



## **TOWN OF CANMORE**

### **AGENDA**

Regular Meeting of Council

Council Chamber at the Civic Centre, 902 – 7 Avenue

**Tuesday, August 19, 2025 at 9:00 a.m.**

Times are estimates only.

9:00 – 9:05

**A. CALL TO ORDER AND APPROVAL OF AGENDA**

1. **Land Acknowledgement**
2. **Agenda for the August 19, 2025 Regular Meeting of Council**

**B. PUBLIC HEARINGS – none**

**C. DELEGATIONS – none**

9:05

**D. APPROVAL OF MINUTES**

1. **Minutes of the July 8, 2025 Regular Meeting of Council**

**E. BUSINESS ARISING FROM THE MINUTES – none**

**F. UNFINISHED BUSINESS**

9:05 – 9:35

1. **Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement**

Recommendation:

- 1) That Council give second reading to Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement.
- 2) That Council give third reading to Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement.

**G. BYLAW APPROVAL**

9:35 – 9:45

1. **Enforcement Appeal Review Committee Bylaw Amendment 2025-25 – Omnibus**

Recommendation:

- 1) That Council give first reading to Enforcement Appeal Review Committee Bylaw Amendment 2025-25 – Omnibus.
- 2) That Council give second reading to Enforcement Appeal Review Committee Bylaw Amendment 2025-25 – Omnibus.
- 3) That Council give leave to go to third reading of Enforcement Appeal Review Committee Amendment 2025-25 – Omnibus.
- 4) That Council give third reading to Enforcement Appeal Review Committee Bylaw Amendment 2025-25 – Omnibus.

- 9:45 – 9:55      **2. Community Standards Bylaw Amendment 2025-26 – General Holidays**  
Recommendation:  
1) That Council give first reading to Community Standards Bylaw Amendment 2025-26 – General Holidays.  
2) That Council give second reading to Community Standards Bylaw Amendment 2025-26 – General Holidays.  
3) That Council give leave to go to third reading of Community Standards Bylaw Amendment 2025-26 – General Holidays.  
4) That Council give third reading to Community Standards Bylaw Amendment 2025-26 – General Holidays.

- 9:55 – 10:10      **3. Revised Land Use Bylaw Amendment 2025-27 – Three Sisters Gateway District Additional Uses**  
Recommendation:  
1) That Council give first reading to Revised Land Use Bylaw Amendment 2025-27 – Three Sisters Gateway District Additional Uses.  
2) That Council schedule a public hearing for Revised Land Use Bylaw Amendment 2025-27 – Three Sisters Gateway District Additional Uses on September 16, 2025.

10:10 – 10:25      **Meeting Break**

#### **H. NEW BUSINESS**

- 10:25 – 10:40      **1. Property Tax Taskforce Terms of Reference**  
Recommendation:  
1) That Council approve the Property Tax Taskforce Terms of Reference as presented.  
2) That Council direct administration to advertise for the recruitment of public members to be appointed to the Property Tax Taskforce at the October 30, 2025 Annual Organizational Meeting of Council.

- 10:40      **2. Letter of Intent for Conservation Easement (800-3<sup>rd</sup> Avenue)**  
Recommendation: That Council direct administration to remove item H2 Letter of Intent for Conservation Easement (800-3<sup>rd</sup> Avenue) from the agenda as the item has been resolved and no longer requires Council direction.

#### **I. REPORTS FROM ADMINISTRATION**

- 10:40 – 11:10      **1. 2024 Climate Emergency Action Plan Annual Status Update**  
Purpose: To provide Council with an annual update on the Climate Emergency Action Plan progress.

11:10 – 11:55

**2. Offsite Levy Bylaw Appeal Decision**

Purpose: To provide Council with an update on the decision of the Land and Property Rights Tribunal regarding the appeal of Offsite Levy Bylaw 2024-01.

**J. NOTICES OF MOTION – none**

**K. CLOSED SESSION**

During item  
I2

**1. Offsite Levy Bylaw Appeal Decision**

Recommendation: That Council close the meeting to the public to prevent disclosure of information that is subject to any type of legal privilege, including solicitor-client privilege or parliamentary privilege in accordance with section 32(1)(a) of the *Access to Information Act (ATIA)*.

11:55

**L. ADJOURNMENT**

**TOWN OF CANMORE  
MINUTES**

Regular Council Meeting  
Council Chamber at the Civic Centre, 902 – 7 Avenue  
**Tuesday, July 8, 2025 at 9:00 a.m.**

**COUNCIL MEMBERS PRESENT**

Sean Krausert	Mayor
Jeff Hilstad	Deputy Mayor
Tanya Foubert	Councillor
Wade Graham	Councillor
Jeff Mah	Councillor (via Zoom)
Karen Marra	Councillor
Joanna McCallum	Councillor

**COUNCIL MEMBERS ABSENT**

None

**ADMINISTRATION PRESENT**

Sally Caudill	Chief Administrative Officer
Whitney Smithers	General Manager of Municipal Infrastructure
Scott McKay	General Manager of Municipal Services
Dustin Schinbein	General Manager of Corporate Services
Cheryl Hyde	Manager of the Municipal Clerk's Office
Ben Stiver	Municipal Clerk (recorder)
Jennica Collette	Development Planner
Caitlin Miller	Manager of Protective Services
Joshua Cairns	Senior Policy Planner
Adam Driedzic	Town Solicitor
Eleanor Miclette	Manager of Economic Development
Riley Welden	Parks Planner
Caitlin van Gaal	Environment and Sustainability Supervisor
Nathan Grivell	Senior Planner
Chelsey Gibbons	Manager of Finance

Mayor Krausert called the July 8, 2025 regular meeting to order at 9:00 a.m.

**A. CALL TO ORDER AND APPROVAL OF AGENDA**

**1. Land Acknowledgement**

**2. Agenda for the July 8, 2025 Regular Council Meeting**

177-2025

Moved by Mayor Krausert that Council approve the agenda for the July 8, 2025 meeting as amended, by postponing item H2 Letter of Intent for Conservation Easement (800-3<sup>rd</sup> Avenue) to the August 19, 2025 regular council meeting.

**CARRIED UNANIMOUSLY**

**B. PUBLIC HEARINGS**

**1. Revised Land Use Bylaw Amendment 2025-22 – Vital Homes**

**(1) Call to order**

Mayor Krausert called the public hearing to order for Revised Land Use Bylaw Amendment 2025-22 – Vital Homes at 9:03 a.m.

**(2) Administration Summary**

Administration provided a verbal briefing on the proposed Revised Land Use Bylaw Amendment 2025-22 – Vital Homes.

**(3) Public Submissions – none**

**(4) Public Written Submissions – none**

**(5) Closing Comments from Administration – none**

**(6) Council Questions of Administration – none**

**(7) Adjournment of the Public Hearing**

Mayor Krausert adjourned the public hearing at 9:06 a.m.

**2. Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement**

**(1) Call to order**

Mayor Krausert called the public hearing to order for Revised Land Use Bylaw Amendment 2025-21 at 9:07 a.m.

**(2) Administration Summary**

Administration provided a verbal briefing on the proposed Revised Land Use Bylaw Amendment 2025-21.

**Public Hearing Break 9:12 a.m. – 9:43 a.m.**

**C. DELEGATIONS – none**

**D. APPROVAL OF MINUTES**

**1. Minutes of the May 6, 2025 Regular Meeting of Council**

178-2025 Moved by Mayor Krausert that Council approve the minutes of the May 6, 2025 regular meeting amended as presented.

**CARRIED UNANIMOUSLY**

**2. Minutes of the May 27, 2025 Special Meeting of Council**

179-2025 Moved by Mayor Krausert that Council approve the minutes of the May 27, 2025 special meeting as presented.

**CARRIED UNANIMOUSLY**

**3. Minutes of the June 3, 2025 Regular Meeting of Council**

180-2025 Moved by Mayor Krausert that Council approve the minutes of the June 3, 2025 regular meeting as presented.

**CARRIED UNANIMOUSLY**

Minutes approved by: \_\_\_\_\_

**E. BUSINESS ARISING FROM THE MINUTES – none**

**F. UNFINISHED BUSINESS**

**1. Silvertip Block 9 Residential Development**

181-2025 Moved by Mayor Krausert that Council give second reading to Revised Land Use Bylaw Amendment 2024-20 – Silvertip Block 9 Residential Development.

**CARRIED**

**In favour: Krausert, McCallum, Hilstad, Foubert**

**Opposed: Graham, Marra, Mah**

182-2025 Moved by Mayor Krausert that Council give third reading to Revised Land Use Bylaw Amendment 2024-20 – Silvertip Block 9 Residential Development.

**CARRIED**

**In favour: Krausert, McCallum, Hilstad, Foubert**

**Opposed: Graham, Marra, Mah**

**G. BYLAW APPROVAL**

**1. Vital Homes Amendments – Revised Land Use Bylaw and Council Policy**

183-2025 Moved by Mayor Krausert that Council give second reading to Revised Land Use Bylaw Amendment 2025-22 – Vital Homes.

**CARRIED UNANIMOUSLY**

184-2025 Moved by Mayor Krausert that Council give third reading to Revised Land Use Bylaw Amendment 2025-22 – Vital Homes

**CARRIED UNANIMOUSLY**

185-2025 Moved by Mayor Krausert that Council approve Vital Homes Policy PD-008 as presented.

**CARRIED UNANIMOUSLY**

**Meeting Break 9:30 a.m. – 9:43 a.m.**

**B. PUBLIC HEARINGS – continued**

**2. Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement – continued**

**(3) Public Verbal Submissions**

**In favour – none**

**Neutral or Unstated – none**

**Opposed**

Name	Verbal	Written
Sean Tomlinson	X	
Charla Sharp	X	

**(4) Public Written Submissions – none**

**(5) Closing Comments from Administration**

Administration provided final closing comments based on the verbal and written submissions.

Minutes approved by: \_\_\_\_\_

**(6) Council Questions of Administration**

Administration addressed questions of clarification from Council.

**(7) Adjournment of the Public Hearing**

Mayor Krausert adjourned the public hearing at 10:11 a.m.

**Meeting Break 10:11 a.m. – 10:19 a.m.**

**G. BYLAW APPROVAL – continued**

**2. Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement**

186-2025      Moved by Councillor McCallum to postpone second and third reading of the Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement to the August 19, 2025 regular meeting to provide opportunity for Council and administration to digest the complete recommendations provided through the public hearing, as well as the judge's decision on Town of Canmore vs. Tomlinson.

**CARRIED UNANIMOUSLY**

**Meeting Break 10:50 a.m. – 11:01 a.m.**

**3. Town Centre ARP Bylaw 2025-05 and Revised LUB Amendment 2025-13 – Changes to Variance Powers**

187-2025      Moved by Mayor Krausert that Council give second reading to Town Centre Area Redevelopment Plan Bylaw 2025-05.

187A-2025      Moved by Mayor Krausert that Council amend Schedule A – Connect Downtown Area Redevelopment Plan as follows:

- section 1. Administration (Interpretation) by adding “and, as required, obtaining Council approval.” After “resolve the conflict by amending the appropriate document(s)”;
- section 3. Vision (Key Highlights item 8) by adding “parking, parking structures,” in between “Use of Town land for,” and “affordable housing and community-oriented uses.”;
- section 4. Land Use and Urban Design
  - (Land Use s.4.1.1.5) by adding “where additional height would help preserve or enhance a historic resource” in between “where specified otherwise within this plan” and “where the height limits of this plan would unreasonably impact a particular development...”;
  - (Commercial Core s.7) by striking out “shall not exceed 11.0 metre building heights and should reduce massing of the third storey through stepbacks or other design measures:” and substituting:
    - “shall not exceed a maximum building height of 11.0 metres;
    - should generally not exceed 2.5 storeys on the Main and 10 Street frontages; and,”;
  - (Residential) by adding “4.1 Despite the above, properties subject to a restrictive covenant registered by way of caveat #141KG (Figure 4.10) may retain their existing R1 zoning and be subject to the regulations of that district.” And “Figure 4.10 – Restrictive

Minutes approved by: \_\_\_\_\_

Covenant Area – Map highlighting the properties that may be subject to the restrictive covenant (for information purposes only);

- section 7. Parks, Open Spaces, and Recreation (Riverside Park s.3) by striking out: “space for small scale commercial uses or structures (e.g., cafes, food trucks) to animate the space and provide opportunity for local business; small ice skating area with skating trails, fire pits, and crokicurl sheets in the winter; seasonal facilities, such as skate or sports equipment rentals;”;
- section 8. Transportation and Mobility
  - by adding “redesigned, and potentially” in between “It envisions a” and “pedestrianized, Main Street that can accommodate more people and support...”;
  - (Figure 8.4) by adding “POTENTIAL” in between “PROPOSED EXTENT OF” and “PEDESTRIAN AREA”;
  - (Main Street s.7)
    - by striking out “shall” and substituting “may”,
    - by striking out “The design should:” and substituting “that:”, and
    - by adding “s” to the words: provide, incorporate, prioritize, maintain, allocate, and support;
  - (Main Street s.8) by adding “indefinitely or” in between “The seasonal pedestrianization of Main Street should continue” and “until the redesign is completed.”
  - (Parking s.8.2.1.1) by striking out “(e.g., 700-800 Railway Ave.);
  - (Parking s.8.2.1.2)
    - striking out “should” and substituting “shall”, and
    - by adding “Any reduction in off-street public parking facilities that may result from redevelopment of the surface parking lot(s) on Town land in the Commercial Core and Civic Corridor should be offset by the provision of other public parking facilities to maintain access to the central downtown area by all modes.” After “be considered by the Town at the time of development.”.

187A1-2025

Moved by Councillor Foubert that Council amend section 8. Transportation and Mobility by striking out ", and potentially," and substituting "and seasonally".

**DEFEATED**

**In favour: Foubert, Marra, Krausert  
Opposed: McCallum, Mah, Graham, Hilstad**

187A2-2025

Moved by Councillor McCallum that Council amend subsection 4.1 by striking out “Despite the above” and substituting “In addition to the above in 4.0”.

**CARRIED**

**In favour: McCallum, Graham, Mah, Hilstad  
Opposed: Krausert, Foubert, Marra**

Minutes approved by: \_\_\_\_\_



- 187A3-2025                      Moved by Councillor McCallum that Council amend subsection 8.2.1 (2) by adding “The timing and delivery of public parking facilities will be sequenced subject to planning and budgeting considerations.” after “by the provision of other public parking facilities to maintain access to the central downtown area by all modes.”

**CARRIED UNANIMOUSLY**

- 187A4-2025                      Moved by Mayor Krausert to amend Commercial Core Building Design section 7 by striking out amendment:
- (Commercial Core s.7) by striking out “shall not exceed 11.0 metre building heights and should reduce massing of the third storey through stepbacks or other design measures:” and substituting:
    - “shall not exceed a maximum building height of 11.0 metres;
    - should generally not exceed 2.5 storeys on the Main and 10 Street frontages; and,”;

**CARRIED UNANIMOUSLY**

- 187A-2025                      The vote followed on motion 187A-2025 that Council amend Schedule A – Connect Downtown Area Redevelopment Plan amended as follows:
- section 1. Administration (Interpretation) by adding “and, as required, obtaining Council approval.” after “resolve the conflict by amending the appropriate document(s)”;
  - section 3. Vision (Key Highlights item 8) by adding “parking, parking structures,” in between “Use of Town land for,” and “affordable housing and community-oriented uses.”;
  - section 4. Land Use and Urban Design
    - (Land Use s.4.1.1.5) by adding “where additional height would help preserve or enhance a historic resource” in between “where specified otherwise within this plan” and “where the height limits of this plan would unreasonably impact a particular development...”;
    - (Residential) by adding “4.1 In addition to the above in 4.0, properties subject to a restrictive covenant registered by way of caveat #141KG (Figure 4.10) may retain their existing R1 zoning and be subject to the regulations of that district.” And “Figure 4.10 – Restrictive Covenant Area – Map highlighting the properties that may be subject to the restrictive covenant (for information purposes only)”;
  - section 7. Parks, Open Spaces, and Recreation (Riverside Park s.3) by striking out: “space for small scale commercial uses or structures (e.g., cafes, food trucks) to animate the space and provide opportunity for local business; small ice skating area with skating trails, fire pits, and crokicurl sheets in the winter; seasonal facilities, such as skate or sports equipment rentals;”;
  - section 8. Transportation and Mobility
    - by adding “redesigned, and potentially” in between “It envisions a” and “pedestrianized, Main Street that can accommodate more people and support...”;

Minutes approved by: \_\_\_\_\_

- (Figure 8.4) by adding “POTENTIAL” in between “PROPOSED EXTENT OF” and “PEDESTRIAN AREA”;
- (Main Street s.7)
  - by striking out “shall” and substituting “may”,
  - by striking out “The design should:” and substituting “that:”, and
  - by adding “s” to the words: provide, incorporate, prioritize, maintain, allocate, and support;
- (Main Street s.8) by adding “indefinitely or” in between “The seasonal pedestrianization of Main Street should continue” and “until the redesign is completed.”
- (Parking s.8.2.1.1) by striking out “(e.g., 700-800 Railway Ave.);
- (Parking s.8.2.1.2)
  - striking out “should” and substituting “shall”, and
  - by adding “Any reduction in off-street public parking facilities that may result from redevelopment of the surface parking lot(s) on Town land in the Commercial Core and Civic Corridor should be offset by the provision of other public parking facilities to maintain access to the central downtown area by all modes.” after “be considered by the Town at the time of development.”.
  - by adding “The timing and delivery of public parking facilities will be sequenced subject to planning and budgeting considerations.” after “by the provision of other public parking facilities to maintain access to the central downtown area by all modes.” after “by the provision of other public parking facilities to maintain access to the central downtown area by all modes.”

**CARRIED UNANIMOUSLY**

187B-2025      Moved by Mayor Krausert that Council amend Bylaw 2025-05 by amending Schedule A - Connect Downtown Area Redevelopment Plan by adding the following section after section 7 of Land Use and Urban Design - Commercial Core and renumbering subsequent sections accordingly "8. Development(s) occurring under the Canmore Hotel Direct Control District (2015-15) shall be governed by the height regulations established in the applicable Direct Control District, which may exceed the height limits identified in this plan.

**CARRIED UNANIMOUSLY**

187C-2025      Moved by Councillor Foubert that Council amend section 4. Land Use and Urban Design as follows:

- (Civic Corridor s.2) by adding “convention centre” in between “event space,” and “or recreation facility.”

**CARRIED**

**In favour: Krausert, Hilstad, Marra, Mah, Foubert**

**Opposed: McCallum, Graham**

187-2025      The vote followed on motion 187-2025 that Council give second reading to Town Centre Area Redevelopment Plan Bylaw 2025-05, as amended.

**CARRIED UNANIMOUSLY**

Minutes approved by: \_\_\_\_\_

188-2025                      Moved by Mayor Krausert that Council give third reading to Town Centre Area  
Redevelopment Plan Bylaw 2025-05.

**CARRIED UNANIMOUSLY**

189-2025                      Moved by Mayor Krausert that Council give second reading to Revised Land Use  
Bylaw Amendment 2025-13 – Changes to Variance Powers.

**CARRIED UNANIMOUSLY**

190-2025                      Moved by Mayor Krausert that Council give third reading to Revised Land Use  
Bylaw Amendment 2025-13 – Changes to Variance Powers.

**CARRIED UNANIMOUSLY**

**Meeting Break 12:41 p.m. – 1:45 p.m.**

**4. Business Registry Bylaw Amendment 2025-24 – Visitor Accommodation**

191-2025                      Moved by Mayor Krausert that Council give first reading to Business Registry Bylaw  
Amendment 2025-24 – Visitor Accommodation.

**CARRIED UNANIMOUSLY**

192-2025                      Moved by Mayor Krausert that Council schedule a public hearing for Business  
Registry Bylaw Amendment 2025-24 – Visitor Accommodation on September 2,  
2025.

**CARRIED UNANIMOUSLY**

**H. NEW BUSINESS**

**1. Moustache Lands Development – Next Steps**

193-2025                      Moved by Mayor Krausert that Council approve the YWCA Banff as the housing  
developer and operator responsible for the fundraising, design and construction of  
the Moustache Lands Affordable Housing project.

**CARRIED UNANIMOUSLY**

194-2025                      Moved by Mayor Krausert that Council direct administration to draft a 99-year land  
agreement with the YWCA for the Moustache Lands Site 7, and that administration  
return to Council with the agreement for approval. The terms of the agreement will  
include eligibility criteria and prioritization of affordable housing units related to  
income and/or asset limits, age, and a connection to Canmore through employment  
and/or residency.

**CARRIED UNANIMOUSLY**

195-2025                      Moved by Mayor Krausert that Council direct administration to work with the  
YWCA to report back to Council by no later than the end of 2025 on the conditions  
of the land agreement and project status.

**CARRIED UNANIMOUSLY**

**Meeting Break 2:22 p.m. – 2:32 p.m.**

Minutes approved by: \_\_\_\_\_

**3. 2025 Community Fireguard Capital Projects: Canmore Nordic Centre East and West Phase 2 - Construction**

- 196-2025 Moved by Mayor Krausert that Council approve a new 2025 Capital Project for the Canmore Nordic Centre East Phase 2 Fireguard Construction Project, funded by the Forest Resource Improvement Association of Alberta grant in the amount of \$992,000. Plus, Timber revenue of \$82,100 for a total capital budget of \$1,074,100.  
**CARRIED UNANIMOUSLY**

- 197-2025 Moved by Mayor Krausert that Council approve a new 2025 Capital Project for the Canmore Nordic Centre West Phase 2 Fireguard Construction Project, funded by the Forest Resource Improvement Association of Alberta grant in the amount of \$882,620.  
**CARRIED UNANIMOUSLY**

**4. Capital Budget Amendment – Additional Debris Disposal Funding (CAP 7386)**

- 198-2025 Moved by Mayor Krausert that Council approve a budget increase to Capital Project CAP 7386 for additional debris disposal funding, fully funded by the Forest Resource Improvement Association of Alberta, in the amount of \$527,549. Plus, additional timber revenue of \$173,542, for a total increase of \$701,091.  
**CARRIED UNANIMOUSLY**

**5. Cougar Creek Lot Disposition**

- 199-2025 Moved by Mayor Krausert that Council direct administration to proceed with the sale of 474 and 478 Grotto Road in accordance with Land Transaction Policy EX-007.  
**CARRIED UNANIMOUSLY**

- 200-2025 Moved by Mayor Krausert that Council direct the proceeds from the sale of the lots to the General Capital Reserve.  
**CARRIED UNANIMOUSLY**

**6. 2025 Engineering Design and Construction Guidelines – Revised Landscape Design Guidelines and Specifications**

- 201-2025 Moved by Mayor Krausert that Council approve the proposed 2025 Engineering Design and Construction Guidelines revisions as presented.  
**CARRIED UNANIMOUSLY**

**Meeting Break 3:15 p.m. – 3:20 p.m.**

**7. Third-Party Grant for Wildfire Risk Reduction**

- 202-2025 Moved by Mayor Krausert that Council approve a new 2025 Capital Project for the development and delivery of a Community Wildfire Risk Reduction Roof Replacement Incentive program, funded in full by a third-party grant for \$100,000.  
**CARRIED UNANIMOUSLY**

Minutes approved by: \_\_\_\_\_

203-2025                      Moved by Mayor Krausert that Council approve a revised budget for Utility Facility FireSmart CAP 7452, from \$200,000 funded from the Water Utility Reserve and \$250,000 funded from the Wastewater Utility Reserve to \$150,000 funded from the Water Utility Reserve, \$200,000 funded from the Wastewater Utility Reserve, and \$100,000 funded from a third-party grant.

