

**SUMMER VILLAGE OF MA-ME-O BEACH
SUBDIVISION & DEVELOPMENT APPEAL BOARD HEARING AGENDA
July 6, 2021 - 7:00 PM
SUMMER VILLAGE OFFICE, 605 - 2ND AVE. MA-ME-O BEACH, ALBERTA
AND VIA ZOOM**

APPEAL OF STOP ORDER ON: DP MMO 2016-16
Lot 5, Block 11, Plan 2414 CL
1010- 1st Avenue
Summer Village of Ma-Me-O Beach, AB

1. Call to Order
2. Adoption of Agenda
3. Objection to any Board Member Hearing the Appeal
4. Chairman's Remarks
5. Development Officer's Summary
6. Appellant – Stop Order
7. Call for Others to Speak on Appeal
8. Written Submissions Received
9. Board Questions/ Other Questions
10. Rebuttals
11. Fair Hearing
12. Decision and Adjourn

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Summer Village of Ma-Me-O Beach

P.O. Box 100 (605 - 2nd Avenue)
Ma-Me-O Beach, Alberta T0C 1X0
Phone: (780) 586-2494 Fax: (780) 586-3567 E-mail:
information@svofficepl.com

June 21, 2021

Development Authority Report

Appeal of Stop Order

Ma-Me-O Beach Development Permit: MMO 2016-16

Plan 2414CL, Block 11, Lot 5

1010-1st Avenue, Ma-Me-O Beach, AB

Dr. Timothy Mahoney

On October 13, 2016, Dr. Mahoney and his designer, Mrs. Judy McCardia, submitted an application for a development permit for a new cottage with attached garage in the Summer Village of Ma-Me-O Beach, Alberta. The development permit application and drawings are attached as Appendix A.

The proposed development was approved on October 19, 2016 by Ms. Paula Lamoureux, who was the Development Officer for Ma-Me-O Beach at that time. The development approval letter is attached as Appendix B.

On May 25, 2017 Ms. Paula Lamoureux emailed Dr. Mahoney regarding complaints of water discharge emanating from the subject property. No further records of this incident were found. This email is attached as Appendix C.

On November 3, 2020, the writer was contacted by Mr. Brad Medwid of 1008 – 1st Avenue, neighbor to the subject property. In his email, Mr. Medwid provides some background to the issue of water drainage from the subject property and shares his frustration with the lack of a solution. This email is attached as Appendix D.

On November 4, 2020 the Summer Village took photos of the subject property; they are attached as Appendix E.

On November 18, 2020, the Summer Village was contacted by Ms. Sue Scheible, area resident regarding the water drainage from the subject property. It is attached as Appendix F.

On December 1, 2020, the Summer Village emailed a letter to Dr. Mahoney, to obtain further information regarding the matter. The letter is attached as Appendix G.

On December 1, 2020, Dr. Mahoney replied via email to the letter of December 1st, 2020. This is attached as Appendix H.

On December 24, 2020, the writer emailed a letter to Dr. Mahoney regarding the Land Use Bylaw infraction of drainage from the sump pump negatively affecting neighboring properties. A timeline of March 31, 2021 was provided to Dr. Mahoney to rectify the matter. This is attached as Appendix I.

On December 24, 2020, a short email exchange transpired between Dr. Mahoney and the writer regarding the drainage/ sump pump matter; it is attached as Appendix J.

Again on December 24, 2020, Dr. Mahoney sent a separate email response to the writer regarding the letter of December 24, 2020, in which he stated that the sump only became a problem in 2019, and asking for a copy of each complaint received by the office. (The writer did not comply with this request.) This email is attached as Appendix K.

On May 21, 2021, the writer received a phone call from area resident, Mr. Dave Janzen. Mr. Janzen emailed the writer on May 22, 2021 and his email is attached as Appendix L.

On May 31, 2021, the writer emailed a Stop Order to Dr. Mahoney and a copy of the Order was also hand-delivered to the Wetaskiwin address on the letter. This letter is attached as Appendix M.

On June 4, 2021, the Summer Village received a letter from Dr. Mahoney to appeal the Stop Order. Unfortunately, the accompanying cheque was made payable to the wrong party. Dr. Mahoney was contacted and a new cheque for the appeal was received on June 10, 2021. The appeal letter is attached as Appendix N.

RECOMMENDATION:

It is the recommendation of the Development Authority that the Ma-Me-O Beach Subdivision & Development Appeal Board UPHOLD the Stop Order issued May 31, 2021 to Dr. Timothy Mahoney at Lot 5, Block 11, Plan 2414CL, otherwise known as 1010-1st Avenue, Ma-Me-O Beach, AB.

Respectfully submitted,



Sylvia Roy
Chief Administrative Officer



Summer Village Office
P.O. Box 100
605 - 2nd Avenue, Ma-Me-O Beach, Alberta T0C 1X0
(780) 586-2494 Fax: (780) 586-3567
Email: development@svofficepl.com website: www.svofficepl.com

RECEIVED

OCT 14 2016

Summer Village of Ma-Me-O Beach

APPLICATION FOR DEVELOPMENT PERMIT
LAND USE BYLAW NO. 273 AND AMENDMENTS THERETO

Permit Number
DP MMO 2016-16

I / We hereby make application for a Development Permit for the use noted below:

Name of Applicant: <u>JUDY MCCARDIA</u>	Phone: <u>[REDACTED]</u>
Interest of the Applicant: <u>DESIGNER</u>	Fax: <u>[REDACTED]</u>
Email: <u>[REDACTED]</u>	
Mailing Address of Applicant: <u>[REDACTED]</u>	
Street <u>Ma-Me-O Beach AB. T0C 1X0</u>	
City, Province, Postal Code	

Owner of the Land to be developed: <input type="checkbox"/> same as applicant	
or <u>DR. Tim Mahoney</u>	
Owner	
Mailing Address of Owner: <u>5116- 51 AVE</u>	Phone: <u>[REDACTED]</u>
Street	
<u>Wetaskiwin</u>	Fax: <u>[REDACTED]</u>
City, Province, Postal Code	
Email: <u>[REDACTED]</u>	

Legal Description of Property to be developed: Lot <u>5</u> , Block <u>11</u> , Plan <u>2414</u> Roll # <u>CL</u>
Municipal Address: <u>1010-1ST AVE</u> , Ma-Me-O Beach, Alberta
Cottage Number

Proposed Development / Demolition: NEW COTTAGE WITH ATTACHED GARAGE
(For example - addition to existing dwelling, new cottage, new garage, etc.)

Please note that a permit can only be used for one purpose, separate permits are required for each project you wish to undertake

☐ Construction Value: \$ 170,000.00

Construction Value - means the estimated full cost of construction including site preparation, excavation, all materials, labour and finishing for the house or accessory building identified in this development application.

Construction Value does not include the land, utility installations, appliances or specialized installations. The Construction Values submitted by applicants are confirmed by the development authority and may result in an adjustment to the development application fee.

