Whereas a medical doctor's office schedules many more patients per day.
2. Our patient appointments are at minimum 50 minutes in length. Additionally, we schedule 20-30 minutes between each appointment, to avoid an overlap of patients coming and going, virtually eliminating any waiting in the reception area, as typically experienced with a medical doctor's office.
3. The office will not have set operating hours, as we need to accommodate our clients' needs. We schedule in-person appointments seven days a week, from 8 am to 8 pm.
4. We utilize approximately four hours per day for patient appointments, whether in person or remotely. The remaining time each day is for appointment preparation, consultation, professional development, and conducting research, often done remotely.

We understand that the City of Lethbridge Land Use Bylaw 6300 would require an additional six parking locations in order to allow the change of use from a fitness facility. We feel that our business model is very different from other medical offices and Cool Dental & Bridge Bud Supply's operating hours would compliment our office, as their highest customer traffic times would be primarily outside of the hours we schedule appointments. We know that we would not require additional parking and there would be no major parking concerns if we were to operate out of the space.

It has been challenging to find the perfect office location. We have been focusing on finding an office which will be comfortable for our clients and offer a reasonable lease rate. We finally found it at this location, and we ask for flexibility to accommodate our unique business model by granting the required parking waiver.

Regards,

Scott Wensmann Kayla Shore

Scott Wensmann and Kayla Shore

Where did you park your vehicle?

Please park your vehicle in the parking stalls facing our building.

All other parking is for the building behind us and we have been informed that the management of that building will be enforcing their parking rules. Your vehicle could be ticketed or towed.

If you are unsure whether you are parked in the right spot, please ask us.

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

111234010

ORDER NUMBER: 46267143

ADVISORY

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Please contact the Land Titles Office at (780) 422-7874 if the image of the document is not legible.

EASEMENT AGREEMENT

THIS AGREEMENT made this 24th day of August, 2011.

BETWEEN:

673076 Alberta Ltd., a body corporate, having an office
at 806 – 2nd Avenue South, Lethbridge, Alberta T1J 0C6
(hereinafter called the "**Grantor**")

OF THE FIRST PART,

- and -

1457033 Alberta Ltd., a body corporate, having an office
at 1130 B 44th Avenue, S.E., Calgary, Alberta
(hereinafter called the "**Grantee**")

OF THE SECOND PART,

WHEREAS the Grantor is the registered owner of:

Plan 9212477
Block 7
Lot 20

And municipally described as 1921 Mayor Magrath Drive South,
Lethbridge, Alberta (hereinafter referred to as the "**Grantor's Lands**"); and

WHEREAS Grantee is the registered owner of:

Plan 9212477
Block 7
Lot 19

And municipally described as 1917 Mayor Magrath Drive South,
Lethbridge, Alberta (hereinafter referred to as the "**Grantee's Lands**"); and

WHEREAS each parcel of land is dependent upon the existing access roadway from Mayor
Magrath Drive;

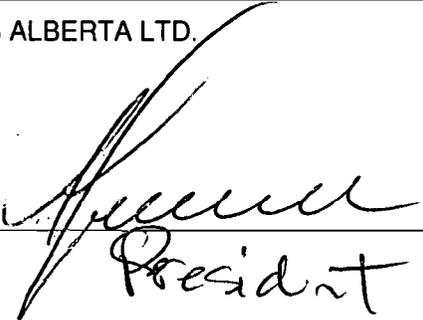
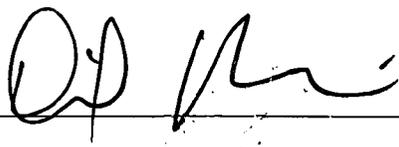
WHEREAS a Right-of-Way Easement dated November 18, 1992, was registered on the title to the Lands of the Grantor and Grantee on December 2, 1992, bearing instrument number 921 304 898; and

WHEREAS a dispute has arisen between the Grantor and the Grantee regarding the interpretation of the aforesaid Right-of-Way Easement;

NOW THEREFORE IN CONSIDERATION of the payment of Two (\$2.00) Dollars each to the other, the receipt of which is hereby acknowledged by each of the parties, and other good and valuable consideration, the sufficiency of which is hereby acknowledged by each of the parties, THE PARTIES HERETO MUTUALLY AGREE AND COVENANT, each with the other, as follows:

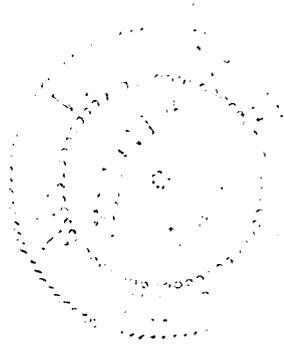
- 1. For greater certainty, the parties acknowledge and agree that the Right-of-Way Easement registered on the title to the Lands of the Grantor and Grantee on December 2, 1992, bearing instrument number 921 304 898, does not grant, permit or allow the Grantee or it's invitees to use the Grantor's Lands outside the roadway delineated as Area "A" on Plan 9212478, nor does the said Right-of-Way Easement permit the Grantee or its invitees to park on the Grantor's Lands.

IN WITNESS WHEREOF, the parties hereto have affixed their corporate seals by their duly authorized signing officers in that behalf as of the date above written.

<p>673076 ALBERTA LTD.</p>  <p>Per: _____</p> <p>Print name: Alex Gagnier</p>	<p>1457033 ALBERTA LTD.</p>  <p>Per: _____</p> <p>Print name: Daniel Meilleur</p>
--	---



111234010 REGISTERED 2011 09 13
AMEA - AMENDING AGREEMENT
DOC 1 OF 1 DRR#: E0584D7 ADR/DMACNEIL
LINC/S: 0024068736 +



**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

921304898

ORDER NUMBER: 46267301

ADVISORY

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921304898 REGISTERED 1992 12 02
EASE - EASEMENT
DOC 3 OF 4 DR# 4153844 ADR/SRICHARD

EASEMENT
OVER Lot 20, Blk 7, Plan 9213977
For Benefit of Lot 19, Blk 7, Plan 9213977
(Also Plan 9213978)

3-4

BASEMENT AGREEMENT

THIS AGREEMENT made this 18 day of November, 1992.

BETWEEN:

TIME AIR INC., a body corporate, having an office at 2800, 700 - 2nd Street, S.W. in the City of Calgary, Province of Alberta,

(hereinafter called "Grantor")

OF THE FIRST PART,

- and -

TIME AIR INC., a body corporate, having an office at 2800, 700 - 2nd Street S.W., in the City of Calgary, Province of Alberta,

(hereinafter called "Grantee")

OF THE SECOND PART,

WHEREAS the Grantor is, or will become, the registered owner of:

Plan 2212977
Block 7
Lot 20

Excepting thereout all mines and minerals and the right to work the same,

and municipally described as 1921 Mayor Magrath Drive South, in the City of Lethbridge, Province of Alberta (hereinafter referred to as the "Grantor's Lands"); and

WHEREAS Time Air is the owner of:

Plan 2212977
Block 7
Lot 19

Excepting thereout all mines and minerals and the right to work the same,

- 2 -

municipally described as 1917 Mayor Magrath Drive South, in the City of Lethbridge, Province of Alberta (hereinafter referred to as the "Grantee's Lands"); and

WHEREAS each parcel of land is dependent upon the existing access roadway from Mayor Magrath Drive; and

WHEREAS the City of Lethbridge, a municipal corporation under the laws of Alberta (herein referred to as the "City") requires the creation of certain easement rights and rights of encroachment as a condition of consenting to the subdivision of the Grantee's Lands to create the two lots mentioned in first and second recitals hereto;

WHEREAS in consequence of the subdivision of Lot 18, the natural gas utility lines will be located below the Grantor's Lands; and

WHEREAS the Grantor has agreed to an easement to ensure shared access, traffic circulation and parking for the benefit of both the Grantor's and the Grantee's Lands; and

WHEREAS the Grantor and the Grantee are entering into this Agreement in order to assure to the City, the Grantor and the Grantee and each successor in title of the Grantor's and the Grantee's Lands, the continuation of the easements, covenants and agreements hereinafter described.

NOW THEREFORE IN CONSIDERATION of the payment of Two (\$2.00) Dollars each to the other, the receipt of which is hereby acknowledged by each of the parties hereto, and other good and valuable consideration, the sufficiency of which is hereby acknowledged by each of the parties, THE PARTIES HERETO MUTUALLY

- 3 -

AGREE AND COVENANT, each with the other, as follows:

1. The Grantor grants to the Grantee, and to its respective servants, licensees, invitees, contractors, workmen, successors and assigns, the right, privilege and easement of the right of way in, on and over, and ingress and egress to the roadway shown on Right-of-Way Plan No. 9212478 shown as Area "A".
2. The Grantor grants to the Grantee, its tenants, invitees, customers, agents, employees, servants, agents, contractors, workmen, successors and assigns, the right and privilege to enter, construct, maintain, inspect, alter and repair the natural gas service line as shown on the Right-of-Way Plan No. 9212478 shown as Area "B".
3. For greater certainty, the easements granted by the Grantor in paragraphs 1 and 2 respectively, are restricted to only that portion of the Grantor's Lands shown as Area "A" and Area "B" in Right-of-Way Plan No. 9212478.
4. That with respect to the easements granted by the Grantor, the parties hereto covenant and agree, each with the other as follows:
 - (a) that each party will fill in all excavations and restore the surface to the same condition as prior to the commencement of construction, repair or replacement with respect to any work done or performed; and
 - (b) that neither party will erect or cause to be erected any buildings or structures upon, over or under the roadway, or the natural gas service line.