**CARRIED UNANIMOUSLY**

**8. Community Event and Film Policy AE-003**

204-2025                      Moved by Mayor Krausert that Council approve the Community Event and Film Policy AE-003 as presented.

**CARRIED UNANIMOUSLY**

**Meeting Break 4:10 p.m. – 4:14 p.m.**

**9. Environmental Impact Statement (EIS) Policy PD-003 Amendment**

205-2025                      Moved by Mayor Krausert that Council approve Environmental Impact Statement (EIS) Policy PD-003 amended as presented.

205A-2025                      Moved by Mayor Krausert that Council amend the Environmental Impact Statement (EIS) Policy PD-003 by striking out Section 10.c.

**CARRIED**

**In favour: Krausert, Hilstad, Marra, Foubert**

**Opposed: Graham, McCallum, Mah**

205-2025                      The vote followed on motion 205-2025 that Council approve Environmental Impact Statement (EIS) Policy as amended by striking out Section 10.c.

**CARRIED UNANIMOUSLY**

**10. Purchasing Policy FIN-006 Amendment**

206-2025                      Moved by Mayor Krausert that Council approve Purchasing Policy FIN-006 amended as presented.

**CARRIED UNANIMOUSLY**

**11. Debt Management Policy FIN-003 Amendment**

207-2025                      Moved by Mayor Krausert that Council approve Debt Management Policy FIN-003 amended as presented.

**CARRIED UNANIMOUSLY**

**12. Tangible Capital Assets Policy FIN-008 Amendment**

208-2025                      Moved by Mayor Krausert that Council approve Tangible Capital Asset Policy FIN-008 amended as presented.

**CARRIED UNANIMOUSLY**

**I. REPORTS FROM ADMINISTRATION – none**

**J. NOTICES OF MOTION – none**

**K. CLOSED SESSION – none**

Minutes approved by: \_\_\_\_\_

**L. ADJOURNMENT**

209-2025

Moved by Mayor Krausert that Council adjourn the July 8, 2025 regular meeting at 4:29 p.m.

**CARRIED UNANIMOUSLY**

---

Sean Krausert  
Mayor

---

Ben Stiver  
Municipal Clerk

Minutes approved by: \_\_\_\_\_



# Request for Decision

**DATE OF MEETING:** August 19, 2025 **AGENDA #:** F 1

**TO:** Council

**SUBJECT:** Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement

**SUBMITTED BY:** Caitlin Miller, Manager of Protective Services

**RECOMMENDATION:** That Council give second reading to Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement.

That Council give third reading to Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement.

## EXECUTIVE SUMMARY

Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement received first reading on June 3, 2025 and was the subject of a public hearing on July 8, 2025.

Administration's analysis on this matter was presented at first reading. Please see attachment 1 for the request for decision and related attachments presented at first reading.

During the July 8, 2025 Public Hearing for the Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement, concerns were raised regarding how the recommended amendments to the definition of a Tourist Home would impact long-term residential rental units and the ability to provide legitimate short-term residential needs, as well as concerns over the mechanism of appeal on violation tags/tickets issued for contraventions to the Land Use Bylaw. Council also heard representations on the court decision in *R v. Tomlinson* [2025 ABCJ 61]. Below is administration's analysis of these matters.

## DISCUSSION

Administration recommended amendments to the Land Use Bylaw's definition of a Tourist Home to aid with enforcement against illegal tourist homes in Canmore. Administration's recommendations in the Land Use Bylaw amendments were in response to concerns made by both the public and the Alberta Court of Justice that amendments were required to provide a stringent definition to ensure that there is clarity around what is, and what is not, a tourist home. The definition is not intended to create new categories of vacation properties and is instead intended to create clarity on what is a tourist home.

The proposed amendments were developed with input from the Town's external legal counsel that acts on tourist home enforcement cases. Enforcement against illegal tourist homes relies heavily on evidence of advertising, especially through online platforms. In the case of *R v. Tomlinson* the Alberta Court of Justice in Canmore considered what constitutes operating a Tourist Home under the current definition in the Land Use Bylaw. As operating a tourist home without a development permit is a strict liability offense, the Court held that the act of doing so must be proven beyond a reasonable doubt. The Court applied strict interpretation of

the current bylaw wording and concluded that proof of advertisement alone is not sufficient to prove the operation of a tourist home. This diverged from a previous case of *R v. Meehan* where enforcement under the current Tourist Home definition was successful with evidence of a VRBO advertisement. The Court in *R v. Tomlinson* was of the view that the Town could have made it a standalone offense to advertise a tourist home without a development permit using similar language to what it already has in section 7.9.8.1(e)(i) of the bylaw or by adopting a similar provision to what the *Municipal Government Act* (MGA) contains regarding the operation of an unlicensed business. Following from this decision, to better enforce against illegal tourist homes, it is important for the bylaw to clearly indicate that advertising a tourist home is sufficient evidence of operating a tourist home.

Residential rentals are not impacted by the proposed amendments to the tourist home definition. Other appropriate residential uses, such as family visiting, billeting athletes or students, temporary workers, or housing students on national or international exchanges remain unaffected by the amendments to the bylaw. The Town of Canmore website has had a significant overhaul of its information on Tourist Homes in the last two years and has been updated again to include clarity that these specific residential uses are allowed. The focus of the amendments remains on vacation rentals.

The recommended bylaw amendments do not constitute a ban on the use of rental sites such as AirBnb, VRBO, or others for the advertisement of legal tourist homes. Using these sites for tourist home advertisement is allowable where all the necessary zoning, development permits and business licenses for a tourist home are in place.

The recent changes to the Business Registry Bylaw 2015-02 now require that all approved tourist homes advertise their properties with their business license number. Now that the majority of tourist homes have obtained their business licenses, enforcement on those properties that are advertising as a tourist home without them has begun.

#### *Appeals to Municipal Tags/Tickets*

There are multiple separate pathways for challenging a tag, ticket, or order issued by municipal enforcement, depending on the nature of the contravention and the bylaw or provincial legislation under which it was issued.

The process with tourist home enforcement under the Land Use Bylaw is to issue a stop order at the same time as a municipal violation tag. This allows two processes to occur at the same time. The stop order is appealable to the Subdivision Appeal Board (SDAB) under the MGA.

Appeals to municipal violation tags issued for contraventions to bylaws are not appealable through the SDAB. Instead, there is a certain period for municipal violation tags to be paid before a provincial violation ticket is issued in its place. Provincial violation tickets are prosecuted in Court. It is common practice for the issuance of municipal violation tags to result in the issuance of a provincial violation ticket. In the majority of cases, the step of writing a municipal tag is skipped and a provincial violation ticket is issued immediately, like in the case of animal at large (off-leash) offences.

When the municipal violation tag is then written as a provincial violation ticket, the evidence and investigation is again reviewed and discussed with a supervisor before proceeding. If the defendant pleads not guilty in court, again the information is reviewed by the supervisor and advice sought from the Town's legal



counsel before proceeding. For Land Use Bylaw offences, both the Supervisor of Municipal Enforcement and the Supervisor of Planning are generally involved throughout the process.

The Enforcement Appeal Committee was established to hear appeals to municipal orders, such as orders written under the MGA regarding unsightly properties or orders written regarding dangerous dogs. Section 547 of the MGA states that a person who receives a written order under section 545 can ask Council to review the order. By establishing the Enforcement Appeal Committee, these appeals do not need to go directly to Council but instead are heard by the committee.

Allowing administrative appeals on municipal tags would add administrative burden, additional resource requirements, and may still result in the provincial violation ticket being issued. If all municipal tags were appealable through the Enforcement Appeal Committee, this would result in additional resource requirements for a duplication of work by a body not intended to resolve legal disputes, and the ability to strengthen bylaw and enforcement processes would be dampened.

The exception to appeals on municipal violation tags is for paid parking offences. There is a mechanism to appeal a paid parking ticket because there is greater possibility of a ticket being issued in error due to the sheer volume of tickets being issued and the reliance on technology to determine the offence. This is quite different than a municipal violation tag issued for a contravention of a Land Use Bylaw which often includes a detailed investigation to gather evidence, interaction with the property owner, and legal advice. Using the Court as the end stage for these types of bylaw offenses provides access to interpretive guidance and enables legal advice and recommendations to the Town to strengthen Town bylaws and enforcement processes.

#### ATTACHMENTS

- 1) RFD and attachments from the June 3, 2025 Regular Council Meeting.

#### AUTHORIZATION

Submitted by:	Caitlin Miller Manager of Protective Services	Date: <u>July 22, 2025</u>
Reviewed by:	Adam Driedzic Town Solicitor	Date: <u>July 30, 2025</u>
Approved by:	Scott McKay General Manager of Municipal Services	Date: <u>July 30, 2025</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>August 11, 2025</u>



# Request for Decision

**DATE OF MEETING:** June 3, 2025 **AGENDA #:** G 3

**TO:** Council

**SUBJECT:** Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement

**SUBMITTED BY:** Caitlin Miller, Manager of Protective Services  
Joshua Cairns, Senior Policy Planner

**RECOMMENDATION:** That Council give first reading to Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement.

That Council schedule a public hearing for Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement for July 8, 2025.

## EXECUTIVE SUMMARY

Administration received advice from legal counsel after recent Tourist Home enforcement trials that the Land Use Bylaw 2018-22 requires amendments to ensure clarity of offences of operating illegal Tourist Homes. The proposed amendments are expected to provide support for enforcement and prosecution of illegal Tourist Home offences.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

*Revised Land Use Bylaw 2018-22*

Motion 16-2024: That Council accept the Livability's Task Force's recommendations for information as presented and direct administration to develop an implementation plan.

Motion 6-2025: That Council approve the submission of an application to the Housing, Infrastructure, and Communities Canada (HICC) Short Term Rental Enforcement Fund (STREF).

Motion 110-2025: That Council approve the expenditure of \$1,109,885 on short-term rental and primary residence compliance to be funded by the Short-Term Rental Enforcement Fund (STREF) Grant.

## DISCUSSION

Following from the above directions of Council, the Town is using its grant funding under the Short Term Rental Enforcement Fund (STREF) to increase enforcement and prosecutions against unpermitted Tourist Homes. The objectives of the STREF are to enhance enforcement capabilities and create efficient and effective processes for ensuring compliance with municipal short-term rental regulations. The Tourist Home provisions of the Town's bylaws function as the Town's short-term rental regulations.

Operation of a lawful Tourist Home requires issuance of a Development Permit and the maintenance of a valid business license for short-term rentals. Enforcement against Tourist Homes that operate without an

issued Development Permit engages the definition of Tourist Home as a specific use of property regulated through the Town of Canmore's Land Use Bylaw (LUB). The LUB currently defines a Tourist Home as:

*"a Dwelling Unit operated as a temporary place to stay, with or without compensation, and includes all vacation rentals of a Dwelling Unit. The characteristics that distinguish a Tourist Home from a Dwelling Unit used as a residence may include any of the following:*

- a. The intent of the occupant to stay for short-term vacation purposes rather than use the property as a residence; and/ or*
- b. The commercial nature of a Tourist Home; and/ or*
- c. The management or advertising of the Dwelling Unit as a Tourist Home or "vacation property"; and/ or*
- d. The use of a system of reservations, deposits, confirmations, credit cards or other forms of electronic payment.*

*These examples do not represent an exhaustive list of operating practices that may constitute a Tourist Home."*

The Alberta Court of Justice (formerly the Provincial Court) recently took a strict approach to interpretation of the definition of Tourist Homes in the Land Use Bylaw to conclude that advertising is only one indicator of operating an unpermitted Tourist Home and is not a standalone offense. Further, the Court concluded that the Town could have made it a standalone offense to advertise an unpermitted Tourist Home.

Enforcement against unpermitted Tourist Homes often relies on evidence of advertisement. Following recommendations from legal counsel, administration is proposing amendments to the LUB to make it an offense to advertise a non-permitted Tourist Home.

Administration is recommending adoption of Revised Land Use Bylaw Amendment 2025-21– Tourist Home Enforcement to support future enforcement and prosecutions of illegal Tourist Homes.

#### ANALYSIS OF ALTERNATIVES

- 1) **Remain status quo and not update the definition of Tourist Homes:** This option is not recommended. While the current definition of Tourist Homes has been upheld by the court and successfully enforced in the past, the court is likely to give greater weight to more recent decisions interpreting these provisions of the LUB.
- 2) **Rely on other offenses:** There are lesser offences within the LUB and the *Business Registry Bylaw* that can be used to conduct Tourist Home enforcement. Reliance on these lesser offenses is not recommended as they come with lesser penalties and are not certain to increase compliance.
- 3) **Delay amendments to the Land Use Bylaw:** This option is not recommended due to the current increased enforcement capacity of the Town enabled by the STREF grant. Proposed changes to the LUB should be made now to ensure the STREF objectives are being met in a timely manner.

#### FINANCIAL IMPACTS

None

#### INTEREST HOLDER ENGAGEMENT

None.

#### ATTACHMENTS

- 1) Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement
- 2) Revised Land Use Bylaw 2018-22 – Redline Excerpt

**AUTHORIZATION**

Submitted by:	Caitlin Miller Manager of Protective Services	Date:	<u>May 14, 2025</u>
Submitted by:	Joshua Cairns Senior Policy Planner	Date:	<u>May 14, 2025</u>
Approved by:	Harry Shnider Manager of Planning & Development	Date:	<u>May 14, 2025</u>
Approved by:	Scott McKay General Manager, Municipal Services	Date:	<u>May 20, 2025</u>
Approved by:	Whitney Smithers General Manager, Municipal Infrastructure	Date:	<u>May 15, 2025</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>May 27, 2025</u>



## BYLAW 2025-21

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND REVISED LAND USE BYLAW 2018-22

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Revised Land Use Bylaw Amendment 2025-21 – Tourist Home Enforcement.”

#### INTERPRETATION

- 2 Words defined in revised Land Use Bylaw 2018-22 shall have the same meaning when used in this bylaw.

#### PROVISIONS

- 3 Revised Land Use Bylaw 2018-22 is amended by this bylaw.
- 4 Section 1.18.4.1e. is amended by adding “In a prosecution for operating or allowing to be operated a Tourist Home without a valid Development Permit, proof that the Tourist Home has been advertised is sufficient to establish that the owner of the property operates or is allowing the operation of the Tourist Home.”
- 5 Section 1.18.4.1 is amended by adding the following after subsection e.  
  
e.1 is advertising or is allowing the advertisement of a Tourist Home without a valid Development Permit.”
- 6 Section 1.18.4.4c. is amended by
  - a) striking out “unpermitted”, “within calendar year”, and “additional offences”,
  - b) inserting “Third and additional offences: Minimum Penalty: \$10,000”
- 7 Section 13.2 is amended by striking out:  
  
“Tourist Home means a Dwelling Unit operated as a temporary place to stay, with or without compensation, and includes all vacation rentals of a Dwelling Unit. The characteristics that distinguish a Tourist Home from a Dwelling Unit used as a residence may include any of the following:
  - a. The intent of the occupant to stay for short-term vacation purposes rather than use the property as a residence; and/or
  - b. The commercial nature of a Tourist Home; and/or

- c. The management or advertising of the Dwelling Unit as a Tourist Home or “vacation property”; and/or
- d. The use of a system of reservations, deposits, confirmations, credit cards or other forms of electronic payment.

These examples do not represent an exhaustive list of operating practices that may constitute a Tourist Home.”

and substituting:

“**Tourist Home** means a Dwelling Unit operated or advertised as a temporary place to stay, with or without compensation, and includes all vacation rentals of a Dwelling Unit.

A Dwelling Unit is a Tourist Home if it has one or more of the following characteristics:

- a. The occupant(s) of the Dwelling Unit intend to stay or do stay in the Dwelling Unit for vacation purposes rather than for residential purposes;
- b. The Dwelling Unit has the potential to or is generating income for the registered owner or their agent;
- c. The Dwelling Unit is being advertised as a tourist home, vacation property, vacation rental, short-term rental, getaway, or similar use;
- d. The Dwelling Unit is being advertised on websites commonly used for vacation rentals, including, but not limited to, Facebook, AirBnB, VRBO, HomeToGo, or other rental or social media platforms;
- e. The Dwelling Unit is being managed by a third-party as a tourist home, vacation property, vacation rental, short-term rental, getaway, or similar use;
- f. The operation of the Dwelling Unit is commercial in nature;
- g. The operation of the Dwelling Unit uses a system of reservations, deposits, credit cards, or other forms of electronic payment;
- h. The operation of the Dwelling Unit provides for nightly or weekly booking rates;
- i. The operation of the Dwelling Unit provides for cancellation fees and/or terms and conditions of cancellation; and/or
- j. Such other characteristics that the Town deems to be representative of the operation of a Tourist Home.

For the purpose of this definition, “advertise” means to physically or electronically notify the public of something by way of a bulletin, notice, page, or record and includes, but is not limited to, posting on websites such as Facebook, AirBnB, VRBO, HomeToGo, or other rental or social media platforms.”

**ENACTMENT/TRANSITION**

- 8 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 9 This bylaw comes into force on the date it is passed.

FIRST READING:

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date

Bylaw approved by: \_\_\_\_\_

## SECTION 1 ADMINISTRATION

### 1.18 BYLAW CONTRAVENTION

#### 1.18.4 Violation Tags

- 1.18.4.1** A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe:
- a. Is conducting a development after the expiry of a temporary Development Permit.
  - b. Is conducting a Temporary Business without a Development Permit.
  - c. Is continuing development without a Development Permit or contrary to the conditions of a Development Permit when an Order has been issued in accordance with the Act.
  - d. Has developed, is operating, or is allowing to exist a Dwelling Unit on a site which is in excess of the number of Dwelling Units allowed for by the Land Use Bylaw or approved as part of a Development Permit.
  - e. is operating, or is allowing to be operated, a Tourist Home without a valid Development Permit. In a prosecution for operating or allowing to be operated a Tourist Home without a valid Development Permit, proof that the Tourist Home has been advertised is sufficient to establish that the owner of the property operates or is allowing the operation of the Tourist Home.
  - e.1 is advertising or is allowing the advertisement of a Tourist Home without a valid Development Permit.
  - f. Has a vehicle, or is allowing the presence of a vehicle within a residential district which contravenes the regulations of Section 2: General Regulations.
  - g. Is occupying a premises without an Occupancy Certificate.
  - h. Has contravened any provision of Section 2: General Regulations.
  - i. Is conducting a Logging Operation without a development Permit and without the authorization required in this Bylaw.
  - j. Has contravened any provision of Section 9: Signage.
- 1.18.4.4** Where a Violation Tag is issued pursuant to this Bylaw, the Person or Company to whom the Violation Tag is issued may, in lieu of being prosecuted for the offense, pay to the Town of Canmore the penalty specified on the Violation Tag as follows:



- a. General offences related to developments conducted without development Permits o contrary to the conditions of a development Permit as described in “a”, “b”, and “c” of Subsection 1.18.4.1, above:

First offence within calendar year:	Minimum Penalty:	\$ 500
Second offence within calendar year:	Minimum Penalty:	\$ 1,000
Third and additional offences:	Minimum Penalty:	\$ 2,000

- b. Offenses related to unpermitted Dwelling Units:

First offence within calendar year:	Minimum Penalty:	\$ 2,500
Second and additional offences:	Minimum Penalty:	\$ 5,000

- c. Offenses related to ~~unpermitted~~ Tourist Homes:

First offence <del>within calendar year:</del>	Minimum Penalty:	\$ 2,500
Second offence <del>and additional offences:</del>	Minimum Penalty:	\$ 5,000
<del>Third and additional offences:</del>	<del>Minimum Penalty:</del>	<del>\$ 10,000</del>

- d. Offenses related to vehicles on residential properties:

First offence within calendar year:	Specified penalty:	\$ 100
Second offence within calendar year:	Specified penalty:	\$ 200
Third and additional offence:	Specified penalty:	\$ 500

- e. Offenses related to unauthorized occupancy of premises:

First offence within calendar year:	Specified penalty:	\$ 250
Second offence within calendar year:	Specified penalty:	\$ 350
Third and additional offence:	Specified penalty:	\$ 500

- f. Offenses relating to signage:

First offence within calendar year:	Specified penalty:	\$ 50
Second offence within calendar year:	Specified penalty:	\$ 100
Third and additional offence within calendar year:	Specified penalty:	\$ 250
Signage Impound Fee:	Specified penalty:	\$ 50

- g. Offenses relating to unauthorized Logging:

First offence within calendar year:	Specified penalty:	\$ 50
Second offence within calendar year:	Specified penalty:	\$ 100

- 1.18.4.5 Nothing in this Bylaw shall prevent a Peace Officer from issuing summons for the mandatory Court appearance of any person or company who contravenes any provision of this Bylaw.

## SECTION 13      DEFINITIONS

### 13.1    WORDS AND TERMS

Words and terms used in this Land Use Bylaw shall have the same meaning and definition as those in the *Municipal Government Act* unless otherwise specifically defined in this section.