Commencement Date: OCT 31/16 Completion Date: JULY 30/17

THIS IS NOT A BUILDING PERMIT. YOU ARE REQUIRED TO APPLY TO SUPERIOR SAFETY CODES INC. AT 1.888.358.5545
WWW.SUPERIORESAFETYCODES.COM WHO HAS BEEN AUTHORIZED TO ISSUE PERMITS AND PROVIDE COMPLIANCE
MONITORING FOR PERMITS REQUIRED IN THE BUILDING, ELECTRICAL, PLUMBING OR GAS DISCIPLINES IN THE SUMMER
VILLAGE OF MA-ME-O BEACH.

... Continue next page

The personal information contained on this form is collected pursuant to Section 32c of the Freedom of Information and Protection Privacy Act, Part 17 of the Municipal Government Act, and will be used for the purpose of application review and analysis and may include notification to various County or Provincial Departments or agencies; and adjacent landowners and/or municipalities in which the application and/or related correspondence is copied and circulated. The application process can be viewed in our Land Use Bylaw #273 on our website at www.svofficepl.com. If you have any questions about this collection, please contact the Planning and Development Department, Summer Village Office at 780.586.2494.

The following plans, specifications and documents must be submitted with the application:

☐ **Site Plan**

A site plan to scale, showing:

☐ **Yards, Building, Parking**

The proposed front, rear and side yards, locations of all existing building, and any provisions for off-street loading and vehicle parking and access.

☐ **Water Wells and Septic Tanks**

Water drainage, septic and water wells must be identified. Show distances from neighbour's holding tanks and well sites.

☐ **Grading and Drainage**

An application for a new building shall contain drainage and grading plan.

☐ **Construction Drawings - Three (3) Copies**

Floor plans, elevations and sections, including all height and horizontal dimensions. In the case of a dwelling, an architect's rendering of the finished building and the buildings on adjacent lots.

Construction Drawings must also include **elevation drawings**, which show the viewpoint of the lot from the lake and/or road, with the proposed building in relation to the existing buildings on the subject and neighbouring lots. All elevations are to be shown relative to grade as defined in the Land Use Bylaw.

Cantilevered extensions, bay windows, chimneys, eaves and other extending features must conform with the Land Use Bylaw.

☐ **Real Property Report (Surveyor's Certificate)**

A real Property Report or a Building Location Certificate prepared by an Alberta Land Surveyor when renovations or additions are being added to an existing property, OR when an existing building(s) are totally removed or demolished.

☐ **Accuracy of Building Placement**

If the proposed development is for a new building, you may be required to submit a Real Property Report, prepared by an Alberta Land Surveyor, after the footings have been installed, but before any flooring or framing work has commenced, certifying the building under construction meets the yard and setback requirements of the Land Use Bylaw and the Alberta Building Code.

- ☐ **Development Permit Fee** Basic Fee \$75 plus \$10.00 per \$10,000 of construction value.
Permit Fee enclosed is \$ 245.00 (Minimum fee is \$125.00)

Development Permit Fee, made payable to the Summer Village of Ma-Me-O Beach, must accompany the application. If you have specific questions regarding your proposed development, contact the Development Authority at (780) 586-2494 or visit our website: www.svofficepl.com and click on Ma-Me-O Beach.

The personal information contained on this form is collected pursuant to Section 32c of the Freedom of Information and Protection Privacy Act, Part 17 of the Municipal Government Act, and will be used for the purpose of application review and analysis and may include notification to various County or Provincial Departments or agencies; and adjacent landowners and/or municipalities in which the application and/or related correspondence is copied and circulated. The application process can be viewed in our Land Use Bylaw #273 on our website at www.svofficepl.com. If you have any questions about this collection, please contact the Planning and Development Department, Summer Village Office at 780.586.2494.

I / We hereby authorize the Development Authority or designate to enter on to the property during construction to ensure that all development is in accordance with the Land Use Bylaw.

Note: The undersigned property owner acknowledges that the public at large may view their development permit file including blueprints.

Signature of Applicant:

ImCaudia

Date: OCT 13/16

Signature of Titled Property Owners:

A hand-drawn blue oval shape on lined paper. The oval is elongated horizontally and spans across three lines. A small blue arrow at the top left indicates a counter-clockwise direction for tracing the shape.

Date: OCT 13/16

Date: _____

Date: _____

For Office Use Only

The above application has been examined as to its compliance with the Summer Village of Ma-Me-O Beach Land Use Bylaw #273, as amended and is

APPROVED subject to the conditions as noted on the attached notice of decision.

Effective Date: October 19, 2016

(This permit is void unless attached to the Notice of Decision)

Where an appeal on a development permit can be considered by the Subdivision and Development Appeal Board, the permit does not come into effect until fifteen days after the date of decision, and any development proceeded with, prior to the effective date of the permit, is done solely at the risk of the applicant.