- 3 -

AGREE AND COVENANT, each with the other, as follows:

1. The Grantor grants to the Grantee, and to its respective servants, licensees, invitees, contractors, workmen, successors and assigns, the right, privilege and easement of the right of way in, on and over, and ingress and egress to the roadway shown on Right-of-Way Plan No. 9212478 shown as Area "A".
2. The Grantor grants to the Grantee, its tenants, invitees, customers, agents, employees, servants, agents, contractors, workmen, successors and assigns, the right and privilege to enter, construct, maintain, inspect, alter and repair the natural gas service line as shown on the Right-of-Way Plan No. 9212478 shown as Area "B".
3. For greater certainty, the easements granted by the Grantor in paragraphs 1 and 2 respectively, are restricted to only that portion of the Grantor's Lands shown as Area "A" and Area "B" in Right-of-Way Plan No. 9212478.
4. That with respect to the easements granted by the Grantor, the parties hereto covenant and agree, each with the other as follows:
 - (a) that each party will fill in all excavations and restore the surface to the same condition as prior to the commencement of construction, repair or replacement with respect to any work done or performed; and
 - (b) that neither party will erect or cause to be erected any buildings or structures upon, over or under the roadway, or the natural gas service line.

- 4 -

- 5. The easement and right of way herein contained in respect of the roadway, and granted by the Grantor to the Grantee, and the easement in respect of the natural gas service line granted by the Grantor to the Grantee, are, and shall be covenants running with the titles to the Grantor's Lands.

- 6. This agreement shall be registered as an easement against the title to the Grantor's Lands in the Land Titles Office for the South Alberta Land Registration District.

- 7. This easement agreement and the easement granted by the Grantor in respect of the gas service line shall not be amended nor shall the easement registered against the title to the Grantor's Lands be discharged without the consent in writing of the City first had and obtained.

IN WITNESS WHEREOF, the parties hereto have affixed their corporate seals by their duly authorized signing officers in that behalf as of the day, month and year first above written.

TIME AIR INC.

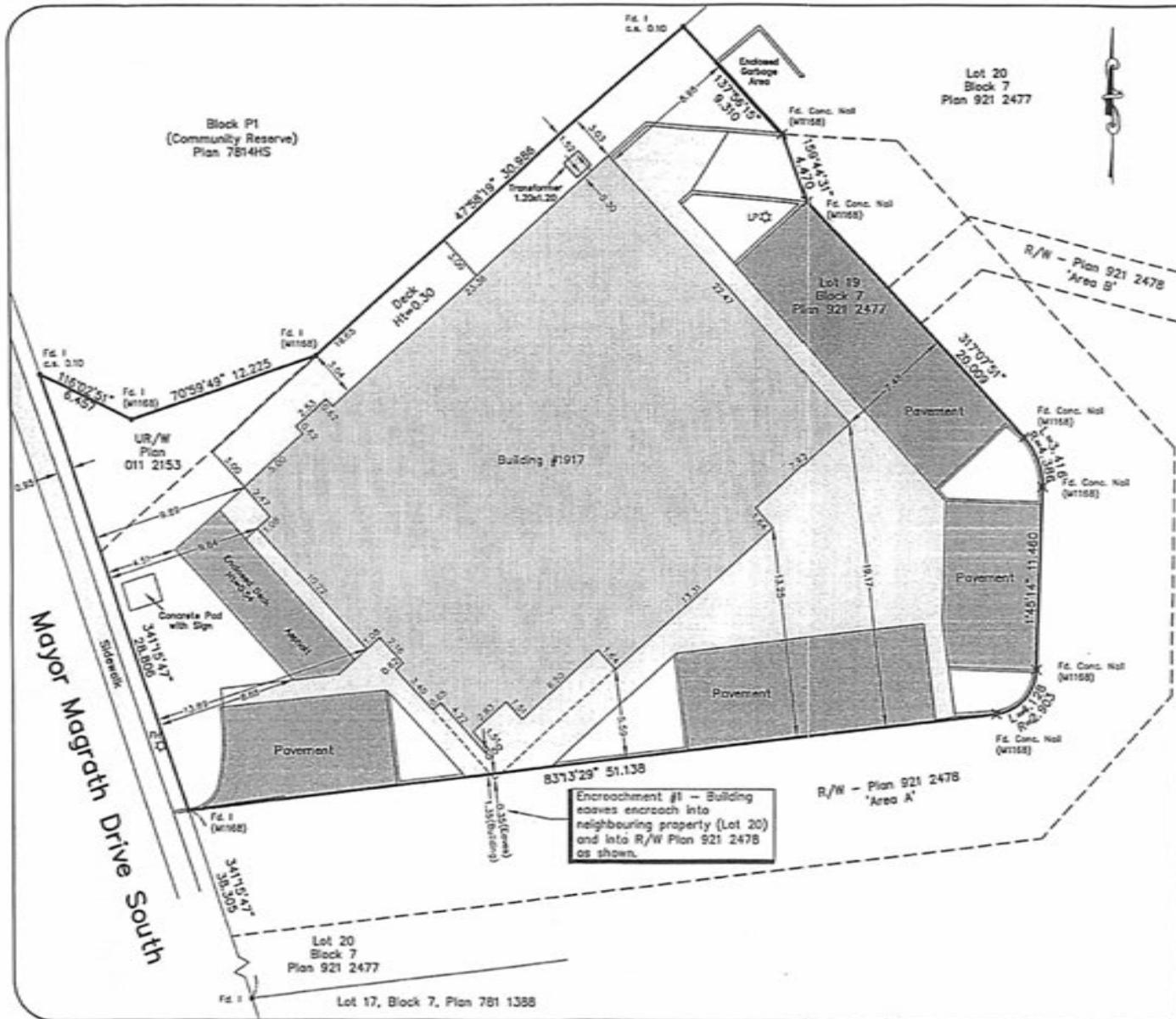
Per: DB Baidetukov

Per: MA Little

TIME AIR INC.

Per: DB Baidetukov

Per: MA Little



Alberta Land Surveyor's Real Property Report

LEGEND

- Bearings shown are 3TM grid derived from GPS.
- Legal survey monuments are shown thus:
found \bullet Fd. I
- Fd. No Mk. indicates Found No Mark
- Concrete Nails are shown thus:
found \times Fd. Conc. Nail
- Buildings and eaves are shown thus
- Concrete is shown thus
- Property boundaries are shown thus
- UR/W boundaries are shown thus
- Lamp poles are shown thus \odot LP
- Fire Hydrants are shown thus \odot FH
- Dimensions are in metres and decimals thereof.
- Distances are to the existing exterior cladding of the buildings at the time of the survey, unless otherwise shown.
- Eaves are dimensioned from building edge to outside fascia edge, excluding eavestroughing.
- UR/W indicates Utility Right of Way
- Ht= indicates Height
- L= indicates Length of Arc
- R= indicates Radius of Arc

The extent of the Title for the Subject Property is affected by:

Particulars	Registration Number
1) Restrictive Covenant	791 171 200
2) Restrictive Covenant	801 014 548
3) Easement	921 304 898
4) Easement	921 304 899
5) UR/W - Plan 011 2153	011 230 056
6) Caveat Re: Lease Interest	071 228 658

-No representations are made as to encumbrances that may exist against the title of this property.

This Plan is Page 2 of a Real Property Report and is ineffective if it is detached from Page 1 and 3. Page 2 of 3

SCALE: 1:250	MARTIN GEOMATIC CONSULTANTS LTD. ALBERTA LAND SURVEYORS 255 - 31st Street North Lethbridge, Alberta T1H 3Z4 Phone: 329-0050 Fax: 329-6594 E-mail: geomart@mgl.net @2009
File No. 092229RPR	
Drawn by: Ryon Kennedy	

Manufacturing, Intensive or Intensive Manufacturing means Development for the manufacturing, fabricating, processing, production, assembly and packaging of materials, goods or products which may generate a detrimental impact, potential health or safety hazard or nuisance beyond the boundaries of the Parcel. This term includes the brokerage, sorting and transfer of livestock; the commercial slaughter, rendering, packing or processing of livestock or poultry; and the milling and processing of grain. Warehousing and the lawful temporary confinement of livestock while transfer or slaughter takes place may be included as Supplementary Uses. This Use may include the sale of associated products of own manufacture at the discretion of the Development Authority. Wholesale distribution and Minor Child Care may be included as Accessory Uses. Farm Supplies, Service and Salvage or Waste Disposal Facility are separate Uses.

Manufacturing, Specialty or Specialty Manufacturing means Development for small-scale on-site production of goods. Storage, display and retail sales area for the manufactured goods which together occupy a maximum of 50% of the gross floor area may be incorporated as an Accessory Use. This Use may include sign manufacturing and the sale of associated products of own manufacture at the discretion of the Development Authority. This term refers to Uses such as bakeries, specialty food production, pottery, sculpture studios and furniture makers.

Medical and Health Facility (Inpatient and Outpatient) means Development providing medical and health care on both an inpatient and an outpatient basis or providing provincially-approved extended medical care and may incorporate Restaurant or cafeteria facilities, convenience retail facilities and Personal Service as Accessory Uses. This term refers to Uses such as hospitals and sanatoriums. Government Service and Group Home are separate Uses.

Medical and Health Office (Outpatient) means Development providing medical and health care on an outpatient basis and may incorporate a dispensary which sells pharmaceutical and related medical supplies as an Accessory Use. This term refers to Uses such as medical and dental offices, clinics and health and wellness services such as physiotherapy, counseling, chiropractic, naturopathic and therapeutic massage.

Medical/Surgical Specialist Office means Development for a medical or a surgical specialty as defined by the Alberta College of Physicians and Surgeons, but does not include laboratory medicine specialties. This Use does not include general practitioners or medical laboratories.