### 13.2    DEFINITIONS

~~**Tourist Home** means a Dwelling Unit operated as a temporary place to stay, with or without compensation, and includes all vacation rentals of a Dwelling Unit. The characteristics that distinguish a Tourist Home from a Dwelling Unit used as a residence may include any of the following:~~

- ~~a. The intent of the occupant to stay for short-term vacation purposes rather than use the property as a residence; and/or~~
- ~~b. The commercial nature of a Tourist Home; and/or~~
- ~~c. The management or advertising of the Dwelling Unit as a Tourist Home or “vacation property”; and/or~~
- ~~d. The use of a system of reservations, deposits, confirmations, credit cards or other forms of electronic payment.~~

~~These examples do not represent an exhaustive list of operating practices that may constitute a Tourist Home.~~

~~**Tourist Home** means a Dwelling Unit operated or advertised as a temporary place to stay, with or without compensation, and includes all vacation rentals of a Dwelling Unit.~~

~~A Dwelling Unit is a Tourist Home if it has one or more of the following characteristics:~~

- ~~a. The occupant(s) of the Dwelling Unit intend to stay or do stay in the Dwelling Unit for vacation purposes rather than for residential purposes;~~
- ~~b. The Dwelling Unit has the potential to or is generating income for the registered owner or their agent;~~
- ~~c. The Dwelling Unit is being advertised as a tourist home, vacation property, vacation rental, short-term rental, getaway, or similar use;~~
- ~~d. The Dwelling Unit is being advertised on websites commonly used for vacation rentals, including, but not limited to, Facebook, AirBnB, VRBO, HomeToGo, or other rental or social media platforms;~~
- ~~e. The Dwelling Unit is being managed by a third-party as a tourist home, vacation property, vacation rental, short-term rental, getaway, or similar use;~~
- ~~f. The operation of the Dwelling Unit is commercial in nature;~~

- g. The operation of the Dwelling Unit uses a system of reservations, deposits, credit cards, or other forms of electronic payment;
- h. The operation of the Dwelling Unit provides for nightly or weekly booking rates;
- i. The operation of the Dwelling Unit provides for cancellation fees and/or terms and conditions of cancellation; and/or
- j. Such other characteristics that the Town deems to be representative of the operation of a Tourist Home.

For the purpose of this definition, “advertise” means to physically or electronically notify the public of something by way of a bulletin, notice, page, or record and includes, but is not limited to, posting on websites such as Facebook, AirBnB, VRBO, HomeToGo, or other rental or social media platforms.



# Request for Decision

**DATE OF MEETING:** August 19, 2025 **AGENDA #: G 1**

**TO:** Council

**SUBJECT:** Enforcement Appeal Review Committee Bylaw Amendment 2025-25 – Omnibus

**SUBMITTED BY:** Cheryl Hyde, Manager of Municipal Clerk’s Office

**RECOMMENDATION:** That Council give first reading to Enforcement Appeal Review Committee Bylaw Amendment 2025-25 – Omnibus.

That Council give second reading to Enforcement Appeal Review Committee Amendment 2025-25 – Omnibus.

That Council give leave to go to third reading of Enforcement Appeal Review Committee Amendment 2025-25 – Omnibus.

That Council give third reading to Enforcement Appeal Review Committee Amendment 2025-25 – Omnibus.

## EXECUTIVE SUMMARY

This bylaw amendment addresses recent changes to the Animal Control Bylaw and Business Registry Bylaw and proposes adding appeals of notices issued under the Agricultural Pests Act and the Weed Control Act to the scope of the committee.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

The Enforcement Appeal Review Committee was established by Council in July 2022 to hear appeals under the Animal Control Bylaw, the Business Registry Bylaw, the Taxi Bylaw, the Community Standards Bylaw, and section 545 and 546 of the Municipal Government Act.

## DISCUSSION

Amendments to the sections referring to the Animal Control Bylaw and Business Registry Bylaw are housekeeping in nature, required to address changes caused by adoption of a new Animal Control Bylaw and amendments to the Business Registry Bylaw. A second housekeeping change (to section 25) is intended to allow a member of administration who issued an order or notice to send another person to a hearing in their place if they are unable to attend.

The final proposed amendment involves adding appeals of notices under the Agricultural Pests Act and the Weed Control Act to the scope of the Enforcement Appeals Review Committee since both acts require local authorities to establish committees to hear appeals. Currently Council appoints one council member to the Weed Control Panel at the annual organizational meeting. A committee to hear appeals under the Agricultural

Pests Act has not yet been established. This amendment would bring all appeals related to enforcement under one process administered by the Municipal Clerk's Office.

**ANALYSIS OF ALTERNATIVES**

None.

**FINANCIAL IMPACTS**

None.

**INTEREST HOLDER ENGAGEMENT**

None.

**ATTACHMENTS**

- 1) Enforcement Appeal Review Committee Bylaw Amendment 2025-25 – Omnibus
- 2) Enforcement Appeal Review Committee Bylaw 2022-11 (Redline)

**AUTHORIZATION**

Submitted by:	Cheryl Hyde Manager of Municipal Clerk's Office	Date: <u>July 28, 2025</u>
Approved by:	Adam Robertson Acting General Manager of Corporate Services	Date: <u>July 28, 2025</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>August 6, 2025</u>



## BYLAW 2025-25

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND ENFORCEMENT APPEAL REVIEW COMMITTEE BYLAW 2022-11

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Enforcement Appeal Review Committee Bylaw Amendment 2025-25 – Omnibus”.

#### INTERPRETATION

- 2 Words defined in Enforcement Appeal Review Committee Bylaw 2022-11 shall have the same meaning when used in this bylaw.

#### PROVISIONS

- 3 Enforcement Appeal Review Committee Bylaw 2022-11 is amended by this bylaw.
- 4 Subsection 4(b)(i) is amended as follows:
  - a) by striking out “10-2011” and substituting “2024-03”;
  - b) by striking out “31” and substituting “64”;
  - c) by striking out “Dogs” and substituting “Animals”; and
  - d) by striking out “37” and substituting “81”.
- 5 Subsection 4(b)(ii) is amended by striking out “9 Inspection and Enforcement” and substituting “51 Decision Review”.
- 6 The following is added after Subsection 4(b):
 

“c) hear and determine appeals of notices issued under the *Agricultural Pests Act* and the *Weed Control Act*.”
- 7 Section 6 is amended by striking out “a review” and substituting “an appeal”.
- 8 The following is added after Section 6:
 

“6.1 In determining an appeal under section 4(c), the committee may confirm, rescind, or vary the notice that was issued.”
- 9 Subsection 21(a) is amended by striking out “31” and substituting “64” and by striking out “10-2011” and substituting “2024-03”.

10 Subsection 21(b) is amended by striking out “37” and substituting “81” and by striking out “10-2011” and substituting “2024-03”.

11 Subsection 21(c) is amended by striking out “9” and substituting “51”.

12 The following is added after Subsection 21(e):

"e.1) appeals pursuant to the *Agricultural Pests Act* and the *Weed Control Act* shall be heard by a 3-member panel."

13 Subsection 25(c) is amended by striking out “person” and substituting “member of administration” and by adding “, or their delegate.” after “the order or notice”

### **ENACTMENT/TRANSITION**

14 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

15 This bylaw comes into force on the date it is passed.

FIRST READING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date

Bylaw approved by: \_\_\_\_\_

Page 2 of 2



## BYLAW 2022-11 Redline for Review

Office Consolidation Current as of March 6, 2024

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING AN ENFORCEMENT APPEAL REVIEW COMMITTEE

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as the “Enforcement Appeal Review Committee Bylaw.”

#### INTERPRETATION

- 2 Where a bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.

#### ESTABLISHMENT

- 3 The Enforcement Appeal Review Committee is hereby established.

#### AUTHORITY

- 4 The committee is authorized to:
  - a) review written orders, notices and decisions issued under section 545 or section 546 of the *Municipal Government Act*;
  - b) hear appeals of written orders, notices or decisions issued by community peace officers, or relevant bylaw’s enforcement authority, pursuant to:
    - i) Animal Control Bylaw ~~10-2014~~2024-03 section ~~31-64~~ Nuisance ~~Dogs~~ Animals and section ~~37-81~~ Vicious Dogs, 2025-25
    - ii) Business Registry Bylaw 2015-02 section ~~9 Inspection and Enforcement~~51 Decision Review, 2025-25
    - iii) Taxi Bylaw 13-2010 sections 45(b) and 45(d), and 2025-25
    - iv) Community Standards Bylaw 2022-16: and 2022-16
  - c) hear and determine appeals of notices issued under the *Agricultural Pests Act* and the *Weed Control Act*. 2025-25
- 5 In determining a review under section 4(a) the committee shall act in accordance with section 547(2) of the *Municipal Government Act*.



- 6 In determining ~~a review~~ an appeal under section 4(b) the committee may confirm, vary, substitute, or cancel the written orders, notices or decisions.

2025-25

6.1 In determining an appeal under section 4c), the committee may confirm, rescind, or vary the notice that was issued.

2025-25

## MEMBERSHIP

- 7 The committee is comprised of
- a) two members of council,
  - b) the general manager of municipal services and
  - c) the chief administrative officer.
- 8 The chief administrative officer is the chair of the committee.
- 9 The chair may delegate any of their powers, duties, or functions under this bylaw to any individual.
- 10 Council appoints the council members who will serve on the committee at council's annual organizational meeting.
- 11 If a vacancy occurs before council's annual organizational meeting, council may appoint a replacement for the remainder of the term.

## APPLICATION FOR REVIEW HEARING

- 12 A person may request a review or submit an appeal to the committee on any matter within the committee's authority as set out in section 4 of this bylaw.
- 13 The request for review or appeal must be in a form approved by the committee chair.
- 14 Unless otherwise specified in this bylaw or another enactment, the request for review or appeal must be received by the committee chair no later than 14 days after the date the written order or written notice is received by the applicant.
- 15 A request for review of a written order under section 546 of the *Municipal Government Act* must be submitted within 7 days after the order is received, as set out in section 547(2) of the *Municipal Government Act*.
- 16 Unless specified in another enactment:
- a) the committee must hold a review hearing within 30 days of receiving the application, and
  - b) the chair must notify the applicant of the date of the review hearing at least 7 days before the hearing.

## WITHDRAWING AN APPEAL

- 17 A notice made by an appellant to withdraw an appeal must be made in writing and submitted to the committee chair before the hearing begins.
- 18 A withdrawal of an appeal must be unequivocal and unconditional.

## REVIEW HEARING PROCEDURE

- 19 Public notice of a review hearing shall be provided on the Town's website at least 24 hours prior to the meeting.
- 20 The committee conducts its review hearings in public except where authorized by the *Municipal Government Act* to close a meeting to the public.
- 21 The chair shall appoint members to form a panel to conduct the review hearing as follows:
  - a) appeals pursuant to section ~~34-64~~ of Animal Control Bylaw ~~10-2011-2024-03~~ shall be heard by a 1-member panel consisting of the general manager of municipal services, 2025-25
  - b) appeals pursuant to section ~~37-81~~ of Animal Control Bylaw ~~10-2011-2024-03~~ shall be heard by a 3-member panel that excludes the general manager of municipal services, 2025-25
  - c) reviews pursuant to section ~~9-51~~ of Business Registry Bylaw 2015-02 shall be heard by a 3-member panel, 2025-25
  - d) appeals pursuant to sections 45(b) and ~~s-45~~(d) of Taxi Bylaw 13-2010 shall be heard by a 1-member panel consisting of the general manager of municipal Services, 2025-25
  - e) reviews pursuant to sections 545 and ~~s-546~~ of the *Municipal Government Act* shall be heard by a 3-member panel;
  - e.1) appeals pursuant to the *Agricultural Pests Act* and the *Weed Control Act* shall be heard by a 3-member panel; 2025-25
  - f) should the general manager of municipal services be unavailable to conduct hearings outlined in section 21(a), the chief administrative officer will conduct the hearing.
- 22 Panels have any or all the powers, duties and responsibilities of the committee and a decision of a panel is the decision of the committee.
- 23 For a 3-member panel, if the chair is not available then the members of the panel will appoint a chair of the review hearing from amongst themselves prior to the commencement of the review hearing.
- 24 Quorum is one for a 1-member panel and three for a 3-member panel.
- 25 The following persons are entitled to make submissions at the review hearing:

- a) the applicant,
  - b) if the order or notice is in respect of a property and the applicant is not the owner of the property, the owner of the property; and
  - c) the ~~person~~ member of administration who issued the order or notice, or their delegate. 2025-25
- 26 The chair of the panel, in their sole discretion, may permit any other person to make verbal submissions at a review hearing and may set limits on the time and content of the presentation.
- 27 The chair of the panel shall provide an overview of the hearing procedure at the start of the hearing.
- 28 The panel may ask questions of the hearing participants.
- 29 Matters are decided by majority vote.
- 30 A decision must be read into the record before a review hearing adjourns unless otherwise directed by the chair of the committee in which case the committee must make a decision within 5 business days, which decision shall also be read into the record.

#### MEETING RECORDS

- 31 An agenda package containing all documents submitted in relation to a review hearing shall be made available to committee members at least three days prior to a meeting and, subject to any exceptions to disclosure under the *Freedom of Information and Protection of Privacy Act*, made available to the public at least one day prior to a meeting.
- 32 Minutes are prepared for every committee meeting and contain the following:
- a) the date, time and location of the meeting,
  - b) the names of all committee members present,
  - c) the name of anyone other than a committee member who participated in the meeting, and
  - d) the decision of the committee, including the written reasons of the majority.
- 33 Questions and debate are not recorded in the minutes.
- 34 Minutes are public documents.
- 35 Minutes are approved and signed by the committee chair.
- 36 Any member may request a correction to the minutes after they are approved by the committee chair and are deemed adopted at the discretion of the committee chair.

## CONSEQUENTIAL AMENDMENTS

37 *Repealed 2024-03*

38 Business Registry Bylaw 2015-02 is amended:

- a) in section 10.1, by striking out “Town’s chief administrative officer” and substituting “Enforcement Appeal Review Committee”,
- b) by repealing section 10.2, and
- c) in section 10.3, by striking out “chief administrative officer” and substituting “Enforcement Appeal Review Committee”.

39 Taxi Bylaw 13-2010 is amended:

- a) in section 51 and 52, by striking out “Chief License Inspector in accordance with the rules and procedures set forth in this Bylaw” and substituting “Enforcement Appeal Review Committee”, and
- b) by repealing sections 53, 54, and 55.

## ENACTMENT/TRANSITION

40 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

41 This bylaw comes into force on the date it is passed.

FIRST READING: July 5, 2022

SECOND READING: July 5, 2022

THIRD READING: July 5, 2022

## OFFICE CONSOLIDATION

This document is a consolidation of a bylaw with one or more amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Bylaws included in this consolidation:

Enforcement Appeal Review Committee Bylaw 2022-11

Community Standards Bylaw 2022-16

Animal Control Bylaw 2024-03

[Enforcement Appeal Review Committee Bylaw Amendment 2025-25 - Omnibus](#)



# Request for Decision

**DATE OF MEETING:** August 19, 2025 **AGENDA #: G 2**

**TO:** Council

**SUBJECT:** Community Standards Bylaw Amendment 2025-26 – General Holidays

**SUBMITTED BY:** Caitlin Miller, Manager of Protective Services

**RECOMMENDATION:** That Council give first reading to Community Standards Bylaw Amendment 2025-26 – General Holidays.

That Council give second reading to Community Standards Bylaw Amendment 2025-26 – General Holidays.

That Council give leave to go to third reading of Community Standards Bylaw Amendment 2025-26 – General Holidays.

That Council give third reading to Community Standards Bylaw Amendment 2025-26 – General Holidays.

## EXECUTIVE SUMMARY

For greater clarity within the Community Standards Bylaw around what constitutes a holiday, administration is recommending to Council that the definition of a statutory holiday be changed to be aligned with the *Alberta Employment Standards Code and Regulation*.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Community Standards Bylaw 2022-16

*Alberta Employment Standards Code and Regulation*

## DISCUSSION

Within the Community Standards Bylaw 2022-16, there are provisions around when construction noise is allowable and when restrictions are in place. Sections 20(b) and 21 regulate construction noise and that it is not allowable between the hours of 22:00 and 07:00 daily and on Sundays and statutory holidays. For greater clarity and consistency on enforcement of construction noise, including the issuance of noise exemption permits, administration is recommending that the definition of a statutory holiday be consistent with the *Alberta Employment Standards Code and Regulation*, as presented in Attachment 1.

## ANALYSIS OF ALTERNATIVES

None.

## FINANCIAL IMPACTS

None.

**INTEREST HOLDER ENGAGEMENT**

None.

**ATTACHMENTS**

- 1) Community Standards Bylaw Amendment 2025-26 – General Holidays
- 2) Community Standards Bylaw 2022-16 (Redline)

**AUTHORIZATION**

Submitted by:	Caitlin Miller Manager of Protective Services	Date:	<u>July 10, 2025</u>
Approved by:	Scott McKay General Manager of Municipal Services	Date:	<u>July 29, 2025</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>August 6, 2025</u>



## BYLAW 2025-26

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND COMMUNITY STANDARDS BYLAW 2022-16

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Community Standards Bylaw Amendment 2025-26 - General Holidays”.

#### PROVISIONS

- 2 Community Standards Bylaw 2022-16 is amended by this bylaw.
- 3 Section 2 is amended by inserting the following after subsection h):
  - h.1) “General Holiday” means a General Holiday, also referred as a statutory holiday, as set out in the *Alberta Employment Standards Code and Regulation* as follows:
    - i) New Year’s Day,
    - ii) Alberta Family Day,
    - iii) Good Friday,
    - iv) Victoria Day,
    - v) Canada Day,
    - vi) Labour Day,
    - vii) Thanksgiving Day,
    - viii) Remembrance Day,
    - ix) Christmas Day.
- 4 Subsection 20(b) is amended by striking out “statutory holiday” and substituting “General Holiday”.
- 5 Section 21 is amended by striking out “statutory holidays” and substituting “General Holidays”.

**ENACTMENT/TRANSITION**

- 6    If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 7    This bylaw comes into force on the date it is passed.

FIRST READING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

Sean Krausert

Mayor

Date

Cheryl Hyde

Manager, Municipal Clerk’s Office

Date





## BYLAW 2022-16 Redline for Review

Office Consolidation Current as of June 4, 2024

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH COMMUNITY STANDARDS

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as the “Community Standards Bylaw.”

#### INTERPRETATION

- 2 In this bylaw,
  - a) “Concrete Mixer” means a machine that is capable of carrying concrete in a mixed or partially mixed form and pouring it at the location where it is to be used and which is mounted onto a trailer or the chassis of a Truck as defined herein;
  - a.1) “Commercial Premises” includes any building, Structure or Premises which is not used for residential purposes, and for greater certainty, but not to be restricted to the generality of the foregoing, any building, Structure, or Premises which is used by any business or non-profit-organization, or for any professional, institution, industrial, commercial, retail, or restaurant operation;
 

2023-25
  - b) “Construction” means the temporary process of building, constructing, repairing, deconstructing or demolishing any Structure, including landscaping, home repair, home renovations, property improvements, and any work in connection with those processes;
  - c) “Dangerous Wildlife” means species or individual animals that could cause serious bodily injury in the event of an aggressive encounter, including, but not limited to, bear, elk, cougar, coyote, wolf, or any Wildlife species or individual animal deemed dangerous by a Peace Officer, fish and Wildlife officer, or conservation officer;
  - d) “Daytime” means the period
    - i) beginning at 7:00 a.m. and ending at 10:00 p.m. of the same day on Weekdays, or
    - ii) beginning at 9:00 a.m. and ending at 10:00 p.m. of the same day on a Weekend;
  - e) “Enforcement Appeals Review Committee” means the committee that reviews Orders issued under sections 545 and 546 of the *Municipal Government Act* for the purpose of section 547 of the *Municipal Government Act*, and which performs other municipal enforcement review functions as provided by Enforcement Appeal Review Committee Bylaw 2022-11;

- f) “Fruit” means the fleshy, seed-bearing Structure of a flowering plant species and includes Fruit and berries;
- g) “Fruit Bearing Vegetation” means any vegetation that bears Fruit and is a Wildlife Attractant, including but not limited to
  - i) mountain ash trees,
  - ii) crabapple trees,
  - iii) chokecherry, and
  - iv) buffalo berry;
- h) “Garbage Truck” means any vehicle equipped for transporting waste, refuse, or recyclable materials or any vehicle equipped to load, unload, and transport containers for handling waste, refuse, or recyclable materials;

h.1) “General Holiday” means a General Holiday, also referred as a statutory holiday, set out in the Alberta Employment Standards Code and Regulation -as follows:

- i) New Year’s Day,
- ii) Alberta Family Day,
- iii) Good Friday,
- iv) Victoria Day,
- v) Canada Day,
- vi) Labour Day,
- vii) Thanksgiving Day,
- viii) Remembrance Day,
- ix) Christmas Day.