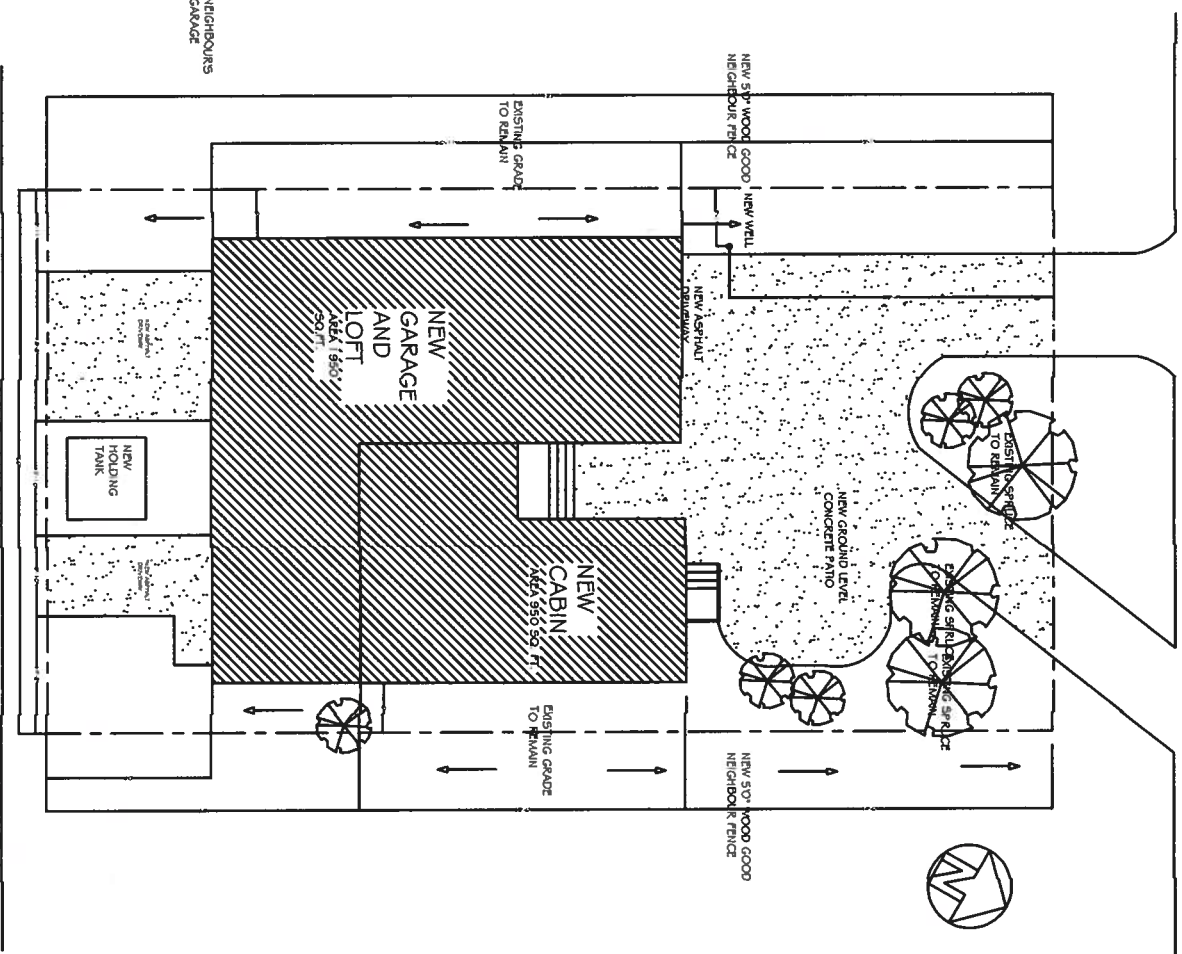
REFUSED for the following reason. _____

Signature of Development Officer

Date October 19, 2016

RECEIVED
F. 45 • OCT 14 2016
H 26.6

1 ST AVENUE



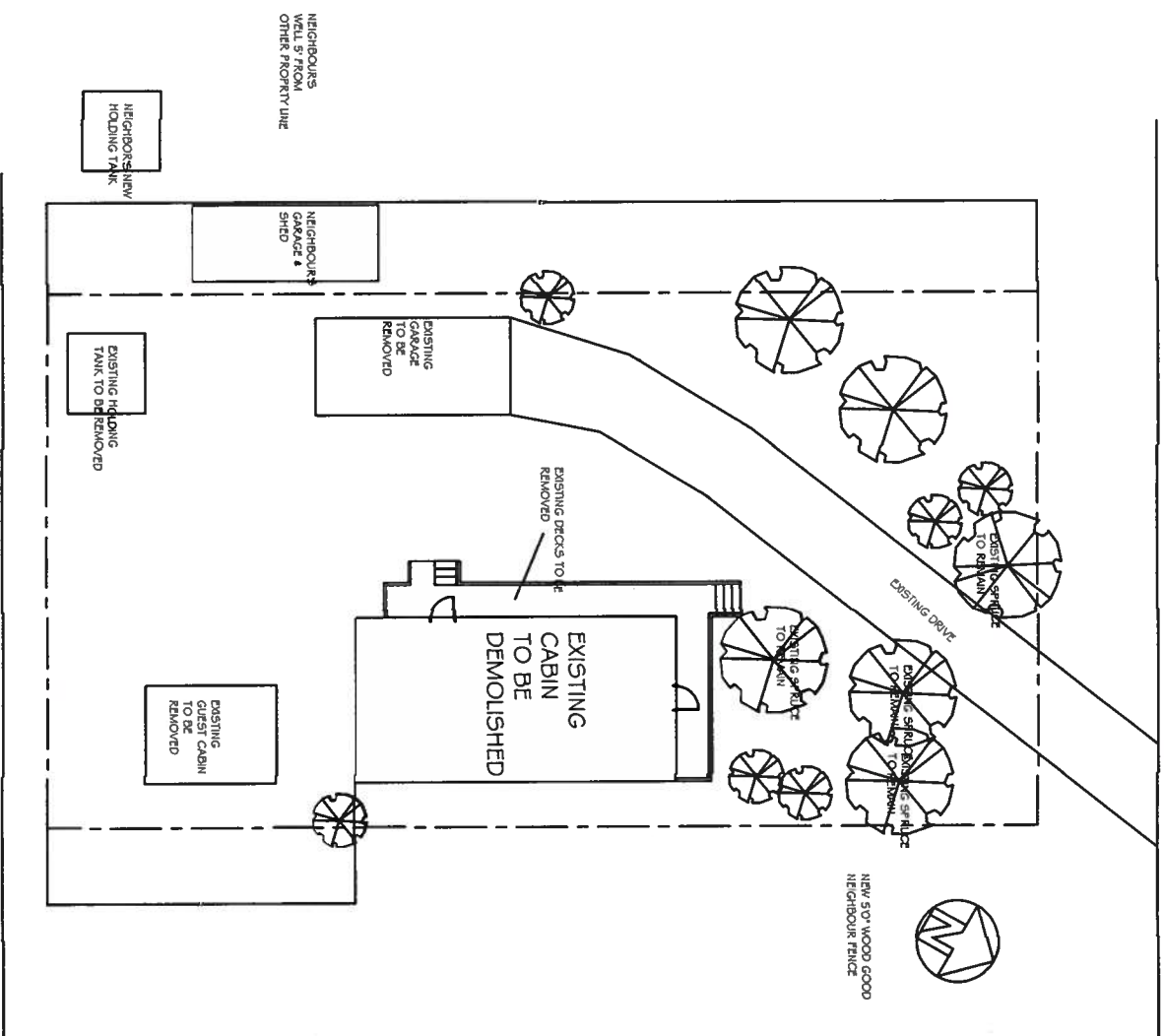
NEW SITE PLAN
SCALE 3/32" = 1'-0"

SITE AREA = 8052 SQ. FT.
NEW GARAGE AREA = 1950 SQ. FT.
NEW CABIN AREA = 950 SQ. FT.
SITE COVERAGE 36.0 %
3796

LANE

LEGAL DESCRIPTION
LOT 5
BLOCK 11
PLAN 2414 CL
1010 - 1ST. AVENUE
MA ME O BEACH
ALBERTA

1 ST AVENUE



EXISTING SITE PLAN
SCALE 3/32" = 1'-0"

- A-1 SITE PLAN
A-2 FOUNDATION PLAN
A-3 MAIN FLOOR PLAN
A-4 SECOND FLOOR PLAN
A-5 ROOF PLAN
A-6 ELEVATIONS
A-7 ELEVATIONS
A-8 SECTION & SCHEDULES

LANE

- General Notes
- Mechanical and Electrical designed and applicable codes and regulations.
 - Confirm all system requirements and locations with Owner on site.
 - Construct house to applicable codes and regulations using Best Building practices.