Micro-Wind Energy Conversion System (WECS) means Development providing for the generation of electric energy from a micro-generation generating unit consisting of a wind turbine, mounting or tower system and associated control or conversion electronics with a total nominal capacity of less than 150kW Micro Wind Energy Conversion Systems may be of either vertical or horizontal axis design with the total height of the system including blades and tower to be accommodated within the Parcel boundaries.

Municipal Planning Commission means the Municipal Planning Commission that was previously established by Council pursuant to Bylaw 5801 The Subdivision and Development Authorities Bylaw, but has now been eliminated.

Neighbourhood Specialty Food, Arts, and Crafts Production and Sales means Development for the production and retail sale of goods prepared on-site which, in the opinion of the Development Authority, create minimal impacts on the neighbourhood. This Use includes production and sale of items such as fresh garden produce, plants, flowers and flower arrangements, baked goods, herbs and spices, condiments and other prepared specialty foods, art works and hand-crafted items such as candles, cosmetics and health and beauty products, clothing, jewelry, quilts, weavings, etc. This Use does not include woodworking, metalworking, glassblowing or items of similar manufacture or animal butchery or taxidermy. Welding and use of pneumatic tools and machinery is prohibited. No outside storage of goods, materials or equipment is allowed. Manufacturing Speciality and General Manufacturing are separate Uses.

Neighbourhood Take-out Foods means Development for the on-site preparation and sale of made-to-order foods that are intended to be consumed off-site. Commercial-scale deep-fat fryers shall not be used in the food preparation. Ventilation and extraction systems must comply with relevant Building Code requirements. No drive-through operation is permitted.

Non-Conforming Building means a Building:

- that is lawfully constructed or lawfully under construction at the date this Bylaw, or any amendment thereof, affecting the Building or land on which the Building is situated becomes effective, and
- that on the date this Bylaw, or any amendment thereof, becomes effective does not, or when constructed will not, comply with this Bylaw.

Non-Conforming Use means a lawful specific Use:

- being made of land or a Building or intended to be made of a Building lawfully under construction at the date this Bylaw, or any amendment thereof, affecting the land or Building becomes effective, and
- that on the date this Bylaw, or any amendment thereof, becomes effective does not, or in the case of a Building under construction, will not, comply with this Bylaw.

Office means Development to accommodate professional, managerial, clerical and consulting services, the administrative needs of businesses, trades, contractors and other organizations and the sale of services of businesses such as travel agents and insurance brokers and may include therapeutic massage. Medical and Health Office (Outpatient), Government Service, Business Support Service and Financial Institution are separate Uses.

Off-Street Parking Space means an area of a Parcel or Site which is designated for the parking of a vehicle. Loading Space is a separate term.

On-Premise Advertising means Advertising that promotes a product or service that is offered at, or a business or activity that is located at, the Parcel where the visual device carrying the Advertising is located.

F	Spaces required in the C-D DISTRICT	Spaces required in ALL OTHER DISTRICTS
Farm Supplies, Service (excluding bulk storage facilities)	---	1 /65m ² GFA
Financial Institution	1 /45m ² NFA	1 /45m ² GFA
Fitness Facility		
activity area component	1 /20m ² NFA	1 /18m ² GFA
Office components	1 /45m ² NFA	1 /45m ² GFA
other components	1 /30m ² NFA	1 /30m ² GFA
Food Bank	1 /40m ² GFA	1 /20m ² GFA
Freight and Storage	1 /65m ² GFA	1 /65m ² GFA
Office components	1 /45m ² GFA	1 /45m ² GFA
storage components	1 /130m ² GFA	1 /130m ² GFA
mini-storage	1 /45m ² GFA (Office component only)	1 /45m ² GFA (Office component only)
Funeral Facility		
components with fixed seats	1 /5 seating spaces	1 /5 seating spaces
other components	1 /45m ² NFA	1 /45m ² GFA
G	Spaces required in the C-D DISTRICT	Spaces required in ALL OTHER DISTRICTS
Garden Centre		
retail component	---	1 /30m ² GFA
warehouse component	---	1 /65m ² GFA
Greenhouse	---	1 /65m ² GFA
Government Service	1 /45m ² NFA	1 /45m ² GFA
Group Home	---	1 /Dwelling Unit, plus 1 /staff for the maximum number of staff present at any one time At the discretion of the Development Authority
visitor parking		

H	Spaces required in the C-D DISTRICT	Spaces required in ALL OTHER DISTRICTS
Hardware and Building Supplies	---	1 /50m ² GFA
Hotel/Motel		
guest rooms or suites	1 /guest room or suite	1 /guest room or suite
Restaurant, entertainment and convention (meeting and assembly) components	1 /10m ² of patron dining, beverage, seating or standing space, plus 5 for employee parking	1 /10m ² of patron dining, beverage, seating or standing space, plus 5 for employee parking
fitness components: for guests only for other persons	No requirement 1 /20m ² NFA	No requirement 1 /20m ² GFA
Personal Service components	1 /55m ² NFA	1 /45m ² GFA
Office components	1 /45m ² NFA	1 /45m ² GFA
retail components	1 /55m ² NFA	1 /55m ² GFA
Household Repair Service	1 /50m ² NFA	1 /50m ² GFA
M	Spaces required in the C-D DISTRICT	Spaces required in ALL OTHER DISTRICTS
Manufactured Home/Tiny Home	---	2 /Dwelling Unit
Manufactured Home/Tiny Home, Sales and Service	---	1 /45m ² GFA
Manufacturing, General	---	1 /55m ² GFA
Manufacturing, Intensive	---	1 /55m ² GFA
Manufacturing, Specialty		
manufacturing component	1 /55m ² NFA	1 /55m ² GFA
retail component	1 /35m ² NFA	1 /30m ² GFA
Medical and Health Facility		
hospital	1 /bed	1 /bed
auxiliary hospitals	1 /3 beds	1 /3 beds
nursing homes and sanatoriums	1 /5 beds	1 /5 beds
all other components	As required by the Development Authority	As required by the Development Authority
Medical and Health Office	1 /15m ² GFA	1 /15m ² GFA

Medical/Surgical Specialist Office	---	See P-SO District
N	Spaces required in the C-D DISTRICT	Spaces required in ALL OTHER DISTRICTS
Neighbourhood Animal Care	---	1 /50 m ² GFA
Neighbourhood Facility	---	1 /45 m ² GFA
Neighbourhood Mixed Use Apartment		
Dwelling Units with fewer than 2 bedrooms	---	1 /unit
Dwelling Units with 2 bedrooms	---	2 /unit
Commercial Component	---	According to specific Use as listed in Section 63(5)
Neighbourhood Religious Assembly	---	1 /5 seating spaces
Neighbourhood Repair Service	---	1 /50m ² GFA
Neighbourhood Specialty Food, Arts, and Crafts Production and Sales	---	1 /55m ² GFA
O	Spaces required in the C-D DISTRICT	Spaces required in ALL OTHER DISTRICTS
Office	1 /45m ² NFA	1 /45m ² GFA
P	Spaces required in the C-D DISTRICT	Spaces required in ALL OTHER DISTRICTS
Park	No requirement	No requirement
Personal Service	1 /35m ² NFA	1 /20m ² GFA
Protective Service	As required by the Development Authority	As required by the Development Authority
Publishing, Printing, Recording and Broadcasting Establishment	1 /45m ² NFA	1 /45m ² GFA

You will notice that on five separate days, and at different times during the day, parking is not an issue at 1917 Mayor Magrath Drive South.

The following photos were taken at
11:30 am
on Wednesday
December 7, 2022.



All photos taken at 11:30 am on Wednesday, December 7, 2022. These photos show the 24 parking stalls of 1917 Mayor Magrath Drive South. **Parking congestion is never an issue at any time.**



All photos taken at 11:30 am on Wednesday, December 7, 2022. These photos show the 24 parking stalls of 1917 Mayor Magrath Drive South. **Parking congestion is never an issue at any time.**

Any additional parking and loading requirements at 1917 Mayor Magrath Drive South from a Psychology office:

- will not unduly interfere with the amenities of the neighborhood
- will not materially interfere with or affect the use, enjoyment or value of neighboring properties



All photos taken at **11:30 am on Wednesday December 7, 2022.**
Ten on -street public parking stalls are directly adjacent to the property. They are never full at any time.
Public do not use these parking stalls.

Overflow parking from 1917 Mayor Magrath Drive is never required or needed at any time.



All photos taken at **11:30 am on Wednesday December 7, 2022.** They show that 1921 Mayor Magrath Drive South.
Parking congestion is never an issue at any time.



The following photos were taken at
8:30 am
on Thursday
December 8, 2022.



All photos taken at 8:30 am on Thursday, December 8, 2022. These photos show the 24 parking stalls of 1917 Mayor Magrath Drive South. **Parking congestion is never an issue at any time.**





All photos taken at **8:30 am on Thursday, December 8, 2022.**
Ten on -street public parking stalls are directly adjacent to the property. They are never full at any time.
Public do not use these parking stalls.

Overflow parking from 1917 Mayor Magrath Drive is never required or needed at any time.



All photos taken at **8:30 am on Thursday, December 8, 2022.** They show that 1921 Mayor Magrath Drive South.
Parking congestion is never an issue at any time.



The following photos were taken at
3:30pm
on Monday
December 12, 2022.



All photos taken at 3:30 pm on Monday, December 12, 2022. These photos show the 24 parking stalls of 1917 Mayor Magrath Drive South. **Parking congestion is never an issue at any time.**





All photos taken at 3:30pm on Monday, December 12, 2022. They show that 1921 Mayor Magrath Drive South. **Parking congestion is never an issue at any time.**



All photos taken at 3:30pm on Monday, December 12, 2022.
Ten on -street public parking stalls are directly adjacent to the property. They are never full at any time.
Public do not use these parking stalls.