2025-26

- i) “Good Repair” means a condition where something is free from
  - i) broken, damaged, missing, detached, or fallen parts,
  - ii) rot or other physical deterioration,

- iii) openings which are not secured against trespassers, and
- iv) openings which are not secured against the infiltration of air or precipitation.
- j) “Graffiti” means words, figures, letters, drawings, or stickers applied, scribbled, scratched, etched, sprayed, or attached on or to the surface of any Premises, Structure, or other property, without the Owner’s consent, but does not include words, figures, letters, drawings, or stickers applied, scribbled, scratched, etched, sprayed, or attached on or to the surface of any vehicle;
- k) “Motorized Garden Tool” means any tool used for gardening or horticulture that is powered by an engine or motor, regardless of whether that mechanism is powered by compressed air, electricity, or a fossil fuel;
- l) “Motor Vehicle Parts” includes, but is not limited to, any Motor Vehicle Part or collection of Motor Vehicle Parts, or one or more vehicles that are dilapidated, derelict, or not in operable condition;
- m) “Non-Residential District” has the same meaning as in Land Use Bylaw 2018-22;
- n) “Nighttime” means the period
  - i) beginning at 10:00 p.m. and ending at 7:00 a.m. on Weekdays, or
  - ii) beginning at 10:00 p.m. and ending at 9:00 a.m. on a Weekend;
- o) “Occupant” means the Person residing in or in apparent possession or control of Premises;
- p) “Outdoor Speaker System” means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a musical instrument amplifier, radio, stereo, television, public address system, or other system which is positioned
  - i) outside of a building,
  - ii) inside a building and within 2 metres of any opening in the building including a window or doorway, where it is directed outside of the building, or
  - iii) in a tent;
- q) “Owner” means
  - i) in the case of land registered under the *Land Titles Act*, the Owner of a fee simple estate or registered leasehold interest in a parcel of land,
  - ii) in the case of personal property, the registered Owner,

- iii) in the case of unregistered personal property, any Person with lawful possession and control over the property;
- r) “Order” means an Order issued pursuant to section 545 or section 546 of the *Municipal Government Act*;
- s) “Peace Officer” means
  - i) a Person appointed as a bylaw enforcement officer pursuant to the *Municipal Government Act*;
  - ii) a Person appointed as a Peace Officer pursuant to the *Peace Officer Act* or
  - iii) a police officer;
- t) “Person” means any individual, firm, partnership, association, corporation, or other legal entity;
- u) “Point of Reception” means any location, be it a place of work or residence, where noise or Sound Levels are heard by an individual;
- v) “Power Tool” includes any tool powered by an engine or motor, regardless of whether that mechanism is powered by compressed air, electricity, or a fossil fuel;
- w) “Premises” includes any real property that may be owned, occupied, managed, or controlled by an Owner or Occupier, including parcels of land, any subdivisions of land or units of real property, and any Structures that may owned, occupied managed or controlled by an Owner or Occupier;
- x) “Public Place” means any Property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not;
- y) “Residential Area” or “Residential Areas” means any area, location, or parcel of land, that is zoned as a Residential Land Use District, a Direct Control District that lists residential use among its uses, or is otherwise zoned for a primary purpose of residential use under Land Use Bylaw 2018-22;
- z) “Sidewalk” means that part of a street, road, or highway that is adapted or designated for the use of pedestrians, including that part of a street, road, or highway between the curb line and the adjacent properties or, where there is no curb line, that piece of land between the edge of the street, road, or highway and the adjacent property line;
- aa) “Signaling Device” means any device that produces an audible sound used for the purpose of drawing an individual’s attention, including a horn, gong, bell, klaxon, or public address system;

- bb) “Sound Level”, unless otherwise defined in this bylaw, means the sound pressure measured in decibels using the “A” weighted network of a Sound Level Meter with fast response;
  - cc) “Sound Level Meter” means any Type 2 or better integrating instrument that measures Sound Levels;
  - dd) “Structure” means any building, extension from a building, garage, shed, shelter, fence, or other thing erected or placed in, on, over, or under land, whether or not it is movable or affixed to the land;
  - ee) “Truck” means any vehicle that has a gross allowable maximum vehicle weight in excess of 5450 kilograms as listed on the government issued registration, regardless of the vehicle’s actual weight at a specific time, and includes a truck-tractor and tractor-trailer;
  - ff) “Violation Tag” means a municipal tag or similar document issued by a Peace Officer in relation to an offence under this bylaw;
  - gg) “Violation Ticket” means a ticket issued pursuant to the *Provincial Offences Procedures Act*, and the regulations thereunder;
  - hh) “Weekday” means Monday, Tuesday, Wednesday, Thursday, and Friday;
  - ii) “Weekend” means Saturday and Sunday;
  - jj) “Wildlife” means any free-living species of vertebrate animal that is not a domesticated, escaped, or stray domestic animal;
  - kk) “Wildlife Attractant” means any substance that could reasonably be expected to attract Wildlife, including, but not limited to, Fruit, garbage, refuse, food, food waste, and compost.
- 3 Where a bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.

## **PART 1 REGULATION OF NOISE**

- 4 This Part does not purport to regulate the cumulative effect of noise created by vehicular traffic on roads or aeronautical related activities of aircraft.

### **GENERAL PROHIBITIONS**

- 5 Except as authorized by this bylaw, no Person shall make, cause, continue, or allow to be made, caused, or continued, any noise which is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.

- 6 Except as authorized by this bylaw, no Owner or Occupier of a Premises shall make, cause, continue, or allow to be made, caused, or continued, any noise which emanates from the Premises and which is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.
- 7 No Person shall permit a vehicle located on a Premises to emit noise which would disturb the peace, enjoyment, comfort, or convenience of another individual, including, but not limited to, noise from excessive engine revving and music or amplification equipment in the vehicle.
- 8 No Owner or Occupier of a Premises shall permit a vehicle located on the Premises to emit noise which emanates from that Premises, including noise from excessive engine revving and music or amplification equipment in the vehicle, is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.
- 9 A Person may be found guilty of a contravention of sections 5 to 8 whether or not the noise
  - a) is measured, or
  - b) if measured, exceeds any Sound Level limit prescribed by this bylaw.
- 10 In determining if a noise is likely to disturb the peace, enjoyment, comfort, or convenience of another individual, the following criteria may be considered:
  - a) the type, volume, and duration of the noise,
  - b) the time of day and day of week,
  - c) the nature and use of the surrounding area,
  - d) the Sound Level in decibels, if measured, and
  - e) any other relevant factor.
- 11 A Person shall not cause or permit any noise exceeding a Sound Level of 60 decibels (dBA) as measured at the property line of a property in a Residential Area between the hours of 10:00 p.m. and 7:00 a.m.
- 12 An Owner or Occupier shall not allow a property that they own or occupy to be used in a manner that results in noise coming from the property to exceed a Sound Level of 60 decibels (dBA) as measured at the property line of a property in a Residential Area between the hours of 10:00 p.m. and 7:00 a.m.

#### **ACTIVITIES IN RESIDENTIAL AREAS**

- 13 No Person in a Residential Area during the Nighttime shall operate or use
  - a) a lawn mower,

- b) a Motorized Garden Tool,
  - c) a Power Tool outside of any building or Structure,
  - d) a snow clearing device powered by an engine of any kind, or
  - e) a motorized snow or leaf blowing device.
- 14 No Person shall load or unload a Truck, Concrete Mixer, or Garbage Truck in a Residential Area or within 150 metres of a Residential Area during the Nighttime.
- 15 Notwithstanding section 14, a Person may, at any time, unload a vehicle containing
- a) fresh produce and perishable merchandise including milk products and baked goods, or
  - b) daily or weekly newspapers being delivered to vendors.
- 16 Notwithstanding section 14, a Person may load a Garbage Truck between 6:00 a.m. and 10:00 p.m. on any day.
- 17 A Person must not use a Signaling Device in a Residential Area during the Nighttime.
- 18 Notwithstanding section 13(a), (b), and (c), it is not an offence to use a Motorized Garden Tool, lawn mower, or other grass cutting device on a golf course between the hours of 5:30 a.m. and 9:00 a.m. on any day of the week.
- 19 Notwithstanding section 13(d) and (e), a Person may operate a snow clearing device powered by an engine for the purpose of commercial and non-commercial removal of snow and ice from streets, parking lots and Sidewalks during the forty-eight-hour period following a snowfall, rain or freezing rain, subject to the authority of the chief administrative officer, in their sole discretion, to withdraw this exception on a site-specific basis.

#### CONSTRUCTION ACTIVITY

- 20 A Person shall not cause or permit any Construction activity on property they own or occupy
- a) between the hours of 10 p.m. and 7 a.m. on any Weekday and Weekend,
  - b) at any time on Sunday or ~~statutory holiday~~ General Holiday, or
  - c) at any time contrary to a written notice issued by the chief administrative officer pursuant to section 22.

2025-26

- 21 Notwithstanding section 20, a Person may on Sundays and ~~statutory holidays~~General Holidays conduct Construction, alterations, or renovations on their own home and property, or by Persons assisting them if the Persons assisting do not receive financial compensation or any other compensation for their labour.
- 22 Subject to section 20, the chief administrative officer may, by written notice, direct that a Person shall not cause or permit any Construction activity or certain types of Construction activity on property they own or occupy during the time specified in the written notice. 2025-26
- 23 Prior to issuing a written notice pursuant to section 22, the chief administrative officer must consider
- a) the proximity of the Construction activity to adjacent properties,
  - b) the nature of the Construction activity occurring on the property,
  - c) the nature and use of adjacent properties,
  - d) the number and nature of previous complaints regarding the Construction activity occurring on the property received by the chief administration officer,
  - e) the intended schedule for completion of the Construction activity occurring on the property, including the potential impact of noise-restricted hours on the completion of the Construction activity, and
  - f) any other factor deemed relevant by the chief administrative officer related to the Construction activity occurring on the property.

### **OUTDOOR SPEAKER SYSTEMS**

- 24 No Person shall operate an Outdoor Speaker System during the Nighttime on a parcel where the property line of the parcel is within 150 metres of a Residential Area.
- 25 Regardless of the time of day, an Outdoor Speaker System must always comply with the Sound Levels established in this bylaw.

### **EXEMPTIONS AND SCOPE**

- 26 The prohibitions on noise in Part 1 of this bylaw do not apply to
- a) emergency vehicles,
  - b) Construction in Residential Areas during the Daytime, except for Sundays, whether or not the Construction requires any Town permits,
  - c) the use of Motorized Garden Tools in Residential Areas where the tool is used during the Daytime and for less than three (3) hours during any given day,



- d) work on a Town street or on a public utility carried out by the Owner or operator of the public utility, or its contractors,
- e) any activity within the jurisdiction of the Government of Canada or the Government of Alberta, and
- f) the operation of air conditioning units and heat pumps in Good Repair.

2023-25

- 27 Notwithstanding section 26, the chief administrative officer may apply any other provision of Part 1 to the activities in sections 13 to 25 on a site-specific basis in the chief administrative officer's sole discretion.
- 28 The provisions contained in Part 1 shall not be interpreted to prevent
- a) the ringing of bells in churches, religious establishments, and schools,
  - b) the sounding of any alarm or warning to announce a fire or other emergency,
  - c) the playing of a band in connection with a parade or special event allowed pursuant to any Town permit, or
  - d) the use of Signaling Devices on vehicles in their normal operation for the purpose of giving warnings to other vehicles or Persons.

#### **PERMITS FOR EXEMPTIONS TO NOISE REGULATIONS**

- 29 A Person may make a written application to the chief administrative officer for a noise exemption permit allowing for noise or Sound Levels that would otherwise violate this bylaw.
- 30 Applications made pursuant to section 29 must be made in writing in a form approved by the chief administrative officer.
- 31 The chief administrative officer may in their sole discretion
- a) issue a noise exemption permit where the chief administrative officer determines that circumstances make it impractical for the applicant to comply with this bylaw,
  - b) revoke any noise exemption permit where the chief administrative officer determines that the permit holder has not met the terms or conditions of the permit or taken sufficient measures to minimize noise or Sound Levels, and
  - c) impose any conditions on the issuance or the use of the Noise Exemption Permit the chief administrative officer considers appropriate.

## PART 2 CLEARING OF SIDEWALKS

- 32 The Owner or Occupant of any land adjacent to a Sidewalk shall remove, or cause to be removed, any ice or snow from all adjacent Sidewalks within forty-eight hours after the ice or snow was formed or deposited.
- 33 Whenever snow or ice is deposited or formed on a Sidewalk adjacent to a parcel of land that is the subject of a condominium plan, the condominium corporation associated with the parcel of land shall remove, or cause to be removed, the snow or ice from the Sidewalk within forty-eight hours after the ice or snow was formed or deposited.
- 34 In the event that the Owner or Occupant of land adjacent to a Sidewalk or a condominium corporation associated with land adjacent to a Sidewalk fails or neglects to remove and clear away all snow or ice from a Sidewalk within forty-eight hours, the chief administrative officer may cause the snow or ice to be removed from such Sidewalk, with all costs and expenses plus a 10% administration fee charged to the Owner, Occupant, or condominium corporation responsible for the removal of the snow or ice, and any unpaid costs or expenses shall be added to the tax roll for the land to be recovered in the same manner as other taxes pursuant to the provisions of the *Municipal Government Act*.
- 35 Any Person who has an awning, canopy, marquee, roof drainage controlled by eaves troughing, or other Structure extending from a portion of their Premises over a Sidewalk or other portion of a roadway shall keep the said awning, canopy, marquee, eaves troughing, or other Structure free from snow or ice so that it will not drip or fall upon the Sidewalk or roadway below.
- 36 The Owner or Occupant of Premises with an awning, canopy, marquee, roof drainage controlled by eaves troughing, or other Structure extending from the Premises, shall cause to be cleaned up any water from melting snow or ice that could otherwise drip onto the Sidewalk or roadway below, and take all necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on the Sidewalk or roadway.
- 37 No Person operating a business Premises, to which entry or exit for vehicles is made by a crossing located between the curb and the private property line, shall allow mud, water, slush, ice, or icy frozen snow to remain on the public Sidewalk or roadway portion of the said crossing; but shall keep the same clean and clear of all such materials, liquids or substances as may be or become a hazard to pedestrians.
- 38 A Person may use a power-driven device to remove snow and ice from any portion of a Sidewalk for which that Person is responsible for removing snow and ice under this bylaw, provided that the power-driven device is used in a way that will not injure or unduly interfere with any other Person lawfully using the Sidewalk or injure the surface of the Sidewalk.
- 39 A Person who removes snow or ice from Sidewalks and or any public or private property shall not deposit the said snow or ice upon any roadway or Public Place without permission from the chief administrative officer to deposit the snow or ice upon the roadway or Public Place.

- 40 A Person who removes snow or ice from public or private Sidewalks and or public or private property shall not deposit said snow or ice
- a) in a manner that impedes storm sewer run off or blocks access to any storm sewer grate,
  - b) in the entranceway, ramps, or gated access to any fire hall, ambulance station, emergency vehicle lane, marked fire laned or in any other manner that interferes with the proper operation of and access of emergency vehicles,
  - c) in any area of the Sidewalk where the curb is depressed to allow for the passage of mobility aids,
  - d) on any physical infrastructure or amenity owned by the Town of Canmore including, but not limited, to bicycle racks and transit stops, or
  - e) generally upon any public street, road, highway or any Public Place unless expressly permitted by the chief administrative officer.

### **PART 3**

#### **PROPERTY MAINTENANCE**

#### **SCOPE**

- 41 Part 3 applies to all Premises except for those located in industrial areas where outdoor storage has been approved under Land Use Bylaw 2018-22 for materials the accumulation of which would otherwise be prohibited under this Part.

#### **ACCUMULATION OF MATERIALS**

- 42 No Owner or Occupier of a Premises shall allow on the Premises, the accumulation of
- a) any material that creates unpleasant odors,
  - b) any material likely to attract pests or animals, whether or not defined as Wildlife, or
  - c) animal remains, parts of dead animals, or animal feces.
- 43 No Owner or Occupier of a Premises shall allow the outdoor storage of any toxic or hazardous substance, including but not limited to industrial fluids, automotive fluids, petroleum products, paints, and solvents in a manner that is open, exposed, or accessible by other Persons or animals.
- 44 No Owner or Occupier of a Premises shall allow the following to accumulate on the Premises in a manner that is visible to a Person viewing from outside the property:
- a) loose litter, garbage, or refuse,
  - b) bottles, cans, boxes, recyclable materials, or packaging materials,

- c) household furniture or other household goods,
  - d) Motor Vehicle Parts,
  - e) parts of or disassembled machinery, equipment, or appliances,
  - f) yard waste, including grass, tree and hedge cuttings, leaves and other refuse,
  - g) any tree, shrub, other type of vegetation or any Structure, or
    - i) that interferes or could interfere with any public work or utility,
    - ii) that obstructs any Sidewalk adjacent to the Land,
    - iii) that impairs the visibility required for safe traffic flow at any intersection or roadway adjacent to the Land, or
    - iv) that reasonably interferes with the use and enjoyment of a neighbouring Premises or Public Place.
- 45 No Owner or Occupier of a Premises shall allow on the Premises the accumulation of building or landscaping materials, whether new or used, unless that Owner or Occupier can establish that a Construction activity on the Premises is actively underway or that the beginning of the Construction activity is imminent.
- 46 An Owner or Occupant of a Premises shall ensure that all building and landscaping materials stored on a Premises, are stacked or stored in an orderly manner.

#### **EQUIPMENT IN OUTDOOR LOCATIONS**

- 47 No Owner or Occupant of a Premises shall place, cause, or permit the placement of a refrigerator, freezer, or other similar appliance in an outdoor location on Premises that they own or occupy unless effective measures have been taken to prevent the opening and closing of the appliance.
- 48 Without limiting the generality of section 47, effective measures for preventing the opening and closing of an appliance include, but are not limited to, the following:
- a) the removal of the door from the appliance,
  - b) the removal of the door handle mechanism if this prevents opening and closing of the door,
  - c) the removal of the door hinges,
  - d) the locking of the appliance, or
  - e) otherwise wrapping or containing the appliance so that the interior is inaccessible.

- 49 No Owner or Occupant of a Premises shall place, cause, or permit a refrigerator, freezer or other similar appliance to be placed in an outdoor location on the Premises where the appliance is visible to a Person viewing from outside the Premises.
- 50 No Owner or Occupant of a Premises shall place, cause, or permit the placement of Power Tools or other potentially dangerous equipment in an outdoor location on the Premises except during active use for their intended purposes unless secured so as to not be potentially dangerous.

#### **MAINTENANCE OF EXTERIOR STRUCTURES**

- 51 Any Structure shall be maintained in Good Repair and in a manner that does not contribute to health, safety, and fire hazards.
- 52 Every Person, Owner, or Occupant of a Premises shall ensure the following Structures are maintained in Good Repair:
  - a) fences,
  - b) retaining walls, terraces, patios, and other hardscaping,
  - c) foundations and foundation walls,
  - d) exterior walls and exterior wall components,
  - e) windows and window casings,
  - f) roofs and roof components,
  - g) doors and door frames,
  - h) exterior stairs, landings, porches, balconies, and decks, and
  - i) the protective and decorative finishes of all exterior surfaces of Structures.
- 53 If an Owner or Occupant fails to keep a Structure in Good Repair, the chief administrative officer may direct the Owner of the subject Premises to repair, rehabilitate, or replace or remove that portion of the Structure. Failure by the Owner to adhere to the direction of the chief administrative officer shall constitute an offence under this bylaw.

#### **PART 4 WILDLIFE ATTRACTANTS**

- 54 No Person or Owner, other than a Peace Officer or a Person appointed by the chief administrative officer who is acting in the course of their duties shall store, collect, handle, or dispose of Wildlife Attractants in such a way that the Wildlife Attractants are accessible to or may attract Wildlife.

- 55 No Person or Owner shall permit a Wildlife Attractant to be placed or remain in an outdoor location where the Wildlife Attractant is accessible to Wildlife. 2024-15
- 55.1 No Person or Owner shall permit or allow a Wildlife Attractant to be placed or remain in an outdoor location where it attracts Dangerous Wildlife. 2024-15
- 56 Except for Fruit-Bearing Vegetation located on any Premises at the time of coming into effect of this bylaw, no Owner or Occupant shall plant, install, place, or allow or cause to be planted, installed, or placed, any Fruit-Bearing Vegetation on any Premises under the ownership or occupation of the Owner or Occupier.
- 57 No Person shall feed, attempt to feed, or permit the feeding of Wildlife.
- 58 No Person shall feed any animal, whether domestic or wild, in a manner that is likely to attract Dangerous Wildlife.
- 59 Notwithstanding sections 56 and 57, a Person may place or permit the placement of an outdoor bird feeder containing bird feed, seeds, suet, nectar, or any other bird attractant between the dates of December 1 and March 31, provided that
- a) the bird feeder is suspended on a cable or other device in such a manner that it is inaccessible to Wildlife other than birds, and
  - b) the area below any bird feeder is kept free of accumulations of any Wildlife Attractants.
- 60 No Person shall place or permit the placement of outdoor bird feeders containing bird feed, seeds, suet, nectar, or any other attractant between April 1 and November 30 of each year.
- 61 Notwithstanding section 58, no Person or Owner shall place, or cause to be placed, on or near the property of that Person or Owner, any material or substance which has the effect of attracting pigeons.

## PART 5 GRAFFITI PREVENTION AND ABATEMENT

- 62 No Person shall create or apply Graffiti on or to any
- a) Premises,
  - b) Structure, or
  - c) other property which is owned or occupied by another Person.

- 63 Every Owner or Occupant of a Premises shall ensure that Graffiti placed on their Premises is removed, painted over, or otherwise blocked from public view.

## **PART 6 HUMAN WASTE**

- 64 No Person shall urinate, defecate, or deposit any human waste in any Public Place, other than a washroom.

### **PART 6.1 OPEN DOORS**

- 64.1 No Owner or Occupier of a Commercial Premises shall allow a door permitting entrance or exit from the Commercial Premises to the outdoors to be held, secured, or propped open between the Tuesday after Thanksgiving Day and until the last Friday in April except when temperatures rise above +10°C, as noted by the Environment Canada weather forecast for Canmore.

2023-25

- 64.2 The provisions of section 64.1 shall not be construed to prevent

- a) Persons from entering or exiting a Commercial Premises through a door in the normal course of events,
- b) a door into a Commercial Premises being held open by a Person to provide another Person ease of entrance or exit,
- c) a door into a Commercial Premises which is equipped with a handicapped control from being used in the normal course of events to enable entrance or exit,
- d) Persons from holding, securing, or propping a door open for the purpose of allowing Persons to exit a Commercial Premises during an emergency,
- e) Persons from holding, securing, or propping a door open for the purpose of allowing deliveries to a Commercial Premises, while the delivery is taking place, and
- f) Persons from holding, securing, or propping a door open for the purpose of allowing Construction and Construction related activities on the Premises, while such Construction is taking place.

2023-25

## **PART 7 ORDERS, ENFORCEMENT AND PENALTIES**

### **ORDERS**

- 65 Every Order issued with respect to a contravention of this bylaw must

- a) indicate the Person to whom the Order is directed,
- b) identify the property or Premises to which the Order relates by municipal address or legal description,
- c) identify the date that it is issued,
- d) identify how the property or Premises fails to comply with this bylaw,
- e) identify the specific provisions of this bylaw that the property or Premises contravenes,
- f) identify the nature of the remedial action required to be taken to bring the property or Premises into compliance with this bylaw or the *Municipal Government Act*, as applicable,
- g) identify the time within which the remedial action required by the Order must be completed,
- h) indicate that if the required remedial action is not completed within the time specified, the chief administrative officer may take whatever action or measures are necessary to remedy the contravention,
- i) indicate that the expenses and costs of any action or measures taken by the chief administrative officer under this Section are an amount owing to the Town by the Person to whom the Order is directed,
- j) indicate that the expenses and costs referred to in this section may be attached to the tax roll of the property if such costs are not paid by a specified time, and
- k) indicate that a review of the Order lies with the Enforcement Appeal Review Committee if an application for review is filed in writing with the municipal clerk within fourteen days of the receipt of the Order.