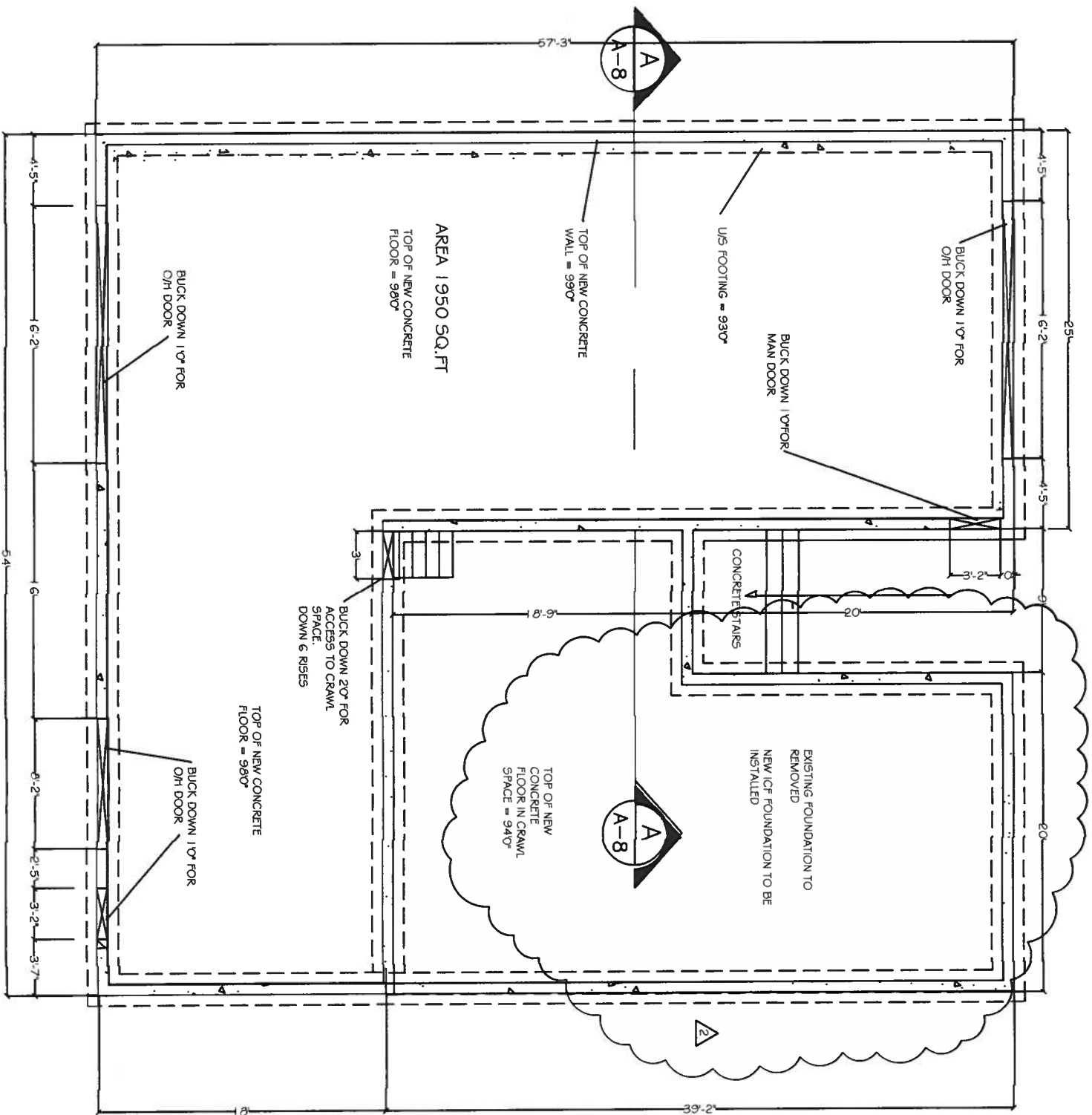
2	REVIEW FOR CONSTRUCTION	OCT10/16
1	PERMIT FOR CONSTRUCTION	SEP20/16
No.		Date

McCARDIA CONSULTING LTD
BOX 2750 HAWTHORNE BEACH, ALBERTA, CANADA T0C 1A0
(780) 566-2993 fax (780) 566-2122
GALT@CDN.NET

Project Name and Address
Proposed
house renovation
The Mahoney's

Site Plan

Project Date Scale	Drawn mah / gaw / 16 April 2016 as shown	Sheet A1
--------------------------	---	-------------



FOUNDATION PLAN
SCALE 1/4" = 1'0"

Foundation Plan

- Notes:-
- A Strip Footing - 20 MPa, type 50 concrete 24" x 8" deep continuous on undisturbed subsoil.
 - B Pad Footing - 20 MPa, type 50 concrete, 36"x36"x1'0" deep, RW 4'-1.0M bars each way, 3" steel teleposts centered over pad, undisturbed subsoil.
 - C Footing to be 4" below finished grade at all times.
 - E Foundation Wall - 8" x 5'4" c/w 1.0m rebar as required c/w damp proofing & parging.
 - F Garage Floor Slab - 20 MPa, type 50 concrete - 5" thick on 6 mil poly over 8" of compacted sand, c/w 1.0m rebar @ 16" oc, on undisturbed subsoil.
 - H Crawl space Floor Slab 20 MPa type 50 concrete 4" thick on 6 mil poly over 8" compacted sand c/w 1.0 m rebar @ 16" oc on undisturbed sub.
 - J Driveway Apron Slab - 20 MPa, type 50 concrete - 5" thick on road crush, c/w 1.0m rebar @ 16" oc, on undisturbed subsoil.

General Notes

- Mechanical and Electrical designed and applicable codes and regulations.
- Confirm all system requirements and locations with Owner on site.
- Construct house to applicable codes and regulations using Best Building practices.