Overflow parking from 1917 Mayor Magrath Drive is never required or needed at any time.

The following photos were
taken at
4:30pm
on Tuesday
December 13, 2022.



All photos taken at 4:30 pm on Tuesday, December 13, 2022. These photos show the 24 parking stalls of 1917 Mayor Magrath Drive South. **Parking congestion is never an issue at any time.**





All photos taken at 4:30pm on Tuesday, December 13, 2022.

Ten on -street public parking stalls are directly adjacent to the property. They are never full at any time.

Public do not use these parking stalls.

Overflow parking from 1917 Mayor Magrath Drive is never required or needed at any time.

The following photos were
taken at
6:00pm
on Wednesday
December 14, 2022.



All photos taken at 6:00 pm on Wednesday, December 14, 2022. These photos show the 24 parking stalls of 1917 Mayor Magrath Drive South. **Parking congestion is never an issue at any time.**



Letter of Non-Support

January 17, 2023

To whom it may concern:

Thank you for taking the time to go through the information I have provided as the owner of the neighboring building, 1921 Mayor Magrath Drive South, (the Magrath Centre), for my NON-support of this parking waiver. It is long and detailed, but I am quite concerned of the negative impact this would have on our current and future tenants.



Sincerely,

David Brodoway, Owner of 1921 Mayor Magrath Drive South (Enigma Properties)

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1. Statement of NON-support

As the property owner of the Magrath Centre we can NOT support any sort of parking waiver that potentially impacts our property even more than what we are encountering now. The parking stalls on our privately owned property, 1921 Mayor Magrath (the Magrath Centre), are occupied daily from clients of the neighbouring building 1917 Mayor Magrath (even with their building only being 2/3 leased out presently). I am greatly concerned for the day-to-day operations of our existing tenants, future tenants, and the financial impact this will cause.

2. Initial request shows use of our parking (Magrath Centre) and city parking

It is evident just by reviewing the email communication from the REALTOR representing 1917 Mayor Magrath, (dated November 2/22) what their intentions are and how it would negatively impact the Magrath Centre. As shown in the following image, the initial request shows the tenants of 1917 Mayor Magrath, utilizing city property (in Yellow), together with 6 stalls on the property of the Magrath Centre (highlighted in Red). Currently, the city property is occupied primarily by the tenants of 1917 Mayor Magrath (approx 8 out of 10 stalls daily). As we speak tenants of the Magrath Centre do not use the city parking highlighted in yellow. Should something happen to those 10 city owned stalls and they are no longer available for 1917 Mayor Magrath tenants to occupy, the Magrath Centre would be even more impacted.

Schedule A

Red – Parking Waiver proposed sites
Yellow – Cool Dental and Bridge Bud Staff Parking



3. Application and Appeal are Misleading

At first glance, the application may seem reasonable. It mentions a typical work week of how only one psychologist sees clients, and that it is often from 3-7pm. However, we do need to add all the other therapists. I believe that the group has 4-6 therapists into the calculations for demands for parking. The application implies that it is only one psychologist but when you look at actual costs involved for that space, there is no way only one psychologist could afford the lease and operating cost while only working 4 hours per day. The drawings show 9 offices, and one room called a collaboration room. Tenants usually come and go in various cycles, and landlords tend to hold the course and hold onto their property investments much longer. If this waiver is granted it will actually stay into effect until there is a change of use requested and that very well may never occur. A different type of clinic could take over the space and see clients every 15-30 minutes. Once the decision is made it cannot be reversed.

4. History of Parking Issues between 1917 & 1921 Mayor Magrath

Since taking possession of the Magrath Centre in 2019, there have been parking issues between 1917 and 1921 Mayor Magrath Drive (the Magrath Centre), which I have tried my best to mitigate. There have been cases of clients from one building parking at the other's parking, and it's hard to have 100% compliance (especially when 1917 does not have any signs). However, when I notice one of our clients parking on 1917 parking, I politely ask them to move. Our tenants are fully aware of where the parking areas are for the Magrath Centre, and we all make efforts to park away from the main doors, to leave the most convenient spaces available for our clients. To deter any misunderstandings, we installed 12 signs clearly identifying our area, and parking instructions in March 2019. We asked 1917 Mayor Magrath numerous times to install some signage as well to help alleviate issues and to date (as of January 17, 2023) nothing at all has been done on their part.

In July of 2019, there had been many patrons of Bridge Bud parking on the Magrath Centre lot. After communicating with Dr. Lachman for a few days, I sent him photos of cars parked at the Magrath Centre going to Bridge Bud. Instead of taking ownership as the landlord for the issues created from his building and trying to address them, Dr. Lachman complained to the police. When the officer called me and asked what was going on he said sorry this is a ridiculous call that you are informing a person that their building and/or tenants' clients are technically trespassing on your property, and he is the victim? One or two clients occasionally, parking in our lot and hopping into Bridge Bud for a quick purchase, is not such a big deal. However, when it goes on all day long, and when there are dental patients parked for hours at a time it becomes trying and

ultimately a financial burden.

In March of 2021, after fielding numerous calls/complaints from various tenants of the Magrath Centre (1921 Mayor Magrath) frustrated seeing various vehicles belonging to Bridge Bud employees park on the Magrath Centre's parking property for weeks, I called the police complaint line and ultimately 2 of the staff members from Bridge Bud got ticketed for parking on our lot. Not long after Dr. Lachman's wife hand delivered a warning letter to all tenants of 1921 Mayor Magrath telling them not to park on 1917 property. I once again asked them to install some signage at their building, but as of January 2023, that has not been done.

There have been other issues from 1917 Mayor Magrath in addition to parking. They clear the snow from their parking stalls and pile it up on Magrath Centre's property, storage of garbage bins on Magrath Centre's property and discarded garbage from his tenants' products. Clients from their building buying cannabis and smoking it literally outside my covered area next to my window when asking them to leave we are verbally assaulted. We would often witness clients from their building go and smoke their purchase on the back steps of our building, clients from their building throwing dirty diapers in my garbage, people from their building using our bathrooms as per instructions of the Bridge Bud to the point we had to start locking the bathrooms in our building. Once the doors to our bathrooms were locked, clients of Bridge Bud are often caught walking across the parking lot to urinate on the backside and more secluded area of our building or in trees and shrubs. Bridge Bud has since been more accommodating and it appears their staff do not use our lot (**but their clients sure do**) and has cleaned up the larger cannabis paraphernalia garbage when I have contacted them. I do clean up the parking lot weekly as I am here on site. The most recent mess was January 5, 2023.

The history of cooperation has been less than ideal especially when it comes to parking, realistically they are the ones constantly disrupting and impacting our privately owned property. There is only so much tolerance that can be granted of others affecting your private property. It doesn't make sense to be even more accommodating of our privately owned property for the benefit and financial gains of the neighboring landlord. I can only imagine it would be much worse with a 9-office group operating out of 1917 Mayor Magrath and once Cool Dental's expansion is complete.



Garbage cans and snow piles from 1917 Mayor Magrath lot, on Magrath Centre Property, Dec 15, 2022 (took 3 days to correct after our request)



Some of the signs currently on the Magrath Centre Parking lot. We have installed a total of 12 signs on our property. 2 signs are 2.5ft wide x 5ft tall with diagrams. Detailed history of Parking Issues at #9

5. Expansion at Cool Dental, (1917 Mayor Magrath)

Cool Dental is almost done with their expansion of 3-4 more dental workstations. Where are those staff going to park plus the patients to fill the added workstations?

6. Analogy

This could be something similar to a person having their own residential property paying for the mortgage, all utilities, all maintenance and upkeep, and property taxes to only have their neighbor feel they are entitled to basically use their yard, park on their driveway and/or occupy a portion of their garage whenever they felt so inclined to do so without asking permission and even after you tell them not to they continue. **The question is how long would you tolerate your neighbor utilizing and occupying your property?** We have been more than courteous and lenient tolerating one inconvenience after another from those involved with the property at 1917 Mayor Magrath on our privately owned property. Feels like we have tried to give an inch and they take a mile. Unfortunately, all these daily disruptions take their toll, and this is not a

good neighbor situation.

7. Existing Market Conditions

There is still lots of financial and economic uncertainty across the country as well as here in the Lethbridge business world. There are several commercial spaces available across Lethbridge. The Magrath Centre currently has vacancies so to the unknowing eye the parking lot for 1921 Mayor Magrath Drive South may appear spacious but we are working hard to fill those spaces. We are very aware of the parking requirements, and the zoning for each our spaces and have already turned away potential tenant inquiries as their businesses will not work within parameters set by the city for our property.

When our building is fully leased, parking becomes challenging, especially when the neighboring building is occupying our privately owned stalls. We are constantly working with managing our parking requirements and will ensure that there is enough parking for our tenants. I truly hope that 1917 Mayor Magrath can also find a tenant that meets the city requirements for parking.

8. Letters of Non-Support

Attached are letters of non-support from tenants of the Magrath Centre, (and letters from previous and potential tenants).