66 An Order issued pursuant to this bylaw may be served

- a) where the Person to whom the Order is directed is an individual,
  - i) by delivering it personally to the individual,
  - ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age,
  - iii) by delivering it by registered mail to the individual at the place of residence listed on the tax roll for the individual, or
  - iv) by delivering it by registered mail to the last address of the individual who is to be served as shown on the records of the Registrar of Motor Vehicle Services in Alberta;



- b) where the Person to whom the Order is directed is a corporation,
  - i) by delivering it personally to a director or officer of the corporation,
  - ii) by delivering it personally to any Person apparently in charge of an office of the corporation at the address held out by the corporation to be its address, or
  - iii) by delivering it by registered mail addressed to the registered office of the corporation;
- c) where the Person to whom the Order is directed is a partnership or association,
  - i) through service on Persons who are partners in the partnership or members in the association;
- d) if, in the opinion of a Person serving a Order, service of the Order cannot be reasonably effected, or if the Person serving the Order believes that the Person subject to the Order is evading service, the Person serving the Order may post the Order
  - i) at a conspicuous place on the Premises to which the Order relates,
  - ii) at the private dwelling place of the Person to whom the Order is directed, as shown on a certificate of the title pursuant to the *Land Titles Act* or on the municipal tax roll,
  - iii) at any other property owned by the Person to whom the Order is directed, as shown on a certificate of title pursuant to the *Land Titles Act* or shown on the municipal tax roll, or
  - iv) at any other Premises occupied by the Person to whom the Order is directed, and
  - v) the Order shall be deemed to be served upon the expiry of 3 days after the Order is posted.

#### **REVIEW BY COMMITTEE**

- 67 The Person to whom an Order is directed or the Owner of a Premises to which an Order relates may request the Enforcement Appeals Review Committee to review the Order by making a written application for review within fourteen days of the date the Order is received.
- 68 Every Person who fails to comply with an Order issued pursuant to this bylaw which has not been rescinded or overturned by the Enforcement Appeals Review Committee commits an offence.

#### **ENFORCEMENT AND PENALTIES**

- 69 Any Person who contravenes any provision of this bylaw is guilty of an offence and upon conviction shall be liable for a minimum penalty in accordance with Schedule A of this bylaw, and not exceeding \$10,000.

- 70 Any Person who contravenes any provision of this bylaw for which a penalty is not set out in Schedule A of this bylaw is liable to a minimum penalty of \$250 for the first offence, \$500 for the second offence and \$1,000 for third and subsequent offences.
- 2024-15
- 71 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person who a Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 72 A Violation Tag may be issued to such Person
- a) either personally, or
  - b) by mailing a copy to such Person at their last known or registered address.
- 73 The Person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 74 If the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
- 75 Notwithstanding section 70 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any Person who a Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 76 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw.

## PART 8 ENACTMENT/TRANSITION

- 77 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 78 Schedule A forms part of this bylaw.
- 79 Section 4 of Enforcement Appeal Review Committee Bylaw 2022-11 is amended
- a) in subsection ii) by striking out “and”,
  - b) in subsection iii) by adding “and” at the end of the section, and
  - c) by adding the following after subsection iii):

- iv) Community Standards Bylaw 2022-16.
- 80 Noise Bylaw 11-97 is repealed.
- 81 Wildlife Attractant Bylaw 2017-10 and Wildlife Amending Bylaw 2019-23 – Fruit Trees are repealed.
- 82 Sections 87 – 97 of Traffic and Road Use Bylaw 2020-03 are repealed.
- 83 This bylaw comes into force on the date it is passed.

FIRST READING: August 16, 2022

SECOND READING: August 16, 2022

THIRD READING: August 16, 2022

### OFFICE CONSOLIDATION

This document is a consolidation of a bylaw with one or more amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Bylaws included in this consolidation:

2022-16	Community Standards Bylaw
2023-25	Amendment – Open Doors
2024-15	Amendment – Human Wildlife Co-Existence
<u>2025-26</u>	<u>Amendment – General Holidays</u>

### SCHEDULE A

#### PENALTIES

Section	Description	Penalty
55.1	Person or Owner permit or allow a Wildlife Attractant to be placed or remain in an outdoor location where it attracts Dangerous Wildlife	\$1,000 – first offence \$5,000 – second offence \$10,000 – third and subsequent offences
57	Person feed Wildlife	\$1,000 – first offence \$5,000 – second offence \$10,000 – third and subsequent offences

2024-15



# Request for Decision

**DATE OF MEETING:** August 19, 2025 **AGENDA #:** G 3

**TO:** Council

**SUBJECT:** Revised Land Use Bylaw Amendment 2025-27 – Three Sisters Gateway District Additional Uses

**SUBMITTED BY:** Jennica Collette, Development Planner, Planning and Development

**RECOMMENDATION:** That Council give first reading to Revised Land Use Bylaw Amendment 2025-27 – Three Sisters Gateway District Additional Uses.

That Council schedule a public hearing for Revised Land Use Bylaw Amendment 2025-27 – Three Sisters Gateway District Additional Uses on September 16, 2025.

## EXECUTIVE SUMMARY

The purpose of Bylaw 2025-27 is to amend Revised Land Use Bylaw 2018-22 to permit a wider range of uses in the Three Sisters Gateway Commercial District (TS-GD). The Bylaw proposes to add “Pet Care Facility”, “Storage Facility”, and “Veterinary Clinic” as permitted uses, and “Care Facility”, “Kennel”, and “Laboratory” as discretionary uses to the TS-GD District.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Council passed the Stewart Creek Area Structure Plan (Bylaw 24-2004) on September 21, 2004.  
Council passed the Canmore Land Use Bylaw (Bylaw 2016-03) on December 10, 2019.  
Council passed Revised Land Use Bylaw Amendment (Bylaw 2020-19) for Three Sisters Mountain Village Sites 2 and 5 (DC1-98 to TS-GD), and added additional uses to the TS-GD District on April 6, 2021.

## DISCUSSION

Three Sisters Mountain Village Properties Ltd. has applied for an amendment to Land Use Bylaw 2018-22. The intent of this amendment is to add permitted and discretionary uses to the TS-GD District. The TS-GD District is located between Three Sisters Parkway and Highway 1 and is adjacent to Cascade Drive (see Figure 1). The amendment is in response to leasing requests and to add compatible land uses to those already existing in the district.

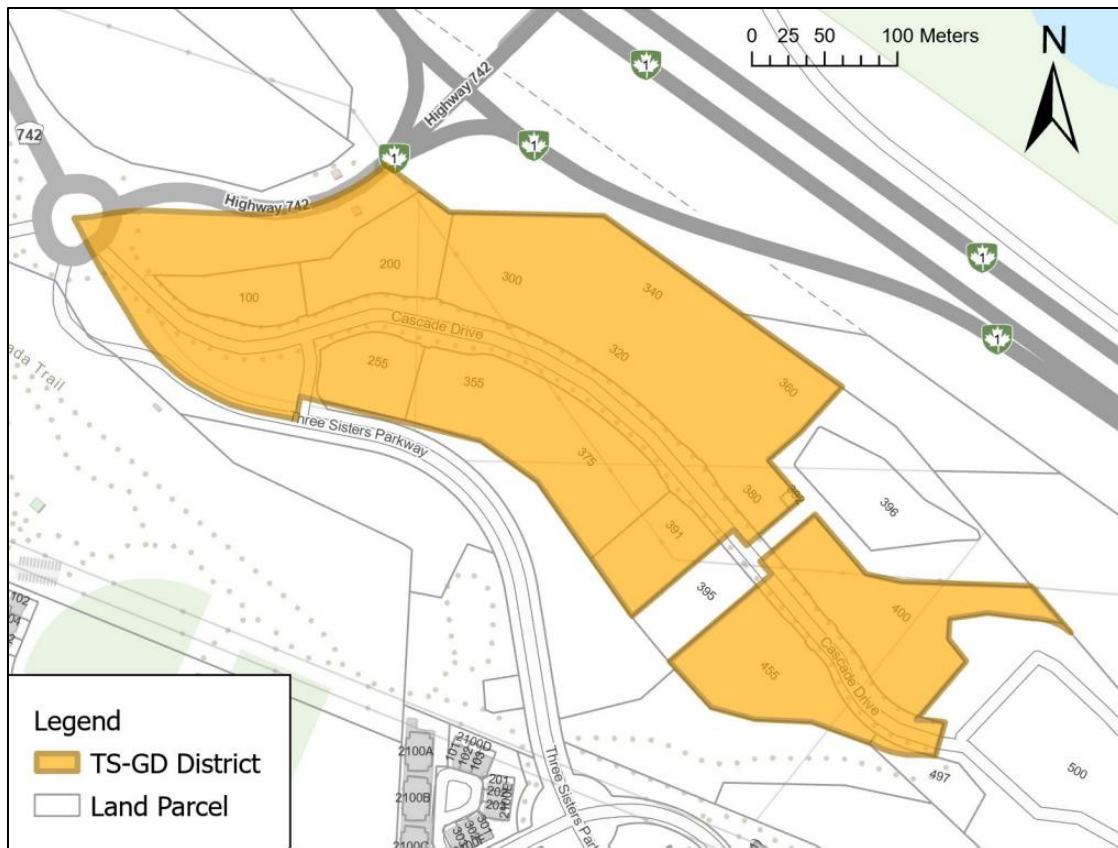


Figure 1: Subject Property showing TS-GD Three Sisters Gateway Commercial District

The proposed additional land uses include three permitted and three discretionary uses. These are shown in Table 1 below. These are existing land uses in the Land Use Bylaw and there are no proposed changes to their definitions or requirements. Table 1 also includes similar land use districts and indicates whether these land uses are included.

Land Use	Proposed TS-GD Three Sisters Gateway Commercial District	BVT-G Bow Valley Trail General Commercial District	BVT-T Bow Valley Trail Teepee Town Commercial District	IND 1 Light Industrial District	IND 2 General Industrial District	SB Southern Business District
Pet Care Facility	●	○	-	○	○	○
Storage Facility	● (Indoor)	-	-	○	○	-
Veterinary Clinic	●	●	●	-	-	●
Care Facility	○	○	○	-	-	-
Kennel	○	○	-	○	○	○
Laboratory	○		-	●	●	●
● Permitted    ○ Discretionary    - Not a listed use						

Table 1: Proposed Land Use comparison with existing Land Use Districts

Pet Care Facility, Veterinary Clinic and Kennel

The above districts all provide pet services in some capacity. Pet Care Facilities would include cleaning, grooming and care of pets without overnight kenneling. This use is proposed as a permitted use but is frequently a discretionary use in other districts. Veterinary Clinic allows for overnight stays of pets but does not allow outdoor runs or pens. This use is frequently permitted in similar districts due to lack of impact on surrounding properties. Kennel is the most potentially impactful land use, since it allows for the overnight stay of pets. This use is frequently discretionary in other districts, which allows the Development Authority to require mitigation (for example, limiting noise during certain hours) as conditions of approval.

Storage Facility (Indoor)

Storage Facility is a discretionary in several industrial districts but is not contemplated in districts with a more commercial nature. However, the proposed amendment restricts storage facility to “Indoor” in the TS-GD District. Access to storage units would be from an interior hallway, and not from an exterior door to each unit. This will restrict potential outdoor storage. Administration expects the design of the facility to be consistent with the architecture of the commercial centre.

Care Facility

Care Facilities are residential in nature and are a public or private health facility containing overnight accommodation. These are listed as discretionary uses in the majority of residential districts and in some transitional districts, such as BVT-T.

Laboratory

A laboratory is a facility for “scientific or technical research, investigations or experimentation.” These are permitted uses in most industrial districts. The addition as a discretionary use to the TS-GD District allows the Development Authority to assess potential impacts of an application for a Laboratory and approve, refuse, or approve with conditions.

The purpose of the TS-GD District is:

“To provide for a *range of commercial, entertainment, cultural and residential uses* in a comprehensively planned area that is designed to encourage new commercial, visitor markets and reduce leakage from Canmore. This district is intended to accommodate *commercial development, primarily retail, personal services, entertainment and office uses* on comprehensively designed sites. Residential, institutional, Visitor Accommodation and recreational uses should be encouraged and supported to complement core commercial development in mixed use buildings. This district is intended to complement commercial activity in the existing town Centre.”

*[Emphasis added]*

The proposed land uses are consistent with the purpose statement of the TS-GD District. They all provide either a commercial or, in the case of Care Facility, partially residential use. Administration notes that there is already a residential component to the proposed development, with Employee Housing approved in the first phase of development. Overall, Administration considers the additional uses to be complementary to the existing uses and will not change the function of the commercial district.

**ANALYSIS OF ALTERNATIVES**

None.

**FINANCIAL IMPACTS**

None.

**INTEREST HOLDER ENGAGEMENT**

The proposed amendment was circulated to internal interest holders on July 29, 2025, and notification letters to property owners within 60m of the TS-GD District sent on July 30, 2025. The applicant is required to post a sign at the beginning of Cascade Drive to inform passersby of the proposed amendment. As of the date of this report, no feedback has been received.

**ATTACHMENTS**

- 1) Revised Land Use Bylaw Amendment 2025-27 – Three Sisters Gateway District Additional Uses
- 2) Revised Land Use Bylaw 2018-22 (Redline Excerpt)

**AUTHORIZATION**

Submitted by:	Jennica Collette Development Planner	Date: <u>July 31, 2025</u>
Approved by:	Harry Shnider, RPP, MCIP Manager of Planning and Development	Date <u>July 31, 2025</u>
Approved by:	Whitney Smithers General Manager of Municipal Infrastructure	Date: <u>July 31, 2025</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>August 11, 2025</u>



## BYLAW 2025-27

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND REVISED LAND USE BYLAW 2018-22

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Revised Land Use Bylaw Amendment 2025-27 – Three Sisters Gateway District Additional Uses.”

#### INTERPRETATION

- 2 Words defined in Revised Land Use Bylaw 2018-22 shall have the same meaning when used in this bylaw.

#### PROVISIONS

- 3 Revised Land Use Bylaw 2018-22 is amended by this bylaw.
- 4 Section 4.9.1 is amended as follows:
  - a) by inserting “Pet Care Facility” below “Personal Service Business” and above “Printing Establishment”;
  - b) by inserting “Storage Facility (Indoor)” below “Retail Sales (GFA up to 2000m<sup>2</sup>)” and above “Temporary Business”; and
  - c) by inserting “Veterinary Clinic” below “Transportation Terminal” and above “Visitor Accommodation”.
- 5 Section 4.9.2 is amended as follows:
  - a) by inserting “Care Facility” below “Cannabis Retail Store (maximum GFA 150m<sup>2</sup>)” and above “Drive-in/Drive-through Food Service [2002-19]”; and
  - b) by inserting “Kennel” below “Home Occupation – Class 2” and above “Light Manufacturing [2002-19]”; and
  - c) by inserting “Laboratory” below “Kennel” and above “Light Manufacturing [2002-19]”.

#### ENACTMENT/TRANSITION

- 6 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 7 This bylaw comes into force on the date it is passed.



FIRST READING:

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date

Bylaw approved by: \_\_\_\_\_

Page 2 of 2

## 4.9 TS-GD THREE SISTERS GATEWAY COMMERCIAL DISTRICT

### Purpose

To provide for a range of commercial, entertainment, cultural and residential uses in a comprehensively planned area that is designed to encourage new commercial, visitor markets and reduce leakage from Canmore. This District is intended to accommodate commercial development, primarily retail, personal services, entertainment and office uses on comprehensively designed sites. Residential, institutional, Visitor Accommodation and recreational uses should be encouraged and supported to complement core commercial development in mixed use buildings. This District is intended to complement commercial activity in the existing Town Centre.

### 4.9.1 Permitted Uses

Amenity Space/Plaza

Amusement Arcade

Arts and Crafts Studio

Athletic and Recreational Facility, Indoor

Athletic and Recreational Facility, Outdoor

Cultural Establishment

Day Care

Dwelling Unit (above the ground floor)

Eating and Drinking Establishment

Educational Institution

Employee Housing

Entertainment Establishment

Financial Institution

Home Occupation – Class 1

Hostel

Laundry Facility

Live/Work Studio

Medical Clinic

Office

Open Space

Personal Service Business

Pet Care Facility

Printing Establishment

Public Building

Public Utility

Resort Accommodation - TSMV

Retail Sales (GFA up to 2000m<sup>2</sup>)

Storage Facility (Indoor)

Temporary Business

Tourist Home

Transportation Terminal

Veterinary Clinic

Visitor Accommodation

## 04 COMMERCIAL LAND USE DISTRICTS

**4.9.2 Discretionary Uses**Accessory BuildingAdministrative/Sales OfficeApartment BuildingAutomotive Sales and RentalBrewery/Distillery [2002-19]Cannabis Retail Store (maximum GFA 150m<sup>2</sup>)Care FacilityDrive-in/Drive-through Food Service [2002-19]Gas Bar and Service StationHome Occupation – Class 2KennelLaboratoryLight Manufacturing [2002-19]Liquor StoreLogging OperationRetail Sales (GFA greater than 2000m<sup>2</sup> to 5000m<sup>2</sup>)TownhouseTownhouse, Stacked**4.9.3 Regulations**

- 4.9.3.1 The maximum GFA ratio shall be two times the site area, except in areas that have not been subdivided, where the maximum GFA shall be determined based on the extent of construction.
- 4.9.3.2 The maximum GFA for commercial uses shall be 32,515 m<sup>2</sup>.
- 4.9.3.3 The front setback shall be the back of the sidewalk where the Development Authority is satisfied that the building provides sufficient architectural features and articulation in accordance with 4.9.5.3b.
- 4.9.3.4 The minimum rear yard setback shall be 10.0 m where a yard abuts a residential district.
- 4.9.3.5 The minimum side yard setback shall be 3.0 m where a yard abuts a residential district.
- 4.9.3.6 The maximum building height shall be 16.0 m or three storeys plus loft.
- 4.9.3.7 The maximum building height of a Landmark building, as defined in 4.9.5.1, may be 22.0 m for a maximum of 25% of the roof area.
- 4.9.3.8 The maximum base eaveline height shall be 7.0 m for a portion of the roof.
- 4.9.3.9 The overall maximum eaveline height shall ensure that a substantial pitched roof element comprises the significant majority of the roof to meet the intent of the “Massing and Scale Guidelines” in Section 11: Community Architectural and Urban Design Standards, to the satisfaction of the Development Authority.
- 4.9.3.10 A minimum of 20% of the site area shall be landscaped.

**4.9.4 Use Performance Guidelines**

- 4.9.4.1 The maximum GFA of an Automotive Sales and Rentals development is 150 m<sup>2</sup>.
- 4.9.4.2 The maximum GFA of a Cannabis Retail Store development is 150 m<sup>2</sup>.
- 4.9.4.3 The maximum GFA of a Printing Establishment is 150 m<sup>2</sup>.

- 4.9.4.4 The maximum GFA of a Retail Sales development is 5,000 m<sup>2</sup>.
- 4.9.4.5 A residential use in a mixed-use building shall comprise a minimum of 20% of the GFA of the commercial uses.
- 4.9.4.6 A maximum of 20% of the ground floor area of a building along the principal commercial street may be occupied for Office purposes.
- 4.9.4.7 Buildings along the principal commercial street should be predominantly mixed-use buildings. For purposes of this Bylaw, a principal commercial street is defined as a vehicular / pedestrian thoroughfare containing the primary commercial or other activity frontage within the comprehensive development area.
- 4.9.4.8 Dwelling Units shall not be located below the second storey of a building along the principal commercial street. Live/Work Studios shall be restricted to street level locations.
- 4.9.4.9 A Temporary Business can be erected in the district area for commercial uses and for the purpose of assembly, recreational, social, educational events in accordance with Section 2: General Regulations.
- 4.9.4.10 Any single commercial retail space larger than 2000 m<sup>2</sup> shall require a retail impact study to be retained and managed by the Town of Canmore, but paid for by the applicant, and consider prior retail impact analyses. Where an undue economic impact on existing commercial areas in the Downtown (TC District) and Gateway (GD District) is identified, measures such as the following may be undertaken:
  - a. Restrictions on particular commercial uses;
  - b. Restrictions on the size of commercial uses or types of uses;
  - c. Phasing of commercial development with the area;
  - d. Other methods deemed mutually acceptable to the Town of Canmore and the Developer/Applicant; or
  - e. Refusal of Development Permit.
- 4.9.4.11 Where commercial tenancy in a single commercial retail space over 2000 m<sup>2</sup> changes, a revised retail impact study may be required at the discretion of the Town of Canmore.

#### **4.9.5 Urban Design Guidelines**

- 4.9.5.1 The site layout shall:
  - a. Outline the principal commercial street.
  - b. Utilize building placement and appropriate urban and architectural design features to promote a sense of arrival at the entrance to the development and to create a formal landmark / focal point at the south end of the Principal commercial street. Landmark buildings may be utilized to achieve the appropriate entry condition and focal point at the south end of the principal commercial street. For purposes of this District a landmark building shall normally comprise a freestanding commercial building which is significantly taller than surrounding buildings and exhibit enhanced architectural detailing in order to create the necessary distinction. Where the Development Authority

## 04 COMMERCIAL LAND USE DISTRICTS

is satisfied that the intent of a Landmark Building is met, a maximum of 25% of the roof area may exceed the maximum building height to a maximum of 22.0 m.

- c. Make provision for active space and passive outdoor public space for community activity within the commercial / mixed-use area and encourage the use of building position to create a sense of place and define the space in accordance with Subsection 4.9.6.7, below.

## 4.9.5.2 Parking Areas

- a. The parking areas shall be predominantly located behind the buildings to the periphery of the site.
- b. [Repealed by 2020-19]
- c. Intercept parking areas to accommodate day use of the resort centre may be constructed within this District and therefore justifies additional parking. These areas may be provided reasonably close to the entrance to the District, or may be located on adjacent areas north of the Parkway connection to the highway, or any location where the applicant can demonstrate that the parking can accommodate the traffic and would be complementary with the commercial development to the satisfaction of the Development Authority.