2	REVISION/CONSTRUCTION	06/10/16
1	ISSUED FOR CONSTRUCTION	09/120/16
No.		Date

Print Name and Address

MCCARDIA CONSELLING LTD
PO BOX 10000 REAG, ABERNATHY RD NO
(780) 586-2998 Is (780) 586-2722
CELL (780) 990-285X

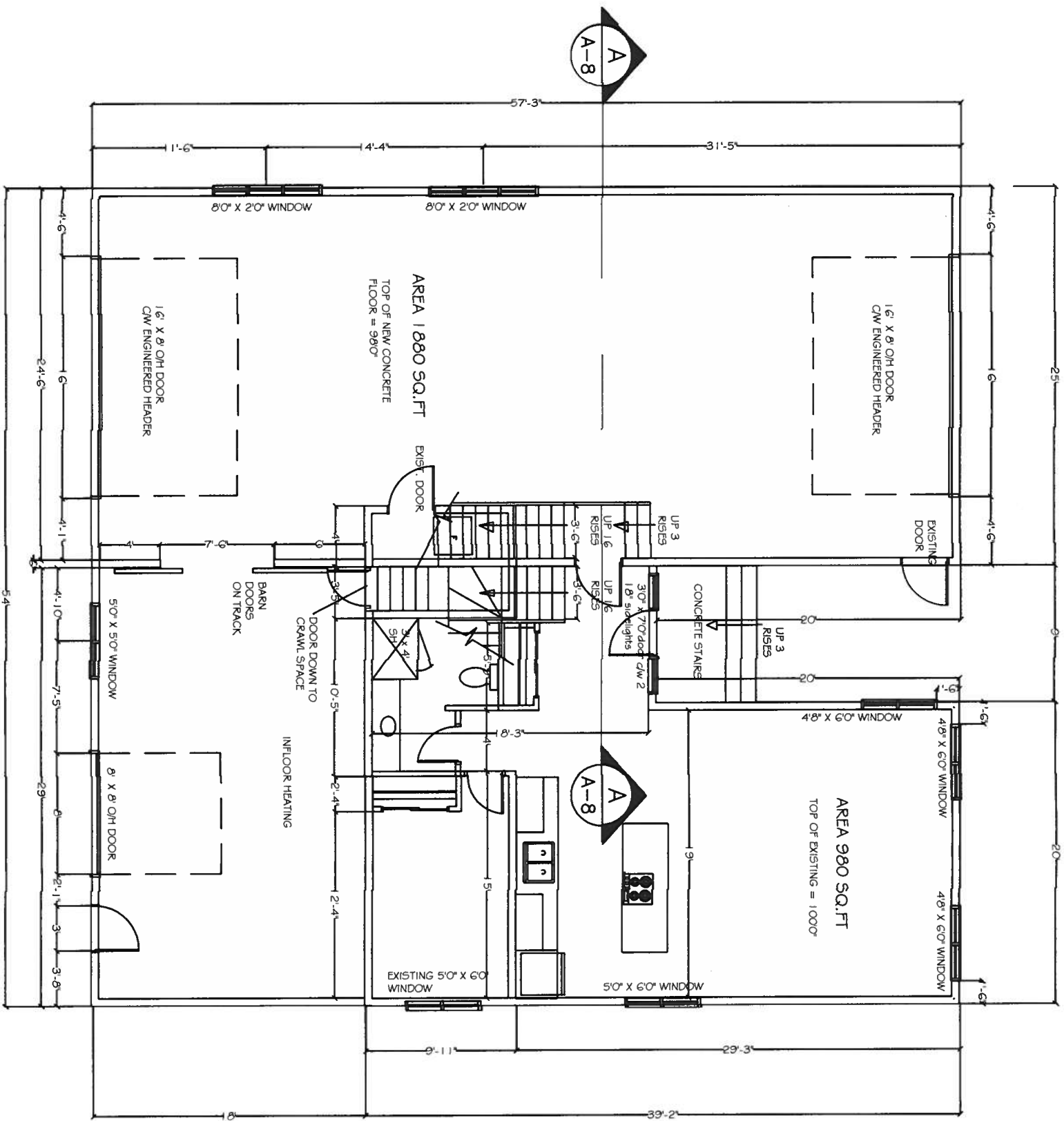
Project Name and Address

proposed
house renovation
The Mahoney's

Drawings

FOUNDATION
PLAN

Project msh / qar / 16	Sheet
Date April 2016	A2
Scale 1/4" = 1'0"	



Floor Plan

Notes:-

- Second Floor Framing - finished floor + underlay as required on 3/4" plywood, T&G sub-floor, glued and screwed to engineered pre-manufactured I-joists as detailed by joist manufacturer. Beams and stair opening framing to be Microlam beams. Engineered by Manufacturer. Insulate rim to R20.
- Deck Framing - 4/5" treated Deck Boards, screwed to 2x10 SPF pressure treated joists @ 16" o/c. X-bracing at mid span. Microlam beam on 6x6 treated posts.
- Exterior Walls - 1/2" drywall interior, 2x6 studs @ 16" o/c, 4 mil VB on 2x6 framing insulated with R20 fiberglass batt insulation, 3/8" wall sheathing, building paper and stone veneer or siding.
- 2 - 9 1/2" SPF lintel over window spans not exceeding 9' - 2". Garage door lintels Engineered Microlam Beams.
- Interior Walls - 2x4 SPF studs @ 16" o/c, 9'-0" high, 1/2" gypsum wallboard both sides, sound insulation in bathroom walls. Taped, sanded and painted

General Notes

- Mechanical and Electrical designed and applicable codes and regulations.
- Confirm all system requirements and locations with Owner on site.
- Construct house to applicable codes and regulations using Best Building practices.

No.			
1	BASELINE CONSTRUCTION	3/8/2016	
Date			

Plan Notes and Address

McARDIA CONSULTING LTD
804-292-4400 (TOLL FREE) 859-100-1010
15320 24th Ave S.E. (1780) 594-2122
CALX 1800 760 2938

Project Name and Address

proposed
house renovation
The Mathoney's

Drawing

MAIN FLOOR
PLAN

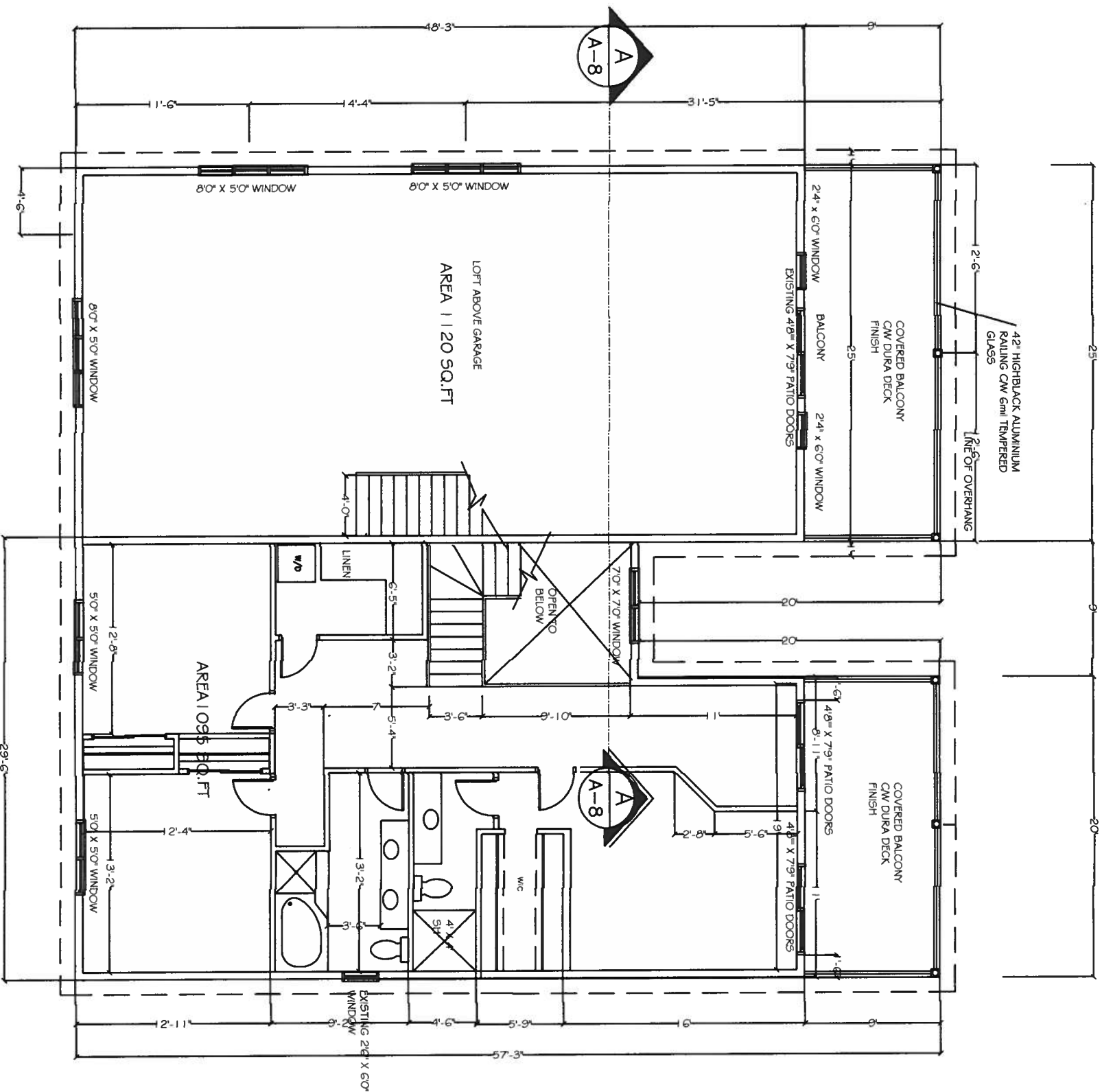
Project
msh/ aqr / 16

Date
April 2016

Scale
1/4" = 1'-0"