- A. AUPE (Alberta Union of Provincial Employees) Jami Payne
- B. AUPE (Darren Gangur)
- C. Health Care Homes Ltd.
- D. LethbridgeRealEstate.com
- E. Lethbridge Music Academy
- F. Jeff Jacobs Insurance
- G. Darren DeJong Scotiabank
- H. Dr Nathan Puhl (Rheumatologist)
- I. Maureen VandenBerg Assistant Controller, Western Region for Masterfeeds
- J. Kevin Walker General Manager for Mint ATM Network Inc. (Potential Tenant)
- K. The communication of NON-support I provided to the agent representing Dr. Lachman



Lethbridge Regional Office
 203, 1921 Mayor Magrath Drive S.
 Lethbridge, Alberta, Canada T1K 2R8
 Telephone: 1-800-232-7284
 Fax: (403) 327-5827 www.aupe.org

The City of Lethbridge
 910 4th Avenue South
 Lethbridge, Alberta T1J 0P6

Re: Parking Waiver Proposal at 1921 Mayor Magrath Drive South

On behalf of those in the Alberta Union of Provincial Employees Lethbridge office, this proposal would negatively impact the current parking situation for our members and staff. We have upwards of 10,000 members who are employed in the Servicing area South of Calgary, close to 4,000 members in worksites across the city of Lethbridge alone. Our members utilize the parking lot for in-person meetings held in the two boardrooms we have leased here at the Magrath Centre, as well as attend education courses or host Local and Chapter events. Our organization also relies on the current parking capacity to accommodate those members who travel to the annual convention, labour school, or other conferences where shared bussing is offered to assist members to participate in such events. These events hosted by our membership and staff do not only occur Monday to Friday between the hours of 8:30 am and 4:30 pm but at times will take place outside of regular business hours and sometimes on weekends.

We rely on having safe and private parking available for our membership and staff to come and go. Unfortunately, all too often and almost daily, we see clients and customers of the neighboring building occupy parking stalls that have been clearly designated for use of tenants and clients of the Magrath Centre.

We cannot support any type of parking waiver that will potentially impact our parking more than it already does now.

Respectfully,

Jami Payne
 Administrative Professional

JP

cc: Tim Jackson, Membership Services Officer
 Christopher Baines, Membership Services Officer
 Darren Gangur, Membership Services Officer
 Ashley Poirier, Manager of Employee Relations and Administrative Professionals
 Shane Ellis, Manager of Labour Relations South

G. Smith President	J. Heistad Executive Secretary-Treasurer	S. Azocar Vice-President	B. Borodey Vice-President	M. Dempsey Vice-President	B. Gostola Vice-President	D. Graham Vice-President	S. Slade Vice-President
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Dave Brodoway <dave@brodoway.com>

Magrath Centre Parking

1 message

Darren Gangur <d.gangur@aupe.org>
To: "Brodoway, Dave" <dave@brodoway.com>

Tue, Dec 20, 2022 at 2:23 PM

To Whom It May Concern,

I have been working out of [1921 Mayor Magrath Drive](#) for approximately 15 years. It has come to my attention that a potential new tenant for the other building is attempting to access and secure parking spaces on to which the ownership of [1917 Mayor Magrath](#) otherwise cannot properly provide for the type of business they are attempting in his building.

While I cannot speak to the quasi legality of the other building owner being basically allowed to expropriate parking from our landlord. I can say that such an action would be detrimental to the business and interests of the Alberta Union of Provincial Employees and the many members in Southern Alberta that we serve on a daily basis. I'm against any sort of waiver being granted that may impact the Magrath Centre's parking.

Sincerely,

Darren Gangur

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.



November 8, 2022

To Whom It May Concern

As a long time tenant at Magrath Centre (1921 Mayor Magrath Dr. South), we have been instructed and follow the parking guidelines at our building. Our staff, clients and customers all know where the parking is for this building and they use those spots in order to visit our business.

Allowing another building/business to take over parking spots designated for our building would have no benefit for our business and could only be seen as a detriment to us and our clientele.

Health Care Homes Ltd. will not support changes to the parking arrangements.

Sincerely

Dennis Hanzel

Mr. Dennis Hanzel
President
Health Care Homes Ltd.

To whom it may concern:

I'm the Broker and Owner of LethbridgeRealEstate.com, I have been operating a Real Estate team out of the Magrath Centre since 2019. As both a licensed commercial and residential realtor I completely understand the importance of proper compliance for permits, development, zoning, including parking.

I would NOT be in favour of supporting any sort of parking waiver for the building across the parking lot, as it stands people from the other building (either staff or clients) already constantly park on our designated property, causing a daily inconvenience to all of us that are legitimately allowed to park there.

I have viewed the letter and diagram provided from Mr. Lachamn's Real Estate agent to our Landlord. It is clear as day they fully plan to park and utilize property that does not belong to them. Just in case you aren't aware of it, I'll attach a copy with my letter for your reference. That letter also mentions how Cool Dental and Bridge Bud occupy the City owned stalls for their staff parking. Should that parking ever be fully occupied or no longer available for their staff, where would those vehicles park? I'm going to take a good guess that they will end up in our lot.

After viewing the drawings submitted from the psychologist group, seeing that many offices it is also very clear they plan on having multiple people work out of that space meaning more demand for parking for both staff and clients. There is no doubt in my mind those demands will simply overflow and negatively impact the parking for the Magrath Centre (1921 Mayor Magrath S)

On top of this, some may not be aware but Cool Dental has undergone an extensive reno/expansion of their existing practice adding 3-4 more dental workstations meaning there will be an increased demand for parking to accommodate the required extra staff and clients filling those stations. So now the Magrath Centre is in even more jeopardy of having multiple areas of their property/parking impacted from the neighboring building especially when both buildings are completely leased out. We are actually currently working on leasing out 2 additional spaces in the Magrath Building. If we are able to lease those to the target demographic, we are going to need as many spaces as possible to meet the current guidelines from the City of Lethbridge.

If I was just concerned for my own parking, I would still be against this waiver. But at this point we have to consider potential clients for this building.

I know our landlord even went to the point of installing signs, some diagrams in 2019 to help reduce our concerns, but unfortunately it hasn't helped as much as we hoped.

Our landlord has asked Mr. Lachman numerous times to help with finding a solution to the problem and install signs on his property identifying parking and boundaries, unfortunately nothing has been done to date.

Thanks for your time in reading this letter.

Onward,

Justin Myer
Broker/Owner
LethbridgeRealEstate.com



**AVISON
YOUNG**

Avison Young Lethbridge (2016) Inc. Page 111
550 WT Hill Boulevard South, Suite 40
Lethbridge, Alberta T1J 4Z9
Canada

403.330.3338
avisonyoung.com



November 2, 2022

Dave Brodoway
1921 Mayor Magrath Drive S, Suite 103
Lethbridge, Alberta T1K 2R8

Re: Letter of Support, Parking Waiver requirement at 1917 Mayor Magrath Drive S, Suite 30, Lethbridge, Alberta

On behalf of Karstan Lachman, we are currently in the process of seeking a parking waiver from the City of Lethbridge for a conditional offer on Suite 30. We are reaching out to you today to request a letter of support to allow us to begin the process of requesting the parking waiver.

We are seeking a six-stall waiver for the 1,873 square foot suite for an Office user. The proposed six stalls for the waiver are outlined in Red on the attached Schedule A with tenants from Cool Dental and Bridge Bud using the city parking stalls outline in Yellow on the attached schedule.

If you have further questions, please contact me at 403.942.0293 or Jeremy.rodan@avisonyoung.com