## 4.9.5.3 Building Orientation and Design

- a. The primary entry of all buildings shall face a street or a public space.
- b. Ground floor façades along the principal commercial street shall incorporate a high degree of visual interest through articulation including such design features as enhanced building or unit entries, arcades, display windows, porches, patios, projected windows, colonnades and canopies or other such features along no less than 40% of the horizontal length of the building. Horizontal articulation in the façade should be no less than 1.0 m;
- c. Side and rear elevations shall include architectural feature, material and treatment that complement the principal façade of the building;
- d. Buildings shall incorporate through access providing connections to the parking areas behind the principal commercial street.
- e. The integration of sustainable design principles in infrastructure and building design is required. Additional variances for parking, setbacks and building heights may be considered by the Development Authority for “green” buildings.
- f. Prior to the issuance of a Development Permit “green building” standards agreeable to the developer and the Town of Canmore must be established. The agreement will establish construction standards which achieve, as a minimum, a “Built Green” silver certification or equivalent. Monitoring and reporting on compliance with the “green building” standards shall be the responsibility of the developer. The development of standards and the monitoring requirements shall be a condition of any Development Permit issued in this Land Use District.

## 4.9.5.4 Pedestrian Connections

- a. The Concept Plan shall demonstrate that the concept provides the appropriate

connections to the Stewart Creek trail network. The trail locations shall meet the objectives of the Stewart Creek ASP;

- b. The internal pedestrian connection shall provide direct access to transit routes and efficient connection between the commercial and residential uses and parking areas;
- c. Sidewalks with a minimum of 1.8 m in width shall be provided along the full length of any building facades featuring a customer entrance.

#### 4.9.5.5 Street Design

- a. The street network shall be designed to minimize the impact on the pedestrian connectivity and to take advantage of the significant landmarks and focal points within the bylaw area where appropriate;
- b. The street design should minimize the road width to maintain the connectivity in the plan to the satisfaction of the Development Authority.

#### 4.9.5.6 Transit Node

Provision should be made to accommodate transit operations at the entrance of the District. Transit operation functions could be integrated within a commercial building and / or site and shall provide the appropriate road connections for large vehicle access. These areas may be provided reasonably close to the entrance to the district, or may be located on adjacent areas north of the Parkway connection to the highway, or any location where the applicant can demonstrate that the transit node can accommodate the traffic and would be complementary with the commercial development to the satisfaction of the Development Authority.

### 4.9.6 Design Requirements

4.9.6.1 All developments shall conform to Section 11: Architectural and Urban Design Standards as a minimum.

4.9.6.2 Architectural controls for development will be developed and administered by the Developer.

4.9.6.3 Where the Development Authority is satisfied that the architectural integrity of a building would be enhanced, variances may be granted to allow 20% of the building to exceed the maximum height by up to 20%.

4.9.6.4 Exceptions to the maximum building height may be permitted to allow vertical architectural feature elements such as spires, towers and iconic building elements. Such structures shall not be signs and shall not comprise more than 5% of the total roof area within this District and are distinct from Landmark buildings as defined in 4.9.5. Proposals for vertical elements which exceed the maximum building height under 4.9.5.1b and other height exceptions pursuant to this provision shall be to the satisfaction of the approving authority.

4.9.6.5 A pedestrian-oriented streetscape shall be established to allow for or encourage pedestrian traffic. The streetscape should incorporate design elements such as: wide sidewalks, outdoor furniture, patios, pedestrian scale street lighting, bicycle parking, canopies, vestibules, formal trail connections, façade treatments that are sensitive to sidewalk location on a site specific basis, and permeability of facades by the use of glass and doors subject to Section 11: Community Architectural and Urban Design Standards.

## 04 COMMERCIAL LAND USE DISTRICTS

- 4.9.6.6 The Development Authority may allow a portion of the parking required by the development to be provided in an off-site location.
- 4.9.6.7 The site shall be landscaped in accordance with a comprehensive landscaping plan. Outdoor Amenity Space including, but not limited to, plazas, patios, and other pedestrian gathering places may be substituted for some natural landscaping to the extent that it achieves a blend of environment and value as a people place. Outdoor Amenity Space must be located in proximity to a sidewalk or public trail in order to be considered landscaping.
- 4.9.6.8 Roofs shall reflect function and the architectural requirement and tradition of providing sheltering roofs in a mountain environment, but may also incorporate flat sections where architecturally suitable. The minimum roof pitch shall be 6:12 for all visually prominent portions of the roof and dormers. Roof lines shall be articulated and larger structures shall incorporate roof designs that break up massing and add visual interest.
- 4.9.6.9 Electrical and mechanical equipment located on rooftops shall be enclosed and screened so as not to be visible from public sidewalks or commercial areas of similar elevation.
- 4.9.6.10 Dwelling Units and Tourist Homes shall:
  - a. Have an entrance that is separate and distinct from the entrance to any commercial component of the building;
  - b. Not be located on the same floor as a non-residential use unless there is a physical separation of uses and separate entrances to the satisfaction of the Development Authority.
- 4.9.6.11 A comprehensive site signage package including proposed architectural details for freestanding, directional, and fascia signage shall be developed as part of a development permit application.
- 4.9.6.12 Garbage containers and waste material shall be stored either inside a principal building or, at the discretion of the Development Authority, in a weatherproof and animal-proof garbage enclosure as part of an approved collective garbage facility. Garbage enclosures shall be designed and located to be visually integrated with the site

**4.9.7 Additional Requirements**

- 4.9.7.1 All developments shall conform to Section 2: General Regulations. Where there are contradictions in the regulations, those stated in this District shall take precedence.
- 4.9.7.2 [Repealed by 2020-19]

**4.9.8 Concept Plan**

- 4.9.8.1 In conjunction with the first Subdivision Plan and/or first Development Permit application, a concept plan shall be submitted to the satisfaction of the Town of Canmore for the entire area of this District conceptually illustrating the proposed:
  - a. Building footprint and sizes;
  - b. Principal commercial street, including mixed use buildings;

- c. Parking areas and transit node location;
- d. Internal roads;
- e. Access/egress points;
- f. Regional and internal pathway connections;
- g. Public spaces (which may include community/recreational floor space).

4.9.8.2 The concept plan may be revised and resubmitted to the satisfaction of the Town, as required by the developer, with subsequent Development Permit applications for the site.

#### **4.9.9 Phasing Plan**

4.9.9.1 In conjunction with the initial Development Permit application, a Phasing Plan shall be submitted showing:

- a. Phasing of development within the area of this District;
- b. Anticipated GFA of development within each phase.

#### **4.9.10 Slope Stability**

4.9.10.1 Alterations of existing natural contours and grades shall occur in accordance with a comprehensive grading plan, which shall take into account drainage and soil erosion.

4.9.10.2 The criteria for building setbacks shall be slope stability.

#### **4.9.11 Entry Level Housing**

4.9.11.1 25% of all Residential Units approved by Development Permit during any particular year within the bylaw area must qualify as Entry Level Housing units (single and multi-unit residential projects) under the terms set out within the Town of Canmore Bylaw 1-98(DC).

4.9.11.2 Provision of PAH units shall be creditable towards the required Entry Level Housing at a ratio mutually agreeable to the Town of Canmore and the applicant at the subdivision or Development Permit stage. The PAH ratio shall be significantly lower than the entry-level ratio, notwithstanding a minimum of ratio 5% of all residential units within the bylaw area shall qualify as entry-level units. Should a Town-wide municipal policy on PAH units be adopted by Council, the Town-wide policy will supersede any provisions of this District and any development within this District will comply with the Town-wide policy.

4.9.11.3 Entry Level Housing units and PAH units provided within the bylaw area shall be excluded from the annual growth management quotas. PAH units shall be excluded from total unit counts pursuant to Bylaw 1-98 DC.

#### **4.9.12 Employee Housing**

4.9.12.1 On-site Employee Housing, where accessory to a principal use, may be integrated into the principal building.

4.9.12.2 When incorporated into the principal building, Employee Housing shall be functionally separated from Visitor Accommodation units and/or other commercial uses.



## 04 COMMERCIAL LAND USE DISTRICTS

- 4.9.12.3 The maximum number of persons per bedroom in all forms of Employee Housing shall be two (2).
- 4.9.12.4 The Development Authority shall allow a portion of the required Employee Housing to be provided in an off-site location. Employee Housing required for uses located outside this District shall be permitted within this District.
- 4.9.12.5 In the absence of a Town wide policy, the provision of Employee Housing for commercial developments within the bylaw area shall be based on an employee generation analysis provided by the applicant at the time of subdivision or Development Permit.
- 4.9.12.6 The methodology, criteria and requirements indicated by the employee generation analysis shall be to the mutual satisfaction of the Applicant and the Town of Canmore.
- 4.9.12.7 Employee Housing shall reasonably accommodate those full time employees unable to afford market housing or community Entry Level Housing as determined by the employee generation analysis, which shall consider factors such as detailed assessments of occupation types, expected incomes, market demand and available housing supply factors throughout the Town of Canmore.
- 4.9.12.8 Employee Housing should be provided in a range of multi-unit residential unit types and sizes to accommodate range of employment positions and range of incomes as determined by the employee generation analysis. – e.g. Dormitories, Apartments to Townhouses.
- 4.9.12.9 The Developers agree that they shall establish and be responsible for the operation of a Staff Accommodation Authority or similar authority whose functions shall include the operation and maintenance of Staff Accommodation.
- 4.9.12.10 Specific details of the provision type, size and location of the units shall be determined by the Town of Canmore and the applicant at the Development Permit stage.
- 4.9.12.11 Employee Housing shall be provided concurrently with the proposed commercial development.
- 4.9.12.12 Employee Housing units provided within the bylaw area shall be excluded from the annual growth management quotas.

#### **4.9.13 Market Impact Analysis**

- 4.9.13.1 Prior to the first subdivision application or the first Development Permit application, the applicant must submit a market impact analysis study. The study will evaluate the market demand and evaluate the impact on the existing commercial areas, and consider prior retail impact analyses and demonstrate compatibility with commercial development in the downtown and Gateway areas, and economic impact on the Resort Centre. The study must be consistent with the objectives and policies outlined in the Stewart Creek ASP. Where an undue impact on the Downtown or Gateway areas is identified, measures such as the following may be undertaken:
  - a. Phasing of commercial development within the area;
  - b. Restrictions on particular commercial uses;

- c. Restrictions on the size of commercial uses or types of uses;
- d. Resort management of commercial tenancies; and
- e. Other methods deemed mutually acceptable to the Town of Canmore and the applicant.

#### **4.9.14 Development Authority**

- 4.9.14.1 The Development Officer shall be the Development Authority for all Development Permit applications within this District, and may refer applications to the Canmore Planning Commission.



# Request for Decision

**DATE OF MEETING:** August 19, 2025 **AGENDA #:** H 1

**TO:** Council

**SUBJECT:** Property Tax Taskforce Terms of Reference

**SUBMITTED BY:** Sally Caudill, Chief Administrative Officer

**RECOMMENDATION:** That Council approve the Property Tax Taskforce Terms of Reference as presented.

That Council direct administration to advertise for the recruitment of public members to be appointed to the Property Tax Taskforce at the October 30, 2025 Annual Organizational Meeting of Council.

## EXECUTIVE SUMMARY

The original Property Tax Taskforce was struck in 2012 and provided recommendations to Council in 2013. Given the significant growth and changes in Canmore and the global economy since that time, along with the development of a residential subclass in Canmore for properties used as a primary residence an exemption from a higher residential tax rate, Administration is recommending that Council approve a Terms of Reference for a revised Property Tax Taskforce that reviews and provide recommendations to Council on all elements of Canmore's tax regime.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Council is authorized to classify assessed property, and to establish different rates of taxation in respect to each class of property under section 297 of the MGA.

Resolution 337-2012 that Council approve the Property Task Force and Terms of Reference.

Resolution 007-2013 that Council approve the report titled, *A Property Tax Policy Framework for the Town of Canmore: Analysis and Recommendations*, for planning purposes.

Resolution 364-2015 that Council approve the Property Tax Policy as presented.

Resolution 216-2023 that Council approve the Terms of Reference for the Livability Tax Policy Task Force as amended.

Resolution 16 – 2024 that Council accept the Livability Task Force's recommendations for information as presented and direct administration to develop an implementation plan.

Resolution 172 – 2024 that Council give third reading to Division of Class 1 Property Bylaw 2024-19.

The bylaw divides the residential property class into subclasses to create a mechanism for different taxation of residential properties not occupied by a Canmore resident on a full-time basis. It received all three readings and came into force that same day.

Since Bylaw 2024-19 was passed, Council has amended it to add clarity and ensure greater fairness in distinguishing between different types of residential properties:

1. Resolution 253 – 2024 Council approve amending the bylaw to add a “Residential Vacant Unserved Land” subclass to ensure that vacant unserved land which cannot be developed would not be subject to the higher tax rate for properties in the “Residential” subclass.
2. Resolution 264 – 2024 Council approved amending the bylaw to add an additional paragraph to section 5 of the subclass bylaw to address the situation where it was a developer who owned and constructed a residential property during the previous taxation year.
3. Resolution 131 – 2025 Council amended Section 5 of the bylaw to remove the need for the CAO to be satisfied that these circumstances are met. Council also deleted section 9 from the bylaw which provided for retroactive tax liability if the CAO subsequently determined that a property failed to meet the criteria for the Primary Residential sub-class for a taxation year. This was deleted due to a Court of King’s Bench decision that section 9 is unnecessary to correct class assignments after the assessment role is created as Section 305 of the MGA allows the assessor to correct the assessment role for the current tax year and the assessor can use information provided by the CAO.

## DISCUSSION

The original Property Tax Taskforce was struck by Council in October 2012 following a number of advocacy efforts of the commercial and business sector in Canmore. The focus was to review the tax regime and advise Council on an appropriate balance between municipal tax classifications prior to the passing a tax rate bylaw for 2013. In 2015, a Tax Policy was created because of this work.

The Town of Canmore created a residential subclass in 2024 and the ability to do so was confirmed by a Court of King’s Bench decision in 2025.

Each year Council reviews the municipal tax requirement and sets the municipal tax rate for the various residential sub-classes and non-residential property. As part of this process, Council endeavors to establish tax rates that will ensure consistent and equitable municipal taxation amounts.

The dynamics around tax rate structures are complex and most municipalities struggle with the ensuing issues. The question of subdividing the overall tax burden between taxpayers is a zero-sum situation. If one tax classification pays less, another tax classification(s) must make up the shortfall. Consideration of factors including social, financial, and environmental implications is best undertaken by an appropriate group of stakeholders, followed by a public review of the findings.

Given the time that has passed since the original Property Tax Taskforce and the inclusion of a new residential tax subclass in Canmore’s tax rate structure, Administration recommended that another taskforce as part of the 2023 capital budget. Council agreed and approved a capital project for a taskforce to be struck

to review municipal tax classifications, mill rate splits and implications thereof, and provide advice on the appropriate rate for the residential sub-class and the appropriate balance between municipal tax classifications. It is proposed that the taskforce consist of three representatives from Council, a representative from each of BOWDA, Tourism Canmore Kananaskis (TCK) and the Business Improvement Area (BIA), and three members from the public at large, at least one of whom shall be a non-permanent resident. Administrative representation on the task force would consist of the Chief Administrative Officer, the General Manager of Corporate Services, and the Manager of Finance with support from the Town's Assessor as needed. Ben Brunnen of Verum Consulting has been retained to lead the Taskforce.

A draft Terms of Reference has been prepared and is included as Attachment 1 to this report. Administration is recommending that the Town advertise for members as part of the annual fall recruitment for Town boards and committees. Due to the upcoming election, the timing and schedule for the meetings of the taskforce will occur after the election and appointments have been made at the October 30, 2025, Annual Organizational meeting. The Taskforce is expected to complete its work and make recommendations to Council in Spring of 2026 before the Property Tax Rate Bylaw is set for the year.

### **ANALYSIS OF ALTERNATIVES**

Council could defer approval of the Terms of Reference until after the election. Given that it was this Council that approved the Livability Tax program, administration recommends that Council establish the Terms of Reference now so that it is clear to the community that the intent is to include the new residential subclass and the inclusion of at least one non-primary resident. The Council in place after the election can always make changes to the Terms of Reference or decide not to go forward with the Taskforce if they disagree with this approach or do not see the value in completing the work.

Additionally, Council could add additional content to the Terms of Reference so that the Taskforce proposes a tax rate or revenue target for the Livability Tax Program or to advise on how the tax rate or revenue target should be set.

### **FINANCIAL IMPACTS**

A capital budget for this Property Tax Taskforce was approved for \$75,000 in 2023.

### **INTEREST HOLDER ENGAGEMENT**

Advertising and recruitment for boards and committees will occur in September. The Property Tax Taskforce will be included in these efforts with direct reach out to the specified groups to encourage them to submit a representative for participation.

### **ATTACHMENTS**

- 1) Draft Property Tax Taskforce Terms of Reference

### **AUTHORIZATION**

Submitted by: Sally Caudill  
Chief Administrative Officer

Date: August 6, 2025

## **Town of Canmore Property Tax Task Force Terms of Reference**

### **BACKGROUND**

In 2015 the Town of Canmore adopted a [Property Tax Policy](#). This policy sets the guidance for how Council will distribute the property tax burden across various classes of property, and what factors, metrics and targets it will consider.

The Policy provides guiding principles for setting property tax rates, which include: responsiveness to economic conditions, comparability to other communities, equity within the tax base and accountability to ratepayers. The Town considers a number of principles, metrics, trends and targets when setting its annual property tax rates.

The Town has recently expanded the division of class 1 residential property into 5 sub-classes, including a new Primary Residential subclass, and created a new Livability Tax Program to be funded by the Residential subclass. Additionally, the social and economic trends, priorities and pressures within the community have evolved over time.

As such, the Town is seeking to review and update its Property Tax Policy to ensure its guiding tax principles, targets and performance metrics remain current, and that the new Livability Tax Program is appropriately considered in the Town's tax policy approach.

### **PURPOSE**

To engage interest holders in a review of the Town's municipal tax policies, principles, targets and metrics, including tax classifications and mill rates, and to provide advice to Council on an appropriate level of taxation between subclasses.

### **OBJECTIVES**

1. To review and understand the legislation regarding property class types, assessment calculations and taxation requirements.
2. To review trends in commercial and residential property assessments, tax rates and properties in Canmore and comparable communities.
3. To review and discuss taxation principles, tax rates, targets and metrics as applied to various classes of property in Canmore.
4. To propose an appropriate balance in taxation between municipal tax classifications, including potential tax policy metrics and targets for the Town.
5. To propose an approach for the Livability Tax Program, including tax policy metrics, and guidance on the use of funds.

## **DELIVERABLES**

1. Development of a proposed distribution of municipal taxes between municipal tax classifications.
2. Development of proposed tax policy principles, metrics and targets to guide the Town's decision-making.
3. Development of proposed amendments to the Town's Property Tax Policy.
4. Preparation of a final advisory report for consideration by Council prior to establishing the 2026 Property Tax Rate Bylaw.

## **TIMELINE**

1. Approval of Terms of Reference at Regular Council Meeting on August 19, 2025
2. Recruitment of Task Force Members September – October 2025
3. Task Force formation to occur at the Annual Organizational Meeting – October 30, 2025
4. Initial Task Force meeting – November/ December 2025
5. Meetings as required December 2025 – March 2026.
6. Preparation of report and recommendations to Council by the end of March 2026.

## **STRUCTURE**

1. The Task Force will consist of up to 9 members as follows:
  - 3 members of Council
  - 1 representative from Tourism Canmore-Kananaskis (TCK).
  - 1 representative from the Bow Valley Builders and Developers Association (BOWDA).
  - 1 representative from the Business Improvement Area (BIA).
  - Up to 3 members from the public at large, at least one of whom shall be a non-primary resident, and all of whom shall only be residential taxpayers.
2. Administrative support for the Task Force shall be provided from the Chief Administrative Officer, the General Manager of Corporate Services, the General Manager of Municipal Infrastructure, and other staff as needed.
3. The Task Force will seek to make decisions by consensus. Where consensus is not attainable, decisions will be made by simple majority, with dissenting positions noted.
4. The Task Force shall appoint a chairperson at their first meeting. The chairperson may engage the Task Force members at their initial meeting to determine and refine its governance model in relation to its decision-making process, appropriate meeting structure, and other Task Force details.



# Briefing

**DATE OF MEETING:** August 19, 2025 **AGENDA #: I 1**

**To:** Council

**SUBJECT:** 2024 Climate Emergency Action Plan Annual Status Update

**SUBMITTED BY:** Amy Fournier, Climate Action Coordinator

**PURPOSE:** To provide Council with an annual update on the Climate Emergency Action Plan progress.

## EXECUTIVE SUMMARY

This briefing provides the annual progress update for the Climate Emergency Action Plan (CEAP), as of the end of 2024. This includes an updated greenhouse gas (GHG) inventory, which is the main measurement of progress towards Canmore's climate change mitigation targets of net zero GHG emissions by 2050.

As of the end of 2024:

- Two CEAP actions have been completed:
  - Develop a regional wildfire management working group to coordinate FireSmarting, grants, and other fire management priorities and activities across the region.
  - Dispose of municipal solid waste in a landfill with methane gas capture.
- Progress was made on 35 out of the 93 actions.
- Community-wide GHG emissions decreased by 9% (415,206 tonnes) from the 2022 baseline.
- GHG emissions from municipal operations decreased by 12% (7,423 tonnes) from the 2022 baseline.
- Notable progress was made in wildfire and flood risk reduction.

## BACKGROUND/HISTORY

2024: Council adopted the Climate Emergency Action Plan (CEAP) for planning purposes on July 2 (150-2024). The CEAP replaced the Town's previous climate and environment strategies as the overarching strategy to guide work on climate change mitigation (greenhouse gas reduction) and climate change adaptation (preparing for the impacts of a changing climate). The CEAP set a goal of reducing GHG emissions to net zero by 2050 and confirmed the key climate hazards for Canmore.

2022: Council's Strategic Plan (2023-2026) includes the following goal "Canmore is a recognized leader in managing human impact on our environment", with intentions that "Canmore as a community collaborates to reduce our impact on climate change and prepare for climate adaptation" and that the "community is aware of the Town of Canmore's environmental leadership".

2019: Council declared a State of Climate Emergency (207-2019).