A3

MAIN FLOOR PLAN
SCALE 1/4" = 1'-0"



SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

Floor Plan

Notes:-

- Second Floor Framing - finished floor + underlayment as required on 3/4" plywood, T&G sub-floor, girded and screwed to engineered pre-manufactured joists as detailed by joist manufacturer. Beams and stair opening framing to be Microlam beams. Engineered by Manufacturer. Insulate rim to R20.
- Deck Framing - 4/5" treated Deck Boards, screwed to 2x10 SPF pressure treated joists @ 16" o/c. X-bracing at mid span. Microlam beam on 6x6 treated posts.
- Exterior Walls - 1/2" drywall interior, 2x6 studs @ 16" o/c, 4 mil VB on 2x6 framing insulated with R20 fiberglass batt insulation, 3/8" wall sheathing, building paper and stone veneer or siding.
- 2 - 9 1/2" SPF lintel over window spans not exceeding 9' - 2". Garage door lintels Engineered Microlam Beams.
- Interior Walls - 2x4 SPF studs @ 16" o/c, 9'-0" high, 1/2" gypsum wallboard both sides, sound insulation in bathroom walls. Taped, sanded and painted

General Notes

- Mechanical and Electrical designed and applicable codes and regulations.
- Confirm all system requirements and locations with Owner on site.
- Construct house to applicable codes and regulations using Pest Building practices.

No.		Date
1	VALID FOR CONSTRUCTION	30/10/16

Plan Name and Address

McCARDIA CONSULTING LTD
BOX 270 MARY RD, KILGERA VIC 3102
(03) 9561 2900, 1a (03) 9561 2122
GDL (03) 9561 2534

Project Name and Address

Proposed
house renovation
The Mahoney's

Drawings

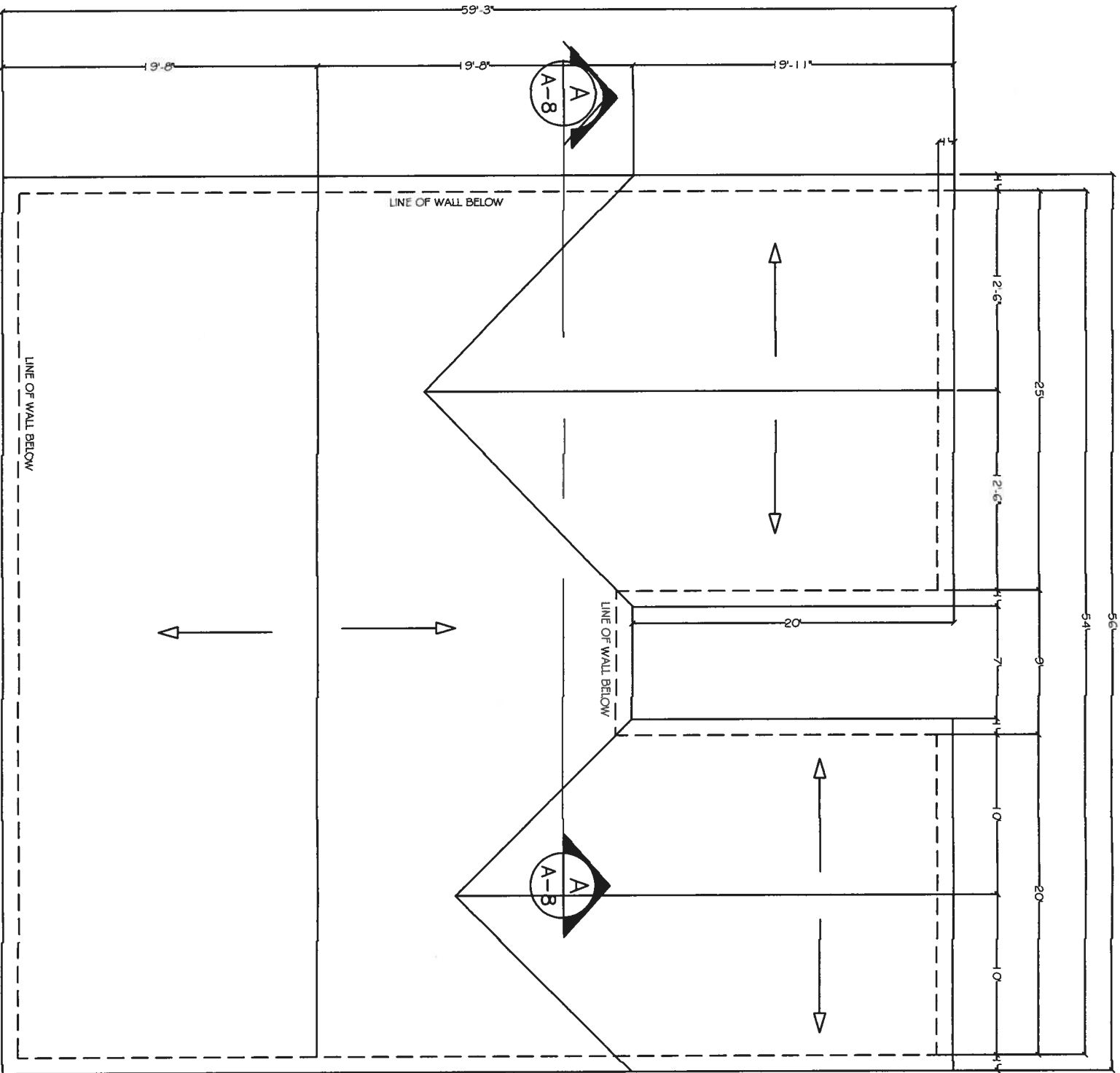
SECOND FLOOR
PLAN

Project
Msh / Qair / 16

Date
April 2016

Scale
1/4" = 1'-0"

Sheet
A4



ROOF FLOOR PLAN
SCALE 1/4" = 1'0"

Roof Plan

Notes:-

- Asphalt shingles, ice dam protection at eaves, 7/16" OSB roof sheathing c/ w clips, prefabricated Engineered Wood Trusses @ 24" o/c, commercial grade 6/12 slope, scissor trusses c/ w high heel, 5/12 slope interior.
- R40 fiberglass insulation batts or blown, 4 mil VB, 1/2" drywall, sprayed texture ceiling.

General Notes

- Mechanical and Electrical designed and applicable codes and regulations.
- Confirm all system requirements and locations with Owner on site.
- Construct house to applicable codes and regulations using Best Building Practices.