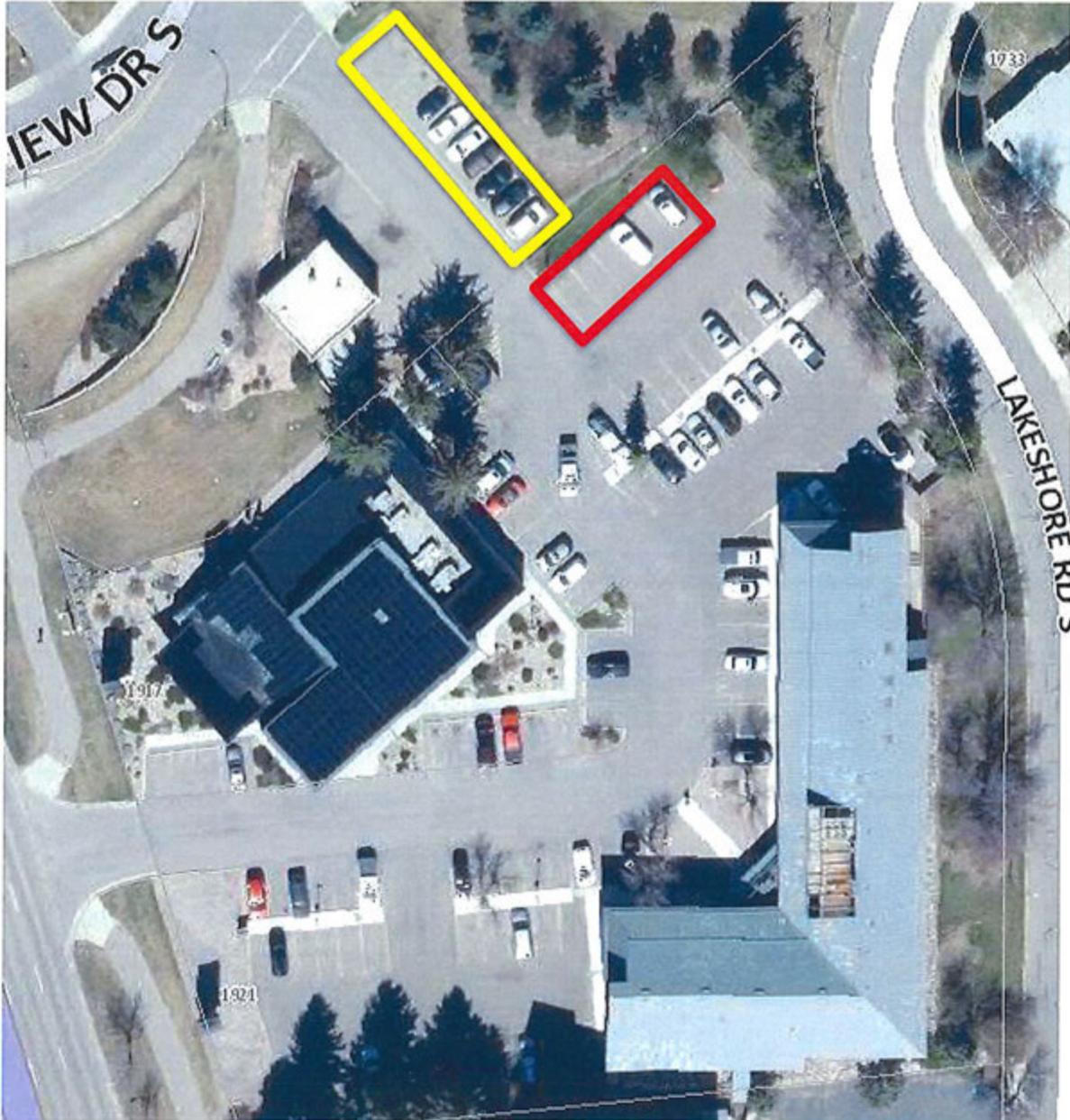
Regards,

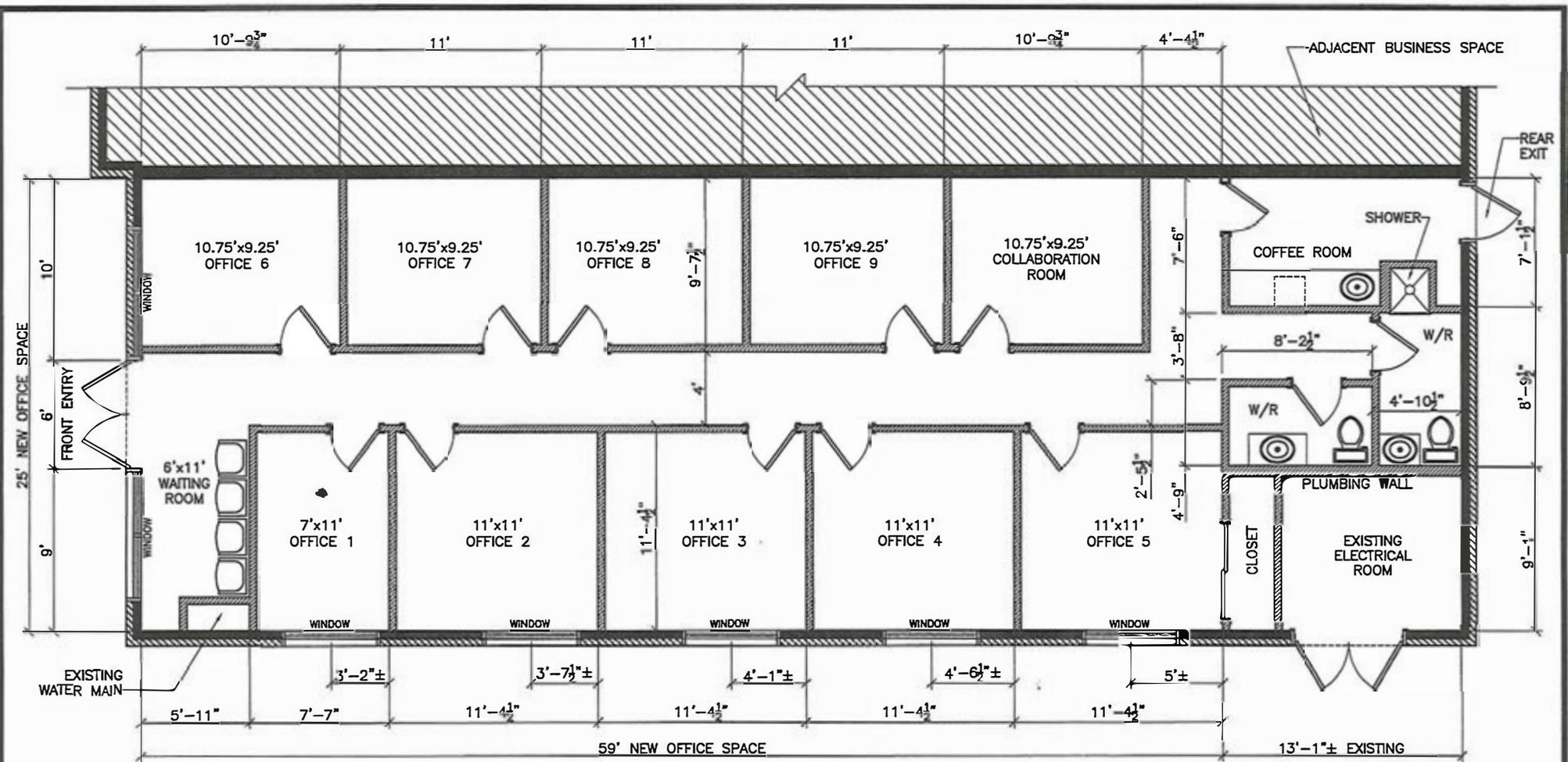
Jeremy Roden

Jeremy Roden
Associate

Schedule A

Red – Parking Waiver proposed sites
Yellow – Cool Dental and Bridge Bud Staff Parking





- NOTES:
1. COFFEE ROOM & WASHROOMS ARE EXISTING.
 2. ONE WASHROOM HAS BEEN APPROVED AS BARRIER FREE.
 3. WINDOW SIZES & LOCATIONS ARE APPROXIMATE.
 4. WALLS ARE ASSUMED TO BE 4.5" THICK (2X4 STUDS w/ 1/2" DRYWALL BOTH SIDES)

REVISIONS			
NO.	DESCRIPTION	DATE	BY
0	ISSUED FOR CLIENT APPROVAL	10/26/22	RAR



CLIENT
PRAIRIE SAGE
COUNSELLING AND CONSULTING
1917 Mayor Magrath Drive South
Unit 30 | Lethbridge, AB T1K 2R8

PROJECT
OFFICE RENOVATION
TITLE
NEW OFFICE LAYOUT

SCALE
3/16"=1'
DATE
10/25/22
DRAWN BY
RAR
CHECKED BY
FILE #
PR-SAGE-OFFICE-A1

DRAWING NO.
A1
REVISION: 0



Dave Brodoway <dave@brodoway.com>

Parking Lot

1 message

James Zeck <jamesazeck@gmail.com>
To: Dave Brodoway <dave@brodoway.com>

Thu, Dec 8, 2022 at 2:24 PM

Hi Dave,

Just wanted to reach out and say thanks for keeping me in the loop regarding the application for the potential new tenants directly across the way, as well as the applications refusal, and their hope to appeal.

I'm concerned if the appeal is granted just how much it is going to impede on our current parking needs. Hearing about the floor plan they provided with their application and wanting to build 9-10 offices would suggest that eventually, their hope is to have, at least, 16- 20 people plus vehicles at their office at a time (psychologists and those seeing them), and I, unfortunately, don't see how that could fit into their property without flowing onto ours. If we keep in mind not only us, but the other current and future tenants in our building, if it did get to that point, where would everybody park? One of the primary reasons we chose this location was because the ample parking and space needed for our type of operations, and to see any of those spaces taken, or to be put in a situation where our families and teachers need to compete for parking spaces could lead to friction and frustration, and ultimately hurt our customer experience.

Obviously we have no issues sharing a parking lot with other businesses from our building but shouldn't have to potentially share our designated property with the other building owner and his tenants. When hearing that the one psychologist claims to typically only work from 3-7 pm, that is actually peak time for us. And again, if there are 6-10 of them, plus staff and patients, space could quickly become an issue. We have a lot of activity from about 3PM to 8:30PM every day, and then mid-day Saturdays, so their mentioned hours, although perhaps for other professional businesses may be complimentary, for us are inevitably going to lead to the aforementioned struggles.

We already have issues with the customers of Bridge Bud Supply driving past the open spaces in front of their doors, and then parking directly in front of our front door/windows and walking over. We'd prefer those spots to be saved for our families as a convenience for them. We appreciate the signage up around our building, and we do inform our people to leave the spots in front of the Dentist Office and Bud Shop open for their use, and I think if the other building could put up some simple signage that would go a long way, but I understand they haven't been open to pursuing that solution.

There have also been some issues that have come to my attention from customers of the neighbouring building driving quite quickly through our parking lots, and with all of the kids coming through, we do see the danger there. I think an increase in traffic, combined with a new business eating up the lion's share of parking spaces, will certainly not improve the situation.

Another thought would be you putting up more signage on our side to drive the point home that we need these spots. But perhaps it would be a turnoff for future tenants, hoping to avoid any problems or "parking wars", as we already have signage up on our side of the lot anyway.

The primary reason we moved here was for the abundance of parking space to help us accommodate our staff and students, and our hope would be to continue to have access to all of those spots to continue providing a great service to our students. I just don't see how the other building getting a parking waiver will realistically work for everyone, and I'd prefer to avoid any conflicts. At the end of the day I think that what the psychologists need to operate at the impressive scope they have plans for would be greater than what could be acquired here.

Otherwise, we really appreciate having you as the onsite property manager, making sure the walks are shovelled and that there's no garbage from the Bud Shop, KFC, or otherwise, laying around.

James

p15



Dave Brodoway <dave@brodoway.com>

Parking at Magrath Centre

1 message

Jeff Jacobs <jeff.jacobs@desjardins.com>
To: Dave Brodoway <dave@brodoway.com>

Thu, Dec 15, 2022 at 7:52 AM

Hi Dave,

We truly appreciate you keeping us updated regarding the parking waiver and now upcoming appeal the other building has in progress with the City. In fact we actually viewed that very space but determined the size and lack of parking was going to be a concern.