## DISCUSSION

In July 2024, the CEAP replaced the Town's previous climate and environment action plans as the guiding strategy for both climate change mitigation and adaptation. Addressing both mitigation and adaptation together recognizes that emissions need to be significantly reduced to avoid the most catastrophic impacts of climate change, but also that unavoidable changes are already underway and the community must prepare and adapt to minimize the impact of those changes.

The CEAP established a target of net-zero GHG emissions by 2050 and confirmed the key climate hazards for Canmore. The CEAP identified and equipped the Town with a series of implementation actions based on scientific consensus, climate modelling, municipal best practices, and public engagement. These actions also support community well-being, social equity, and a healthy, resilient, and inclusive community.

The 93 actions in the CEAP are grouped into seven themes. The following is a summary of CEAP implementation progress under each theme, as of the end of 2024:

CEAP Theme	Number of CEAP actions	% of actions completed	% of actions with some progress
Municipal Leadership	6	-	33%
Resilient, Efficient Buildings	20	-	30%
Clean, Resilient Energy	8	-	25%
Safe and Protected Natural Spaces	6	-	17%
Emergency Preparedness for All	29	3%	38%
Rethinking Transportation and Mobility	15	-	60%
Efficient Waste, Water, and Wastewater Management	9	11%	44%

The Town is a member of the federal Partners for Climate Protection (PCP) program as well as the Global Covenant of Mayors (GCoM). These are alliances for municipal climate leadership, and, combined, represent over 13,000 local governments. Membership in these organizations requires a municipality to provide ongoing GHG inventories which account for the emissions generated by the activities of the community. Since 2018, the Town has been compiling GHG inventories that meet the PCP and GCoM requirements and global protocols which govern how inventories are calculated.

The following is a summary of the 2024 GHG emissions inventory:

- Canmore residents, businesses, organizations, and visitors generated a total of 415,206 tonnes of CO<sub>2</sub>e in 2024, compared to 455,634 tonnes of CO<sub>2</sub>e in 2022. This represents a 9% reduction in GHGs from the 2022 baseline.
  - The reduction is attributed to lower natural gas use due to a warmer winter, the provincial electricity grid transition from coal, reduced transportation emissions, and switching to a landfill with methane capture.
- Town of Canmore municipal buildings and operations totaled 7,423 tonnes of CO<sub>2</sub>e, which represents 1.8% of the emissions from the entire community. This is a 12% reduction in GHGs from the 2022 baseline.
  - The reduction in municipal emissions is also a result of lower natural gas use due to a warmer winter and the provincial electricity grid transition from coal.

Administration has committed to providing annual updates on CEAP progress to Council and the community. The full 2024 status update can be found in Attachment 1.

**FINANCIAL IMPACTS**

There are no financial impacts. This briefing is for information only.

**INTEREST HOLDER ENGAGEMENT**

Internal staff were consulted in compiling the inventory and annual CEAP status update.

**ATTACHMENTS**

- 1) 2024 Climate Emergency Action Plan Status Update
- 2) Infographic summary for the Rocky Mountain Outlook (August 21, 2025)

**AUTHORIZATION**

Submitted by:	Amy Fournier Climate Action Coordinator	Date:	<u>May 20, 2025</u>
Approved by:	Caitlin Van Gaal Supervisor of Environment and Sustainability	Date:	<u>May 20, 2025</u>
Approved by:	Andreas Comeau Manager of Public Works	Date:	<u>May 22, 2025</u>
Approved by:	Whitney Smithers General Manager of Municipal Infrastructure	Date:	<u>July 30, 2025</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>August 11, 2025</u>



# Canmore Climate Emergency Action Plan

Annual Status Update  
2024

Town of Canmore | 907 7 Avenue | Canmore, AB | T1W 3K1

## Contents

---

Summary .....	2
Section 1: Climate Emergency Action Plan Progress .....	3
Section 2: Climate Change Mitigation .....	4
Canmore Community Greenhouse Gas Inventory.....	4
Community GHG Inventory Data and Trends.....	5
Canmore Corporate Greenhouse Gas Inventory.....	6
Canmore Corporate Greenhouse Gas Emission Sources.....	6
Corporate GHG Inventory Data and Trends.....	7
Corporate Energy Expenditure vs GHGs.....	7
Section 3: Climate Change Adaptation.....	8
Section 4: Equity and Co-Benefits.....	9
End Notes.....	9

## Summary

In July 2024, the Town of Canmore adopted the Climate Emergency Action Plan (CEAP). It is a combined strategy for both climate change mitigation (reducing greenhouse gas emissions) and adaptation (preparing for the impacts of a changing climate). The CEAP includes greenhouse gas emission reduction targets and actions to meet the Town's climate and environmental goals.

This document provides an update on progress and actions undertaken in 2024. This includes a 2024 corporate and community greenhouse gas (GHG) inventory, which is the main measure for progress on climate change mitigation efforts.

### CEAP Progress

In the six months after the CEAP was completed and adopted on July 2, 2024, progress was made on the 93 actions in the plan. As of the end of 2024:

- Two actions have been completed:
  - Develop a regional wildfire management working group to coordinate FireSmarting, grants, and other fire management priorities and activities across the region.
  - Dispose of municipal solid waste in a landfill with methane gas capture.
- Some progress was made on 35 actions.

More detail is provided in Section 1.

### Climate Change Mitigation

- In 2024, the community-wide GHG inventory indicated a 9% decrease in emissions from 2022, which is the baseline year set by the CEAP<sup>1</sup>.
- GHG emissions from municipal operations, referred to as "Corporate" emissions, decreased by 12%.
- The CEAP set a target of reducing GHG emissions to net zero by 2050, which means that sustained action is required to continue decreasing emissions, especially as the population and Canmore's visitor economy continues to grow.

The sources of GHGs, as well as the data and trends that influence the 2024 inventory, are provided in Section 2.

### Climate Adaptation and Resilience

Unlike a GHG inventory, the Town's progress on climate change adaptation and resilience can't be easily measured quantitatively. The annual status updates will focus on the actions that have been undertaken within that year. In 2024 there was notable progress made in wildfire and flood risk reduction, including:

- Initiating significant FireGuard work to help protect the community from wildfire.
- Completing the Cougar Creek debris flood retention structure.

Additional action updates are provided in Section 3.

### Equity and Co-Benefits

As the CEAP is implemented, there will be a focus on advancing co-benefits such as improved health and quality of life. There will also be special consideration to ensure more vulnerable residents are not adversely impacted by climate action and have fair access to the benefits and incentives provided through the Town's work on climate.

Initiatives with a specific focus on equity and advancing co-benefits are discussed in Section 4.



## Section 1: Climate Emergency Action Plan Progress

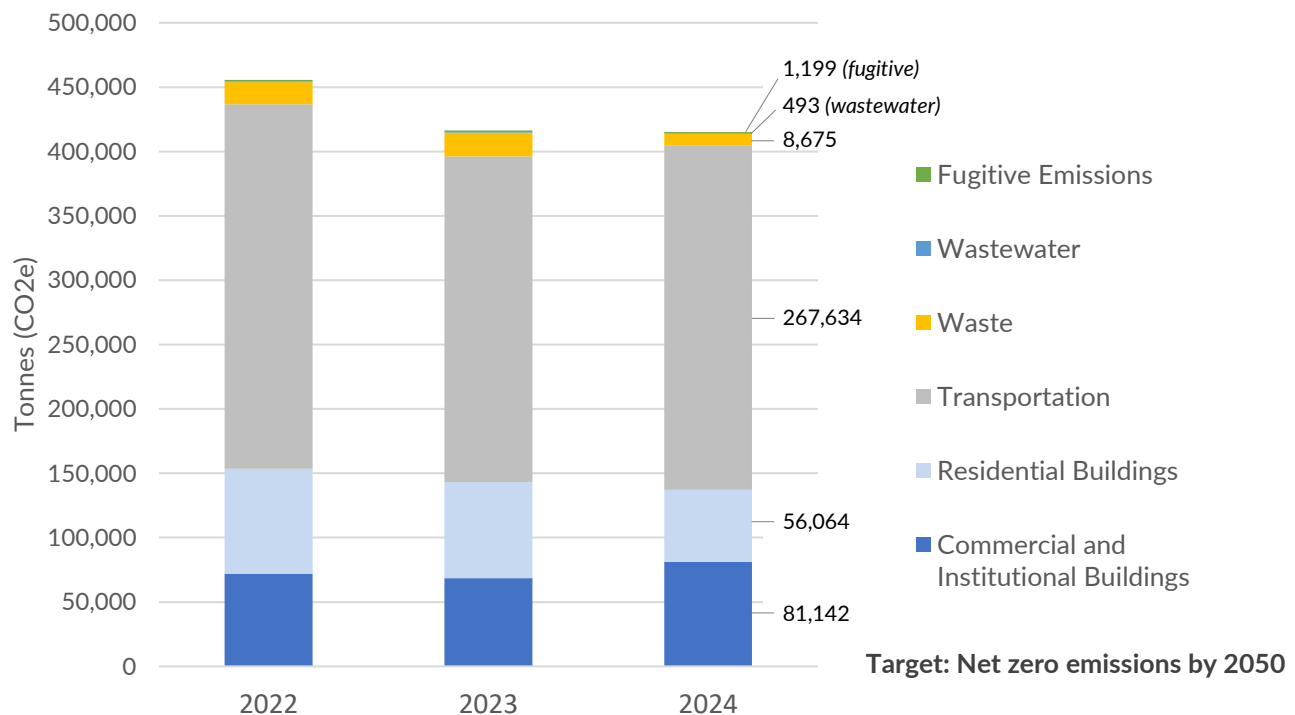
Canmore's CEAP contains 93 actions that, taken together, will move the community towards net zero, and improve resilience to a changing climate, while making the community more equitable and livable. The 93 actions are divided into seven themes and each action has been assigned a different timeframe for completion. Some are discreet initiatives, with a clear start and finish, while others represent ongoing efforts over a long period. Many of the actions are continued from Canmore's previous climate and environmental action plans.

The table below shows the Town's progress on the CEAP actions by theme.

Theme	Number of CEAP actions	% of actions completed	% of actions with some progress
<b>Municipal Leadership</b> The critical role of the Town in guiding, exemplifying, and facilitating through actions such as retrofitting municipal buildings and infrastructure, and electrifying the Town vehicle fleet.	6	-	33%
<b>Resilient, Efficient Buildings</b> Reducing emissions from Canmore's building stock, through energy-efficient new construction that is also resilient to climate impacts, and retrofits of existing buildings.	20	-	30%
<b>Clean, Resilient Energy</b> Shifting to renewable energy sources and ensuring continued access to energy during extreme weather.	8	-	25%
<b>Safe and Protected Natural Spaces</b> Preserving Canmore's unique natural environment. Managing forests and water bodies to mitigate risks like wildfires and floods while enhancing their role in carbon sequestration and ecosystem health.	6	-	17%
<b>Emergency Preparedness for All</b> Preparing the community for climate-induced emergencies by creating robust response plans, ensuring efficient evacuation routes, and educating the community on emergency preparedness.	29	3%	38%
<b>Rethinking Transportation and Mobility</b> A shift to electric vehicles, enhanced public transit, and improved infrastructure for walking and biking.	15	-	60%
<b>Efficient Waste, Water, and Wastewater Management</b> Safeguarding essential services against climate impacts and managing resources efficiently. Implementing strategies for water conservation and waste reduction and ensuring the resilience of wastewater management systems.	9	11%	44%

## Section 2: Climate Change Mitigation

### Community Greenhouse Gas Inventory



In 2024, Canmore residents, businesses, organizations, and visitors generated a total of 415,206 tonnes of CO<sub>2</sub>e, compared to 455,634 tonnes of CO<sub>2</sub>e in 2022, which is the baseline year established in the CEAP. This represents a 9% reduction in GHGs from the 2022 baseline, and is consistent with 2023 emission levels. The reduction from 2022 is largely attributed to reduced natural gas consumption due to a warmer winter, the provincial electricity grid transitioning away from coal, switching to a landfill with methane capture, and reduced transportation emissions.

Notable climate change mitigation initiatives in 2024 include:

- Switching to a landfill with methane capture, which resulted in significant GHG reduction.
- Servicing over 100 restaurants, cafes, and grocery stores with the Commercial Food Waste Collection Program, picking up 510 tonnes of commercial food waste, up from 30 tonnes when the program first launched in 2021.
- Introducing a new Climate Action Incentive Program, doubling the number of residential solar incentives, adding a commercial/multi-family solar incentive, and an incentive to make multifamily parking stalls Electric Vehicle (EV) charger 'ready'.
- Completing the Bow Valley Trail separated cycling and walking path and the West Bow River Pathway.
- Continuing leak detection and repair of drinking water and sanitary lines.
- Obtaining funding to install 'smart' water metering systems at an accelerated rate.

## Community GHG Inventory Data and Trends<sup>2</sup>

	2022	2024	increase/decrease from 2022*
<b>Greenhouse gas (GHG) emissions</b>			
Total GHGs (tonnes CO <sub>2</sub> e)	455,634	415,206	-9%
<b>Buildings</b>			
Electricity consumed (kWh)	124,583,779	128,282,756	3%
Natural gas consumed (GJ)	1,573,187	1,486,407	-6%
Solar cumulative installed capacity (kWDC)	2,124	3,281	54%
Number of solar installations	131	247	89%
Local solar as a percentage of grid electricity	1.6%	2.4%	50%
GHGs reduced due to solar (tonnes CO <sub>2</sub> e)	1,239	1,456	18%
GHGs from buildings (tonnes CO <sub>2</sub> e)	153,594	137,206	-11%
Electricity and natural gas expenditure (\$)	48,822,185	48,375,861	-1%
Revenue and savings from solar energy (\$)	229,000	353,000	54%
Fugitive emissions (tonnes CO <sub>2</sub> e)**	1,164	1,199	3%
<b>Vehicles</b>			
Motor vehicles registered to a Canmore address	12,983	13,486	4%
Hybrid and Plug-in Hybrid Electric Vehicles (EVs)	229	379	66%
Battery EVs	65	138	112%
EVs and Hybrids as a percent of total vehicles	3.0%	3.8%	27%
Local Route 5 and Route 12 ROAM transit ridership***	180,090	374,411	108%
GHGs from vehicles (tonnes CO <sub>2</sub> e)	283,184	267,634	-5%
<b>Waste and Wastewater</b>			
Solid waste landfilled (tonnes)	9,395	10,259	9%
Commercial and residential food waste diverted (tonnes)	560	894	60%
GHGs from solid waste (tonnes CO <sub>2</sub> e)	17,185	8,675	-50%
GHGs from wastewater (tonnes CO <sub>2</sub> e)	507	493	-3%

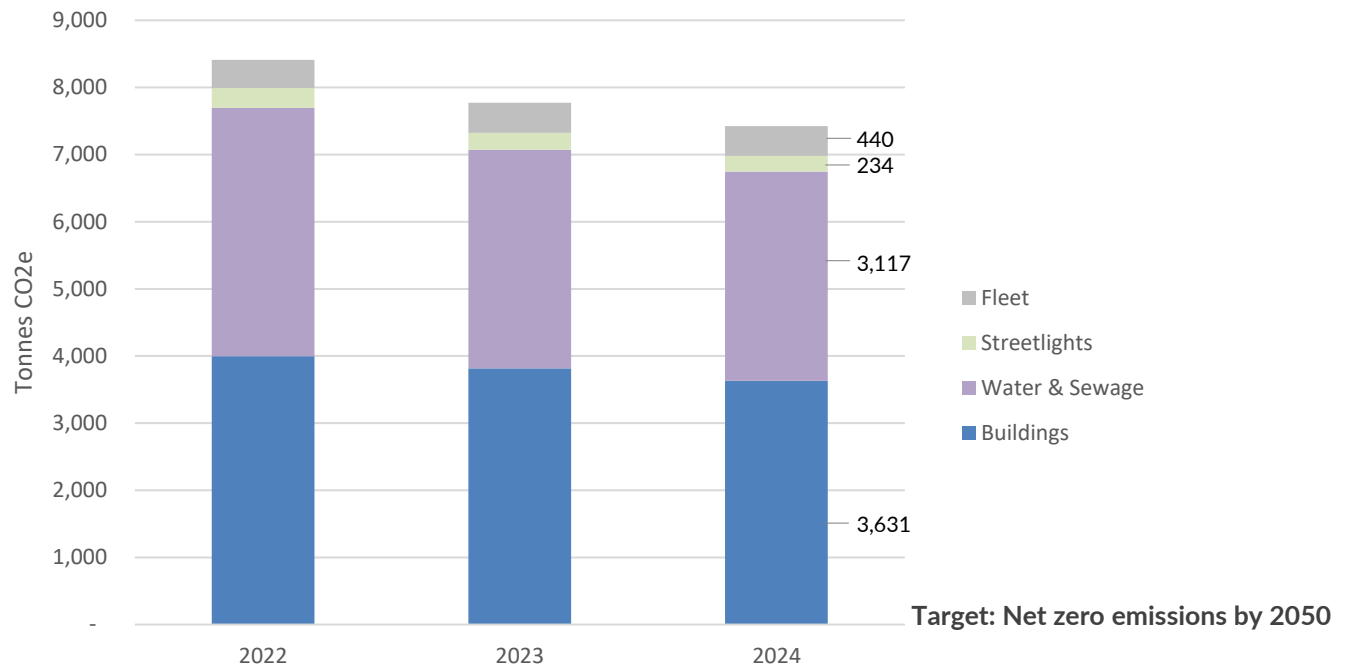
\*Green percentages denote trends that contribute to GHG reduction, whereas red denote increased GHGs.

\*\* Fugitive emissions are released directly into the atmosphere during the extraction, production, processing and delivery natural gas, most often through equipment leaks, evaporation and flashing losses, venting, flaring, incineration, and accidental releases.

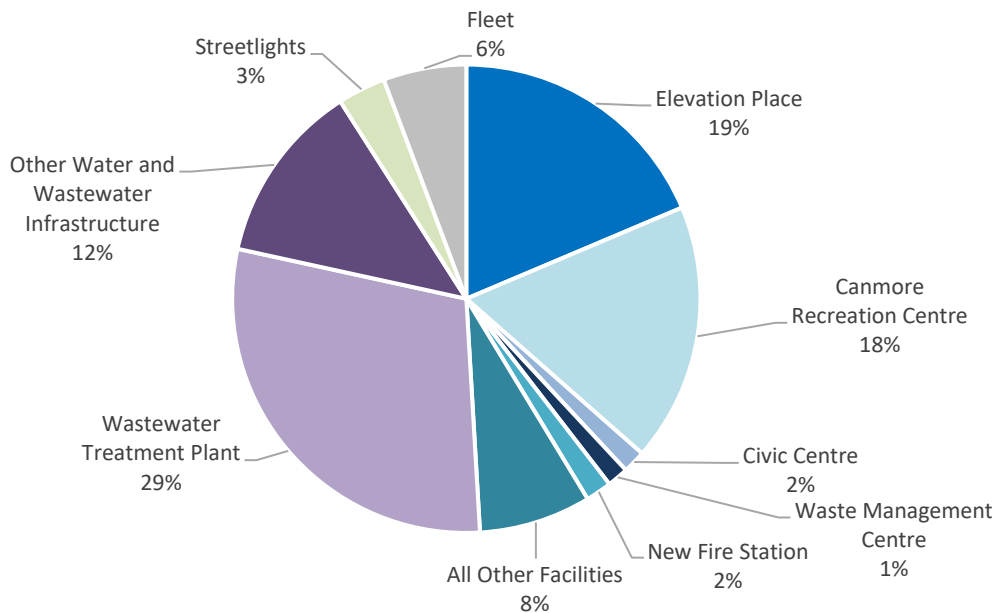
\*\*\*Route 12 started in 2024, operating from May-September.



## Town of Canmore Corporate Greenhouse Gas Inventory



## Canmore Corporate Greenhouse Gas Emission Sources



In 2024, GHGs from Town of Canmore municipal buildings and operations totaled 7,423 tonnes of CO<sub>2</sub>e, which represents 1.8% of the emissions from the entire community. This is a 12% reduction from the 2022 baseline.

## Corporate GHG Inventory Data and Trends

	2022	2024	increase/decrease from 2022*
<b>Greenhouse gas (GHG) emissions</b>			
Total greenhouse gas emissions (tonnes CO <sub>2</sub> e)	8,412	7,423	-12%
Corporate GHGs as a percentage of total community emissions (%)	1.8	1.8	n/a
<b>Municipal facilities, streetlights, and water and wastewater energy</b>			
Electricity consumed (kWh)	9,250,327	9,543,330	3%
Natural gas consumed (GJ)	50,353	47,803	-5%
Solar PV total installed capacity (kWDC)	1,013	1,205	19%
Generated solar electricity (kWh)	888,250	1,241,209	40%
Electricity offset by solar	6.3%	8.3%	32%
GHGs reduced due to solar (tonnes CO <sub>2</sub> e)	673	583	-13%**
GHGs from facilities, streetlights, and water and wastewater energy	7,992	6,982	-13%
Electricity and natural gas expenditure (\$)	1,878,971	2,310,744	22%
Revenue and savings from solar energy (\$)	75,774	94,619	25%
<b>Fleet</b>			
Diesel fuel (L)	111,260	124,993	12%
Gasoline (L)	47,431	53,937	14%
Electricity consumed (kWh)***	n/a	2,915	n/a
Number of battery electric fleet vehicles	1	3	200%
GHGs from fleet (tonnes CO <sub>2</sub> e)	420	440	5%
Diesel and gasoline expenditure	234,987	263,259	12%

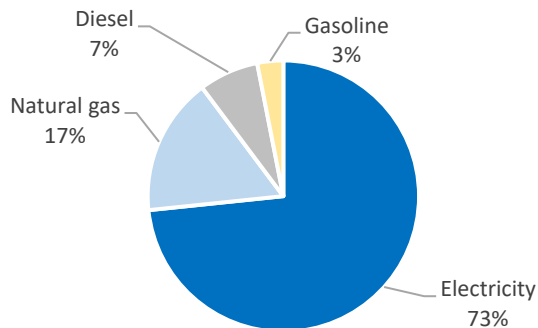
\* Green percentages denote trends the contribute to GHG reduction, whereas red denote increased GHGs.

\*\* The GHG reduction impact of local solar is decreasing. This is not a concerning trend as it is due to the magnitude of positive impact from the conventional grid electricity transitioning away from using coal.