No.									
Date									

Print Name and Address

McCARDIA CONSULTING LTD
50-290 JAMES RD. K. BENTON, ONT.
(780) 586-2928
(780) 586-2022
(780) 586-2023

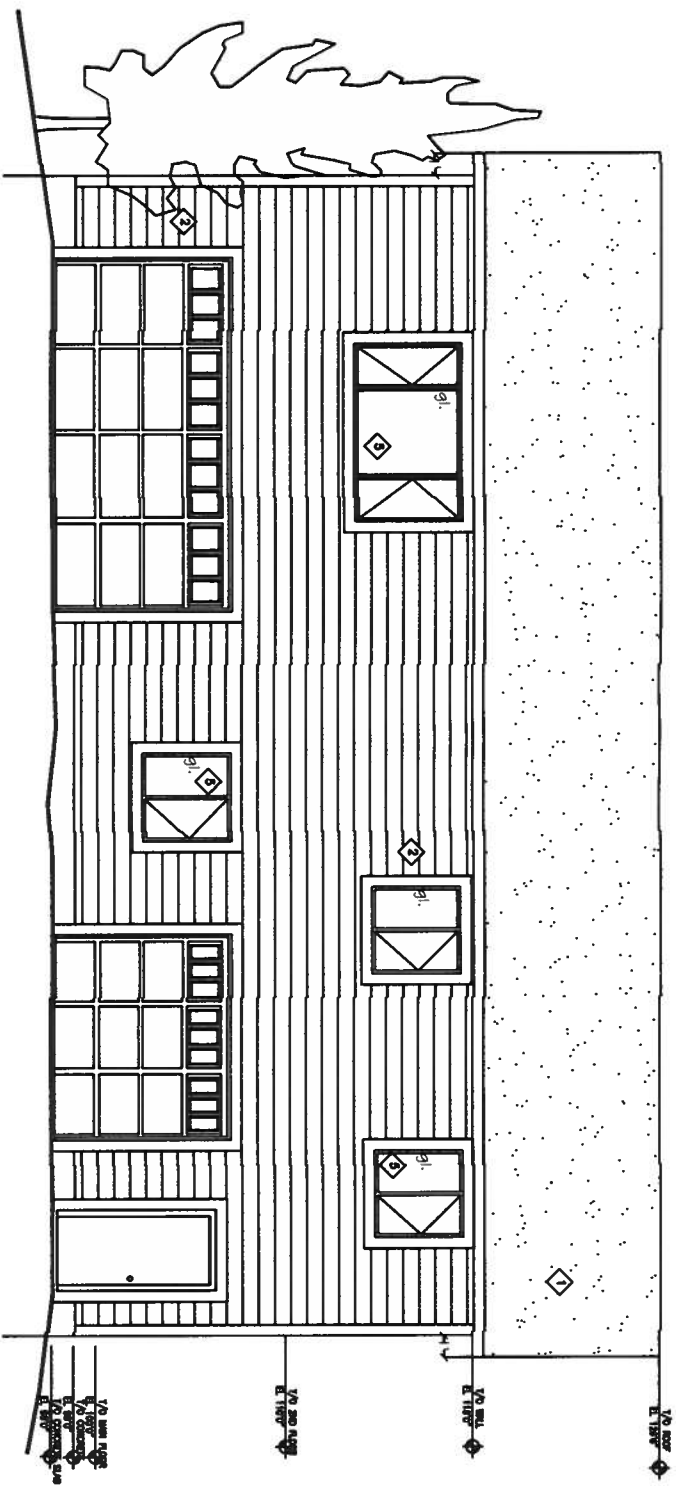
Project Name and Address

Proposed
house renovation
The Mahoney's

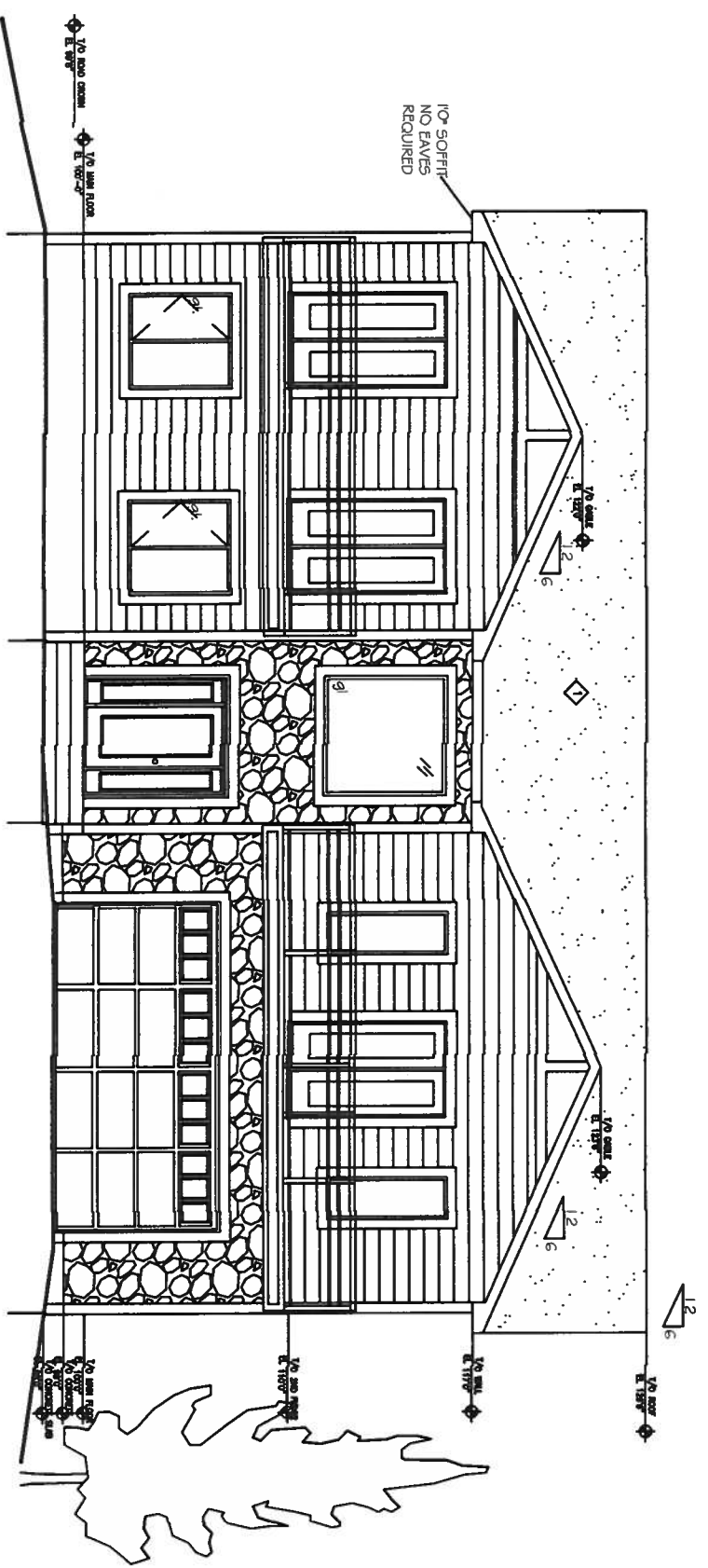
Drawing

ROOF
PLAN

Printed msh/ qsr / 16	Sheet	A5
Date April 2016		
Scale 1/4" = 1'0"		



BACK (LANE) ELEVATION
SCALE 1/4" = 1'0"



FRONT (1ST. AVE) ELEVATION
SCALE 1/4" = 1'0"

General Notes

- Mechanical and Electrical designed and applicable codes and regulations.
- Confirm all system requirements and locations with Owner on site.
- Construct house to applicable codes and regulations using Best Building practices.