One of the deciding factors for leaving our old location was available and hassle free parking for both our staff and clients. We totally understand just how important parking is, and don't care to deal with more parking issues!

As you know it took us well over a year to find the right location, get things in order, and now we still have to figure out a timeline for renos before officially moving operations over.

Afte hearing about the proposed drawings for the floor plan submitted showing so many offices it's clear to assume they plan to have quite few therapists/staff operating out of the location and would assume they would have the equivalent amount of patients/clients.

Please be sure to pass along to whom it may concern, we will not support any type of parking waiver for the other building that could potentially disrupt our new location and the parking for our staff and clients.

We look forward to successfully operating out of the Magrath Centre.

Kind regards,

Jeff Jacobs



Jeff Jacobs

Agent

403-331-3100



Dave Brodoway <dave@brodoway.com>

Magrath Centre Parking

1 message

Dejong, Darren <darren.dejong@scotiabank.com>

Thu, Dec 15, 2022 at 11:24 AM

To: Dave Brodoway <dave@brodoway.com>

Hi Dave:

After recently hearing about the application for a parking waiver being refused by the City and now hearing the landlord from the other building is appealing it, I felt compelled to write this email. If that waiver or any parking waiver was to be granted it would only benefit the other building and actually cause more harm than anything for the Magrath Centre. Personally, I find this latest issue mind boggling and almost bizarre that you need to defend and monitor your private property and parking to the degree that you do. More concerning is the fact the neighboring landlord either doesn't understand or seems to not care where his clients park as long as they are paying him for his services. I previously mentioned to you that the other landlord should install some signs to help the situation, but you let me know that this has been brought up many times in the past from various sources to no avail.

The owner of the other building is fully aware his clients are not supposed to be parking on our property. From past experiences and observations, the other building occupies too many of the stalls belonging to our building on a regular basis. Parking is frustrating for many including myself. I have often encountered pulling up to the property for work attempting to park in one of the usual stalls in an area of the parking lot where many of us have been instructed to try and park in attempts to keep the closer spots available for clients and visitors of the Magrath Centre accessible. After many years, we know which vehicles belong to whom throughout the building, and we kind of become accustomed to parking in certain stalls and permitted areas.

When I have to park in other stalls because someone from our building got there first no problem. But when I see those very stalls occupied and a person actually walking away from the said vehicle heading into either Cool Dental or Bridge Bud I honestly want to ask them to move or read the sign they parked in front of.

I am not in favour of supporting any sort of parking waiver for the benefit of the other building. They already seem to park on our designated property too much and I fear the problem is going to get worse should a waiver be granted.

Thanks,

Darren De Jong - Tenant

-

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Dr. Nathan Puhl MD, FRCPC
Rheumatologist
1218 3rd Ave S. Lethbridge,
AB T1J 0J9
Phone: 403-942-7975
Fax: 403-388-4500

2022-Dec-09

Dear Dave,

Thanks for dropping off all the mail that didn't get forwarded with the move.

More importantly, I wanted to say thanks for everything and being a great landlord, if the opportunity to work next to my brother's chiropractic clinic in our family owned building hadn't come available as our lease was expiring I would have stayed in your building.

Sorry to hear you are encountering some serious concerns regarding your parking with the potential application for a psychologist group trying to open up in that vacant space directly across from your building. With hearing that news, maybe our timing for moving was perfect? From our office view on the second floor we would often see people parking over in our area and walking over to either Cool Dental or the Cannabis shop on a daily basis.

I don't see any positive upside for you and your property if they get that waiver, it is only going to cause you and your tenants more inconvenience especially when you are fully leased. There is no doubt in my mind the parking needs from that type of practice will flow over to your property as there is nowhere else for it to go.

Whenever the opportunity comes up with other doctors and professionals discussing offices I try to mention your building, it was a great place for our businesses. For your sake I hope that waiver doesn't get granted, it will definitely impact your property.

Heads up and take it for what it is worth, I know if I was looking at a new location I would want to know about anything that might potentially hinder my clinic so this might be something you may want to disclose to any potential new tenants.

Sincerely,



Nathan Puhl, MD, FRCPC



Dave Brodoway <dave@brodoway.com>

Parking

1 message

Maureen Vandenberg <mvandenberg@masterfeeds.com>
To: Dave Brodoway <dave@brodoway.com>

Wed, Dec 14, 2022 at 10:44 AM

Hi Dave,

Thanks for holding and collecting all the letters and packages that are still being dropped off there even though we have sent out notices to all our vendors about our address change.

Sorry to hear you are still encountering parking hassles with the other building and that you are now heading to an appeal even though the City has already refused Dr Lachman's application for a parking waiver. If you need anyone to provide any type of details of history on the building, I would be more than pleased to do so as Masterfeeds operated out of suite #101 for approx 20 years so we have probably seen and encountered more than most. We truly appreciate your efforts once you took over the property, having an onsite manager was beneficial getting things addressed in a timely fashion compared to the previous ownership.

I personally wish we were still operating in that location, unfortunately during covid the higher ups made the decision so we could reduce costs and operate out of some unused space in our plant/warehouse location in the industrial section. We reduced our space greatly and are now facing difficulties with the lack of space as people are starting to come back to the office from working from home. In a perfect world we would love to be given the green light and come back to the Magrath Centre, but maybe not with all the potential unrest with the other building and them trying to utilize your parking? But who knows maybe the forces above will turn course and direct us back so don't let the parking be more taxing than it is as you and your current tenants don't need more hassle.

To be honest, Dr Lachman was a different kind of person to deal with while he operated his practice out of this building, most of us just avoided him.

One of our staff members would often be the first in and last to leave on a daily basis and often worked on weekends to get things done. Even after you took over the property and installed all the parking signs she encountered and witnessed numerous times the staff and customers of Cool Dental, Bridge Bud Supply parking on our lot. It became more noticeable and an inconvenience especially when they would often occupy the various stalls we became accustomed to parking in. We would always try to park away from everyone and as far away from the building as possible.

When he purchased that building across the parking lot, he knew exactly how much parking he had and what he was doing. Maybe if he removed some of his landscaping, he could increase his number of stalls instead of trying to take what's not his.

If we were still on site, we would not be supportive of any kind of parking waiver. Many people don't realize but when the building is full parking can be challenging on a good day, and especially when you have the staff and clients from the other building occupying your stalls.

Hope the appeal hearing works out.

All the best to you and yours for the Holiday season.

Warm regards,

Maureen Vandenberg

Assistant Controller, Western Region

Ph: 403-331-4381

Cell: 403-915-6142

Masterfeeds, 322 33rd Street North

Lethbridge, Alberta, Canada T1H 3Z5





Dave Brodoway <dave@brodoway.com>

Follow-up thoughts / questions

1 message

Kevin Walker <kevin@mintatm.com>
To: Dave Brodoway <dave@brodoway.com>

Wed, Dec 7, 2022 at 8:47 AM

Hi Dave,

Thanks again for taking the time for a second look at the space. Dan and I are both feeling like this might work based on what we know so far.

I appreciate your honesty when asked about the other tenants and if there are any parking concerns with the neighboring building; I understand you are optimistic that the upcoming hearing meeting you mentioned should make it a non-issue but erring on the side of caution, we'll need to hear how it turns out. Assuming the parking is not an issue, there are a couple of other concerns/thoughts:

1. The lease rate: Are you open to negotiation on the first-year rate? We understand that what you are asking is competitive for the market / location but we feel the initial 12-months at a reduced rate would make the transition smoother; can we discuss?
2. As our call centre staff will be working some evening and weekend shifts, can you provide some further details as to after hours building access, parking and security?
3. We like the building although the proximity to a cannabis store is certainly not ideal; have you or your current tenants had any negative issues / interactions with customers to that store?

Thanks again for everything – hoping that we can sort these few items out and move forward soon.

Let me know if you have time next week once Dan is back to chat further.

Have a great day,



KEVIN WALKER
General Manager
Lethbridge, Alberta

Office: 587-388-0556
Cell: 403-331-7004
Email: kevin@mintatm.com



1-855-MINT-ATM
1-855-646-8286 Ext: 704
MintATM.com

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Dave Brodoway <dave@viewlethbridge.com>

Re: Seeking Support

1 message

Dave Brodoway <dave@viewlethbridge.com>

Thu, Nov 3, 2022 at 11:28 AM

To: "Roden, Jeremy (Avison Young - CA)" <jeremy.roden@avisonyoung.com>

Cc: Pam Colling <pam.colling@lethbridge.ca>, Kathy VanDerMeer <kathy.vandermeer@lethbridge.ca>

Hi Jeremy,

Thank you for your email. **Unfortunately, we cannot support any sort of parking waiver on our property**, as we ourselves have to work with the city to ensure that we have enough parking to accommodate the city rules and regulations for our building and all our tenants' needs.

The yellow highlighted spot in the diagram you sent is actually city parking, and not part of Dr. Lachman's property. Yes Cool Dental and Bridge Bud seem to occupy the majority of the spots for the entire day leaving little opportunity for other people within the community to utilize (I often see people trying to park there, so they can take their bikes out of their vehicles to ride the pathway, or just walk the greenstrip). In reality, all of our staff/ or tenants could park there as well.

Kind regards,

Dave

On Thu, Nov 3, 2022 at 10:27 AM Roden, Jeremy (Avison Young - CA) <jeremy.roden@avisonyoung.com> wrote:

Good morning Dave, thank you for taking the time to chat this morning. As discussed, please find the letter attached that references the request for support on the parking waiver.

Thank you Dave.

Jeremy Roden

Executive Vice President

Direct +1 403 942 0293 **Mobile** +1 403 308 3499

jeremy.roden@avisonyoung.com | avisonyoung.com

550 W T Hill Boulevard South, Suite 40, Lethbridge, AB T1J 4Z9



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9. Timeline of Parking Issues

Following is a more detailed list of parking issues.