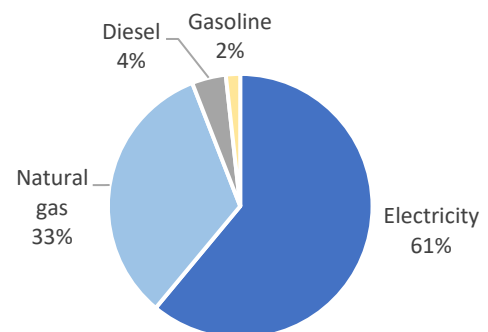
\*\*\* 2023 was the first full year with fleet EVs.

## Corporate Energy Expenditure vs GHGs

Total Energy Expenditure (\$2,574,003)



GHGs by Energy Source (7,423 tonnes)



## Section 3: Climate Change Adaptation

The CEAP modeled the projected impacts of a changing climate to Canmore, from now to 2070. The highest risks in relative order are shown in the graphics below. Actions undertaken in 2024 to adapt and build resilience to these risks are also listed below.



### Wildfire and Smoke

- Updating the Wildfire Preparedness Plan and establishing the Bow Valley Interagency Wildfire Committee.
- Receiving external funding and starting significant FireGuard work to help protect our community from wildfire.



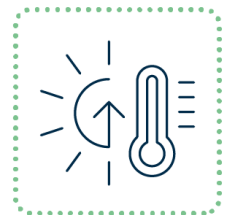
### Steep Creek Flooding

- Completing FireSmart assessments on all water and wastewater facilities. Starting roof and cladding upgrades to help protect our critical infrastructure against wildfire.



### Riverine Flooding

- Completing the Cougar Creek debris flood retention structure. The structure is now reducing the risk to homes and businesses.
- Receiving funding to increase flood protection infrastructure for the wastewater treatment plant.



### Extreme Heat

- Upgrading back up power at pump and lift stations to ensure access to water and sanitary services during extreme weather events.
- Developing a water restriction program for water shortages, such as droughts or emergencies, and a supporting communications plan.



### Dry Weather Conditions/ Drought

## Section 4: Equity and Co-Benefits

As the CEAP is implemented, conscious effort must be made to foster an inclusive approach to climate action, addressing issues like income inequality, housing affordability, and global equity. Special considerations need to be made to ensure more vulnerable residents are not adversely impacted by climate action and have fair access to the benefits and incentives provided through the Town's work on climate.

In 2024, the following climate change mitigation and resilience actions were undertaken with the intention of simultaneously advancing equity, affordability, and co-benefits, such as improved air quality and health:

- Providing 25 Affordable Services Program members with a significant point-of-sale discount for an e-bike from a local bike shop.
- Providing fully funded home energy retrofits (high efficiency furnaces, insulation, etc.) to seven Affordable Services Program members through the Home Upgrades Program, a partnership with Kambo Energy Group and Alberta Ecotrust aimed at reducing energy poverty.
- Expanding existing fare-free local transit with a new summer route which provides transit service to critical facilities along Bow Valley Trail, including the hospital, pharmacies, doctor's offices and other medical and paramedical services.

### End Notes

1. The CEAP established a new 2022 baseline and a new, more ambitious, 2050 target for net zero emissions. Going forward, 2022 will be used as the baseline for all GHG reporting as opposed to the previous Climate Action Plan's baseline year of 2015. This change is due to the more robust transportation modeling and forecasting that was used in the CEAP.

Canmore's GHG inventory scope and methodology follows the Global Protocol for Community-Scale Greenhouse Gas Emission Inventories (GPC) and is compiled using the Partners for Climate Protection Milestone Tool. Notable sources of GHG emissions not accounted for in the inventory include upstream emissions associated with the production and transportation of food, consumer goods and services, embodied carbon in building materials, domestic and international air travel and long-distance vehicle travel by residents and visitors, and fugitive emissions from wastewater treatment and refrigerants.

#### 2. Data sources for the Community GHG Inventory

Grid and solar electricity	Fortis Alberta
Natural gas	ATCO
Conventional and electric vehicles	Ministry of Transportation and Economic Corridors
ROAM transit ridership	Bow Valley Regional Transit Services Commission
Solid waste and wastewater	Town of Canmore and EPCOR
GHGs from buildings, waste, and wastewater	Calculated using source-specific emission factors from the Partners for Climate Protection (PCP) GHG Inventory Tool
GHGs from vehicles	Estimated from fuel sales data and PCP GHG Inventory Tool emission factors, with modeling factors determined by the Sustainability Solutions Group for out-of-boundary travel

# Taking Action On Climate

We are doing our part as a municipality by strengthening our commitment to climate action.

Our climate change strategy and goals were updated in 2024. We set 2022 as a baseline for our progress, and we are committed to reporting back annually on how we are doing.

Since 2022, we have made progress as a community to reduce pollution and build resilience to the impacts of a changing climate.

Reduced greenhouse gas emissions by 9%

9% ↓

89% ↑

Increased the number of solar installations from 131 to 247



108% ↑

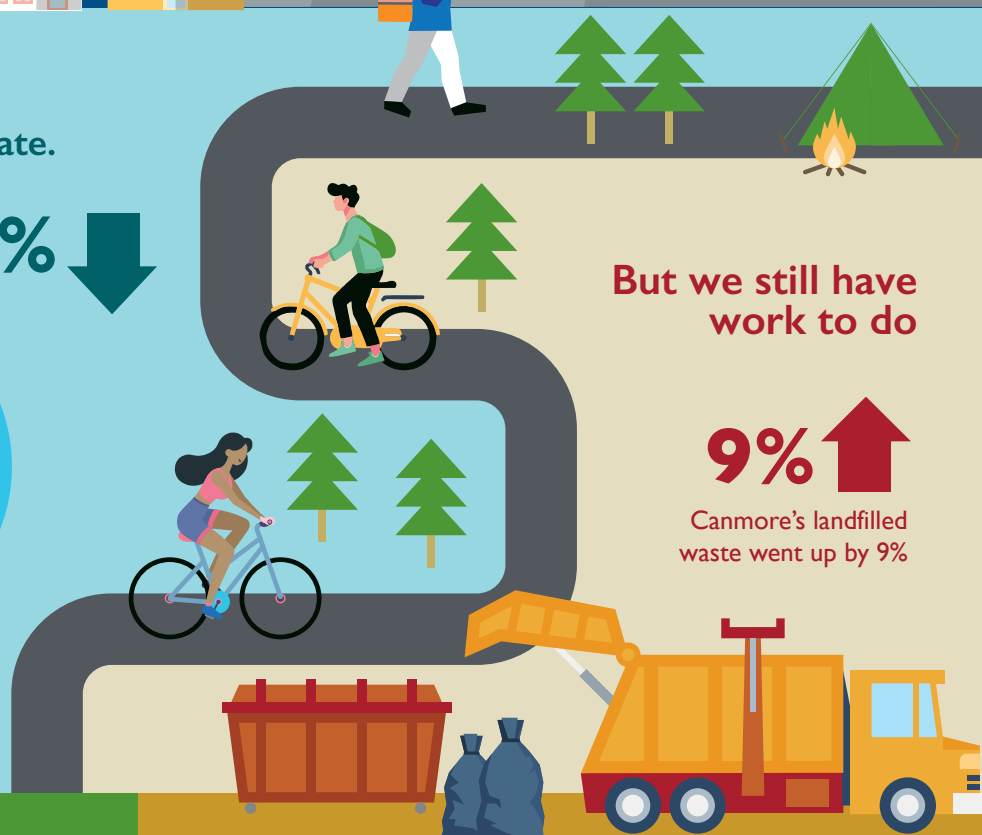
Doubled the number of passengers taking local Roam Transit



But we still have work to do

9% ↑

Canmore's landfilled waste went up by 9%



## Here is what we did:

- ✓ Completed the West Bow River Pathway.
- ✓ Piloted Roam Route 12, providing transit to popular destinations as well as the hospital, and medical and paramedical services on Bow Valley Trail.
- ✓ Switched to a landfill with methane capture, which cut greenhouse gas emissions in half.
- ✓ Collected food waste from over 100 restaurants, cafes, grocery stores, and schools.
- ✓ Continued leak detection and repair of drinking water and sanitary lines.
- ✓ Updated the Wildfire Preparedness Plan and began construction on the Bow Valley Community Fireguard.
- ✓ Completed the Cougar Creek debris flood retention structure.
- ✓ Prepared a water restriction program to use during water shortages.
- ✓ Increased the available number of climate action incentives for residents by 400%

## Here is what you can do:

- ✓ Read our 2024 *Climate Emergency Action Plan* Annual Status Update at [canmore.ca/climateaction](https://canmore.ca/climateaction).
- ✓ Decrease your household energy use while saving money. Our Clean Energy Improvement Program provides upfront financing for energy efficient home upgrades and a \$500 incentive. Apply now at [canmore.ca/incentives](https://canmore.ca/incentives).
- ✓ Reduce waste by sharing, repairing, and re-using.
- ✓ Divert food scraps into one of Canmore's 23 neighbourhood food waste bins.
- ✓ Walk, cycle, or Roam around town.

Town of  
**CANMORE**



# Briefing

**DATE OF MEETING:** August 19, 2025 **AGENDA #: I 2**

**To:** Council

**SUBJECT:** Offsite Levy Bylaw Appeal Decision

**SUBMITTED BY:** Adam Driedzic, Town Solicitor

**PURPOSE:** To provide Council with an update on the decision of the Land and Property Rights Tribunal regarding the appeal of Offsite Levy Bylaw 2024-01.

## EXECUTIVE SUMMARY

The Land and Property Rights Tribunal (LPRT) has found Off-Site Levy Bylaw 2024-01 to be invalid but has suspended this declaration for four months and allowed the Town to apply for more time if needed to re-pass the bylaw. The main issues as framed by the LPRT included the proper scope of an LPRT appeal, the disclosure requirements under the MGA and Regulations, the appropriate remedy, and whether the LPRT should issue directions and conditions on repassing the bylaw.

Regarding the scope of appeal, the LPRT identified where the model used for calculating off-site levies was open to challenge despite the model having been used on a previous bylaw. The LPRT also found that the question of whether the Town properly consulted on the bylaw is a matter for the courts, not the LPRT.

The second issue of whether the Town met statutory disclosure requirements was decided in favor of the appellants. The context for this issue included the Town's use of a confidential third-party model to calculate offsite levies. The LPRT provides interpretation of the disclosure requirements but leaves several questions on what must be done to meet the requirements and how to go about it. The LPRT declared the bylaw to be invalid but accepted the Town's request for a suspension of this declaration.

The Town successfully responded to multiple requests for direction and conditions on repassing the bylaw. LPRT declined to impose directions or conditions on passing a bylaw and left the requirements to the MGA. The LPRT did not intervene in the Town's chosen methodologies for determining off site levies and stated that consultation does not require industry agreement.

This first decision from the LPRT on off-site levy appeals will have broad implications for municipalities, industry, government and service providers.

## BACKGROUND/HISTORY

Offsite levy bylaws allow municipalities to collect money on development permits to fund the public infrastructure projects needed to support new development. In earlier times, offsite levies were determined by negotiated agreements. Offsite levies are now enabled and regulated through the *Municipal Government Act* (MGA). Municipalities may set their methodologies for determining off-site levies provided that the

municipality complies with requirements of the MGA and Regulations, including the requirement to make a bylaw.

As discussed below, requirements on municipalities when making an offsite levy bylaw include making publicly available the calculation of levy rates, the data and assumptions used to calculate levy rates, and anything else necessary to replicate the calculation of the levy. These provisions of the MGA contemplate the disclosure of information used in calculation models.

Calculation models make use of inputs provided by the municipality and apply formulas to calculate the levy rates. Examples of inputs from the consultations on Bylaw 2024-01 include the allocation of infrastructure project costs to new development and the benefiting areas for the projects. Some inputs into the calculation model come from plans and studies prepared by other third-party consultants engaged by the municipality.

In 2018, Council approved a Capital Project for the procurement of software to calculate offsite levies. The Town ran a competitive procurement process in which the successful proponent was Corvus Business Advisors (Corvus). The Town and Corvus entered into a standard agreement which provides for the Town to keep confidentiality over the calculation model (the “Corvus model”). To date, the Town has kept the Corvus model confidential.

In 2020, administration recommended and Council approved Offsite Levy bylaw 2020-27, the Town’s first offsite levy bylaw under which the levy rates were calculated using the Corvus model. Bylaw 2020-27 was not appealed. In 2024, administration recommended and Council approved Off Site Levy Bylaw 2024-01 with some changes between readings of the bylaw in response to industry submissions. The current Offsite Levy bylaw is the 2020 bylaw as amended by the 2024 bylaw.

The Bow Valley Builders and Developers Association (BOWDA) and five named developers filed an appeal of Bylaw 2024-01 with the LPRT. BOWDA and Three Sisters Mountain Village Properties Ltd. also filed for judicial review of Bylaw 2024-01 with the Court of Kings Bench. The judicial review has been adjourned to no set date due to the LPRT appeal. The LPRT held a hearing in October of 2024 and issued its decision on July 11, 2025 [*Three Sisters Mountain Village Properties Ltd. v. Town of Canmore*, 2024 ABLPRT 369].

## DISCUSSION

The LPRT hearings took approximately two weeks in addition to multiple preliminary steps and final written requests for relief. Approximately 10 pages of the LPRT decision are devoted to background and preliminary matters. Regarding the merits of the appeal, the LPRT organized the decision into 5 main issues.

**Issue #1:** Scope of the appeal. The LPRT found that the use of the Corvus model was open to challenge where it was used to calculate a levy for a new project or used to change an existing levy, despite the model having been used for the Town’s previous off-site levy bylaw which was not appealed. The LPRT also considered the grounds for appeals to the LPRT under in the MGA and held that whether the Town properly consulted with the appellants is a matter for the courts, not the LPRT.

**Comments:** The scope of the appeal is important as this is the first statutory appeal of an offsite levy bylaw to be decided by the LPRT. Challenges to off-site levy bylaws previously went to court. Appeals of other municipalities’ off-site levy bylaws to the LPRT have settled without a decision. The appellants also have an open judicial review application regarding consultation on Bylaw 2024-01 which was adjourned to no set date.



**Issue #2:** The second issue for the LPRT was information disclosure. The LPRT found that the Town did not meet statutory requirements to make information publicly available during a consultation phase. The LPRT considered section 648.2(6) of the MGA which provides that:

- (6) A municipality that imposes an off-site levy must make the following publicly available:
  - (a) any information or data the municipality relied upon and any assumptions the municipality made in calculating the levy, including, without limitation, any information, data or assumptions the municipality used in models to complete calculations;
  - (b) the calculations that were performed in order to determine the amount of the levy;
  - (c) anything else that would be required in order to replicate the determination of the levy.

LPRT further interpreted section 643.3(4) of the MGA to conclude that the information needs to be made publicly available during the consultation phase.

During the LPRT appeal, the appellants made a request for disclosure of the Corvus model. The Town engaged Corvus who provided calculation formulas used in the model and who appeared as a witness for the Town. The appellants' expert financial witness acknowledged that they could replicate the levy calculations when provided with the formulas and information provided during the appeal, and the appellants withdrew their request for disclosure of the Corvus model. The LPRT still found the issue to be what information was made publicly available during the consultation stage. Regarding section 648.2(6)(a) – the “information” relied on in calculations - the noted piece of non-disclosed information was opening balances used in the Corvus model which differed from account balances in the Town's audited financial statements. Regarding section 648.2(6)(b) – “the calculations” - the LPRT suggested that in some cases formulas and inputs may be practically equivalent to making calculations available but there may be cases where the only practical way to make calculations available is to make the model available. The LPRT treated section 648.2(6)(c) – “anything else that would be required” - as a catch all.

At the LPRT, Corvus also spoke to its own business interests and agreements with its municipal clients to keep the Corvus model confidential. The LPRT held that municipalities' arrangements with their service providers are not relevant to interpretation of the MGA requirements to make information publicly available. If a municipality cannot meet the obligations of 648.2(6)(b) without disclosing a copy of the model it used, then the municipality must arrange its affairs so that it is in a position to disclose its model.

**Comments:** The LPRT's discussion of the information disclosure issue may raise more questions than it answers, especially regarding the use of third-party models to calculate levies. The LPRT decision indicates that municipalities will need to consider whether a calculation model itself needs to be made available to meet the disclosure requirements, but is much less clear when this need may arise and what standard to apply to this needs assessment.

The Corvus model is used by approximately 40 different municipalities; however, the scope of Corvus' services and involvement in updating the offsite levy bylaws varies. Some municipalities use Corvus to review levy rates and to publish reports that make levy calculations and information used in the Corvus model publicly available in relation to the bylaw updates. Other municipalities including the Town of Canmore have a license to use the Corvus model to calculate levy rates but do own updates to the levy rates and use other



means to make calculation information publicly available for the bylaw updates. Corvus did not participate in the updates to the levy rates or consultations for the 2024 bylaw. Similarly, the appellants' request for disclosure of the Corvus model came after the appeal was filed.

Going forward, the Town will need to revisit its offsite levy calculation model and, if the model is not disclosed, then review other means through which information listed in section 648.2(6) of the MGA is made publicly available during the consultation phase. There are questions of who should provide these other means of information disclosure as between the municipality, the creator of the calculation model, other service providers, and other participants in consultations. There is also need to consider the timing of consultations and making information available, as it may be necessary to consult on inputs into the off-site levy model before being able to calculate levy rates. Means to make calculation information publicly available will need to be treated as its own topic independently from expressed stakeholder concerns during consultations, which are apt to focus on infrastructure projects. A publicly available calculation model could serve as 'one-stop shopping' for all the data and assumptions used in the calculations, the calculations of the levy, and anything else necessary to replicate the calculations of the levy.

**Issue #3:** The remedy. The LPRT considered failure to meet disclosure requirements coupled with admitted errors in the bylaw. The LPRT declared the bylaw to be invalid but suspending this declaration for 4 months to allow disclosures and consultation and provided leave to request more time to repass the bylaw. The suspension of invalidity was the Town's request which the LPRT granted.

**Comments:** The suspension of invalidity is an important outcome as it provides an opportunity to rectify deficiencies in a way that lessens disruptions on municipal planning, finance and operations when compared to returning to the 2020 bylaw.

**Issue #4:** Interim directions. The LPRT declined multiple requests from the appellants for interim directions to amend the bylaw. As the LPRT found the bylaw to be invalid, it did not find it appropriate to make interim direction to amend the bylaw.

**Issue #5:** Conditions on repassing the bylaw. The LPRT declined multiple requests from the appellants for conditions on repassing the bylaw. The LPRT upheld the Town's approach to the timing of future development as being clear and reasonable. It accepted the types of items included in the capital costs of projects. It did not intervene in the methodologies used by the Town's consultant CIMA+ to allocate project costs to new development and to identify benefitting areas for these projects. The LPRT found that the witnesses from CIMA+ adequately explained their methodology and were forthright and credible. The LPRT also stated that consultation does not require agreement. The LPRT found that the inclusion of the Waste Water Treatment Plan Discharge Limit upgrade project in the bylaw was premature and noted a requirement in regulations to provide a description of the specific infrastructure.

**Comments:** The LPRT's unwillingness to impose directions or conditions on making bylaws, and the distinction that the LPRT made between consultation and agreement, are important outcomes. The LPRT generally left the requirements for making off-site levy bylaws to the MGA. This part of the LPRT decision upholds municipal autonomy on how to meet the statutory requirements for making off-site levy bylaws, especially regarding inputs into the levy calculation model. The LPRT's treatment of this topic fits the approach to off-site levies provided by the MGA and reflects the LPRT's role as an appeal adjudicator, not the regulation-maker. Based on this guidance from the LPRT, the Town intends to make changes to project descriptions and levy zone maps to keep all of the new projects in the 2024 bylaw in the repassed bylaw.

The decision includes outcomes sought by both parties depending on the issue and has broad implications for municipalities in Alberta as well as industry, third-party service providers and government. Previous major legal decisions on off-site levy bylaws have been followed by changes to the applicable legislation. The decision has been the source of commentary from multiple interested parties and should be read first-hand. The decision is available on the website of the LPRT<sup>1</sup> and on the Canadian Legal Information Institute (CanLII).<sup>2</sup>

### **FINANCIAL IMPACTS**

Council approved capital project #7384 for a current amount of \$600,000 for off-site levy bylaw litigation. This amount was estimated based on the LPRT appeal and increased after the hearing. The estimate does not include costs of the judicial review of Bylaw 2024-01 that is currently adjourned or any other legal actions.

Through July 2025, the Town has spent approximately \$525,700. The breakdown is approximately \$444,060 for legal fees and \$81,640 for consultant and witness fees. Legal fees are approximately \$17,560 (RMRP), \$45,000 (Brownlee) and \$381,500 (McLennan Ross). Consultant and witness fees are approximately \$51,280 (Corvus) and \$30,360 (CIMA+). The amounts spent on the capital project are not exact as much of the work related to the LPRT appeal of Bylaw 2024-01 has broader relevance to offsite levy bylaws and may be re-allocated to legal operations.

The 2024 updates to the offsite levy bylaw were aimed at ensuring that the Town collects funds from new development to cover the costs of new and upgraded water and wastewater infrastructure. Without updating the bylaw, costs of infrastructure to support new development will fall on the utility ratepayers. This rationale remains with the opportunity to re-pass the bylaw. The amounts at stake in the 2024 offsite levy bylaw far exceed the legal costs of having responded to the LPRT appeal and working to re-pass the bylaw as enabled by the LPRT.

### **INTEREST HOLDER ENGAGEMENT**

The LPRT decision indicates that consultations are required when re-passing the bylaw. The decision further attempts to narrow the issues for consultation. However, the LPRT decision is less clear on the connection or distinction between the requirements to make information “publicly available” and the requirement to consult with “stakeholders”. The decision sometimes refers to “public consultation”. Administration is planning consultations with a goal of meeting the initial 4 months provided by the LPRT to re-pass the bylaw, with consultation activities underway at the time of this Council meeting.

### **ATTACHMENTS**

None.

---

<sup>1</sup> [Decisions - Alberta Land and Property Rights Tribunal](#)

<sup>2</sup> [Canadian Legal Information Institute | CanLII](#)

**AUTHORIZATION**

Submitted by: Adam Driedzic  
Town Solicitor

Date: August 1, 2025

Approved by: Sally Caudill  
Chief Administrative Officer

Date: August 6, 2025