Timeline

- 2018 While in process of purchasing building, I was informed by an existing tenant, and by an employee of the former owner, (Tollestrup Group), to keep an eye on the parking as it was often used by 1917 Mayor Magrath Drive tenants.
- Feb 1, 2019 More parking issues
- Feb 15, 2019 Concerns about them piling their snow from clearing their existing parking stalls on our property. (Sent a long and detailed email to them)
- Feb 18, 2019 Concerns about their clients/ tenants parking on our property
- Feb 19, 2019 Continued concerns of them piling their snow from their parking stalls on our property.
- Mar 1, 2019 Info regarding us installing and providing proper signage to alleviate issues.
- July 1, 2019 Let Landlord know that 6-7 bridge bud clients were parked on our property
- July 4, 2019 More parking issues regarding people from that building parking on our property.
- July 5, 2019 Continued parking issues (long text thread)
- July 6, 2019 He called the police on me saying I was sending him text pictures of people/cars from his property parking and trespassing on my property. When the officer called me and asked what was going on he said sorry this is a ridiculous call that you are informing a person that their building and or tenants' clients are technically trespassing on your property, and he is the victim.
- Jan 20, 2021 Received a heated voicemail from Blaine (owner of Bridge Bud) over parking concerns of them feeling wronged for me not allowing them to park on my property. I informed him I was simply concerned with my privately owned property and that I didn't buy it to provide and accommodate his parking needs.
- Mar 3, 2021 More parking problems. I had enough of all the calls from our various tenants complaining about the other building parking on our lot, I called the police complaint line and ultimately 2 of the staff members from the Bud shop got ticketed for parking on

- our lot. Not long after Dr. Lachman's wife hand delivered a warning letter to all my tenants, I replied on March 5th/21.
- Jan 18, 2022 More snow piling/clearing issues from his parking stalls onto our property.
- Feb 21, 2022 More snow piling/clearing issues from his parking stalls onto our property.
- Feb 22, 2022 More snow piling/clearing issues from his parking stalls onto our property.
- Mar 3, 2022 More snow piling/clearing issues from his parking stalls onto our property.
- Dec 15, 2022 Most recently his same snow removal provider has piled their snow on our property this time approx 5ft tall and 10-12ft wide and approx 12-13 ft long. Had to reach out again on December 17th to ask them to correct things, they finally addressed it by the 18th.
- Dec, 2022 Snow clearing has blocked their only handicap stall, plus a portion of a regular stall, minimizing their parking. In addition, they have been piling their snow on city property.

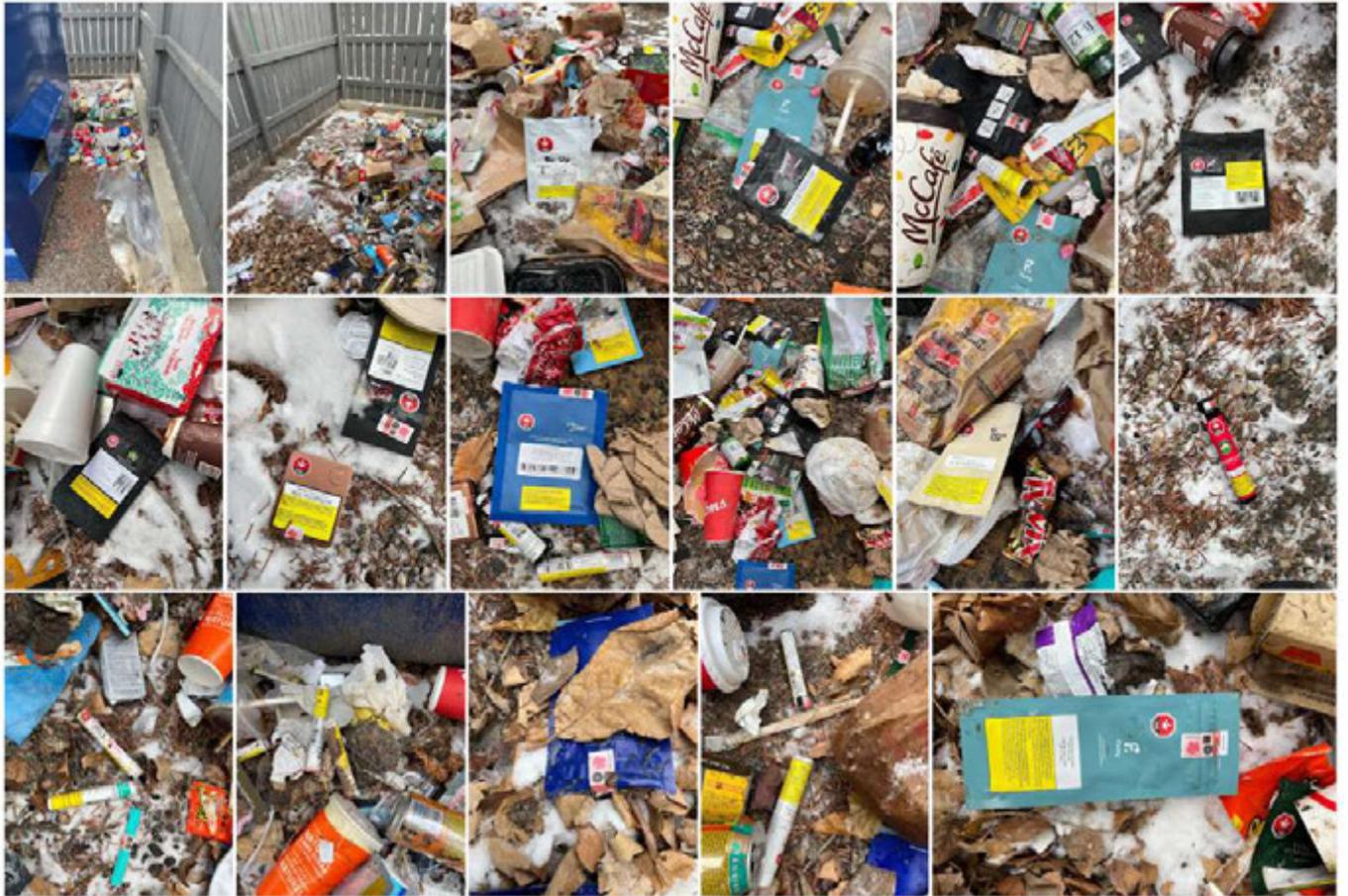


Jan 5,2023 1917
Garbage
Cans on 1921
Property



Jan 3,2023 Garbage from Bridge
Bud on 1921 Property,
(Bridge Bud cleaned it
up after being notified.





Cannabis related garbage on Magrath Centre Property

Good evening; Chairperson, Panel Members & Guests

My name is Tim Jackson, MSO Membership Services Officer 'AKA' Union Representative for AUPE, Alberta Union of Provincial Employees, headquarters located in Edmonton. I currently work for AUPE Regional Office at 1921 Mayor Magrath Drive South with 2 colleagues and 1 Administrative Professional.

AUPE is the biggest union in Alberta with over 100,000 members. We currently have 9-10,000 in Lethbridge and surrounding areas including Nanton, Claresholm, Vulcan, east to Coaldale, Taber, south to Milk River, the US border, Cardston and west to Crowsnest Pass, Pincher Creek, Fort Macleod and finally Lethbridge.

We have 4 components; Health Care Sector, Education Sector, Boards and Agencies, and the Government of Alberta. Our 10,000 members make up all of these sectors.

The Healthcare Sector, Alberta Health Services/Covenant Health General Support Services include but are not limited to; Administrative Support, Environmental Services/Housekeeping, Maintenance and Trades and IT personnel.

Alberta Health Services/Covenant Health Auxiliary Nursing collectively includes but not limited to; Licensed Practical Nurses and Health Care Aides.

Private/Separate Employers facilities include, Edith Cavell, Good Samaritan Society, AgeCare west side, Legacy Lodge north, and Extendicare.

Boards and Agencies members service Alberta Gaming, Liquor and Cannabis, Town of Coaldale, Cargill/ Alberta Terminals.

Alberta Government includes all departments in Provincial buildings, conservation services, sheriffs, and corrections.

Within the sectors, our roles as Membership Services Officers are to assist the membership with a variety of issues; contract complaints, interpretations of the collective bargaining agreements, Human Rights violations, WCB advocates new and existent Labour Laws specific to Alberta and Canada, facilitate education courses, seminars, host Chapter and Local meetings, grievance/arbitration hearings.

This is where the parking issues and concerns come on. Taking all of what our organization and the number of members in our organization, we always require sufficient parking, 24/7 without a threat of parking violations and towing.

Examples: an employee/ member experiences discipline, including suspension and termination can cause stress, anxiety etc.

Annual General Meetings, Townhall meetings, Courses and Seminars take place in two boardrooms

Strike/Lockout assistance

Overnight Parking for Convention (3 days in Edmonton)

Overnight Parking for Labour School (3 days in Jasper)

Previously, there was a Bar & Grill (Blarney Stone) and parking was full most of the time.

During COVID, it was very quiet with most working remotely, no in-office visits or gatherings. All AUPE's previous COVID restrictions have been lifted and we are returning to normal business practice as of now.

In closing, when opening regional offices, our organization reviews the location, security, health and safety, transportation options, and parking availability. As the development permit application was refused and the SSRP and applicable municipal statutory plans were considered, we ask this committee to uphold that decision. We are not prepared to give up any parking stalls now available to our staff or members.

Thanks;

Southern Saskatchewan Regional Plan

Consider the vision and outcome policies of the SSRP when planning and decision making.