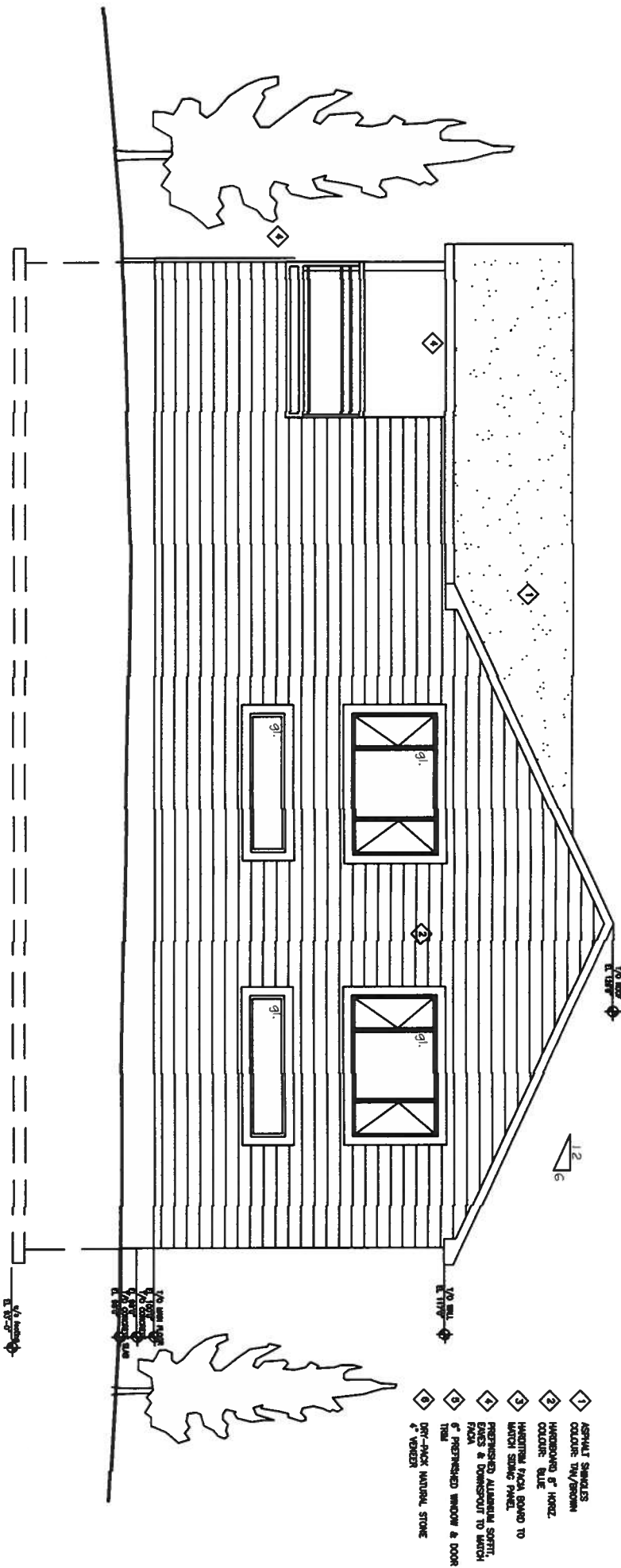
No.	Date
55420 (06/06/2016)	3/27/2016

Project Name and Address
McARDIA CONSULTING LTD
801 250 JAMES RD. N. UNIT 100
WILLOWDALE, ONT. M2H 1A7
TEL: (780) 594-2993 FAX: (780) 594-3222
CELL: (780) 590-2951

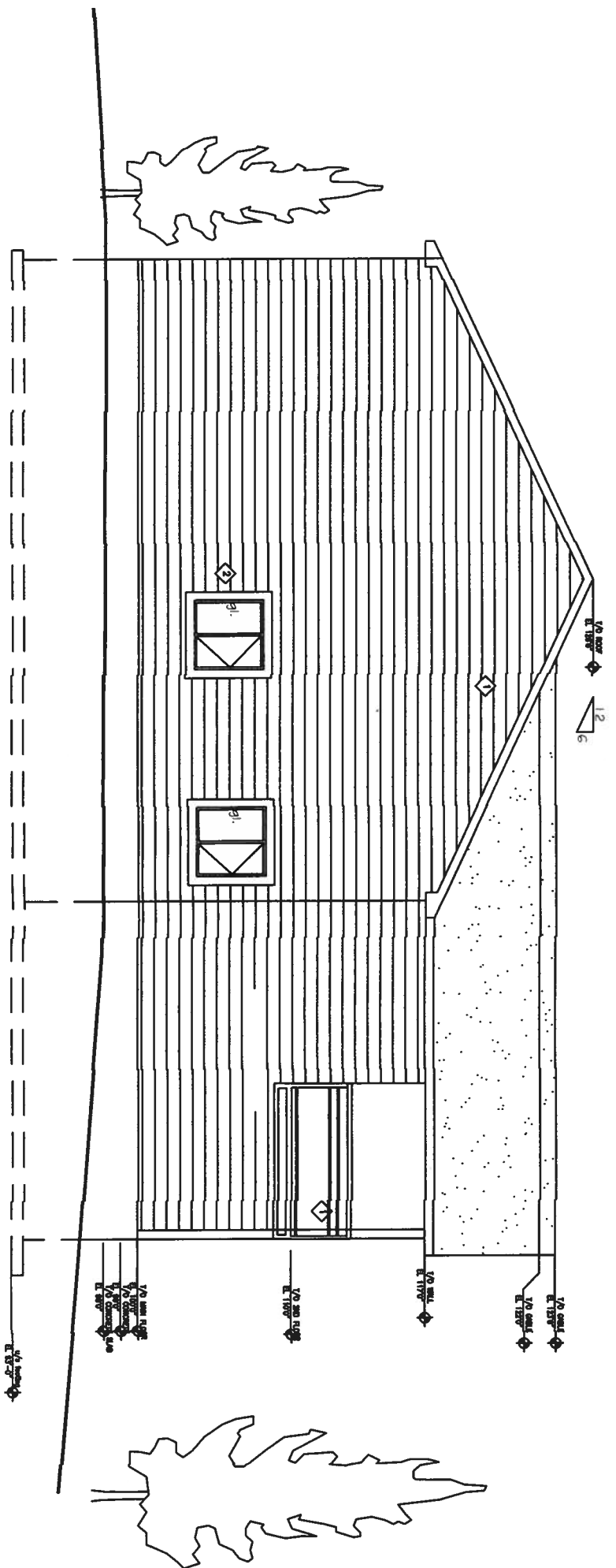
Project Name and Address
Proposed house renovation
The Mahoney's

Drawings
ELEVATIONS

Project	Drawn
meth / apr / 16	A6
Date	
April 2016	
Scale	
1/4" = 1'0"	



SIDE ELEVATION
SCALE 1/4" = 1'0"



SIDE ELEVATION
SCALE 1/4" = 1'0"

General Notes

- Mechanical and Electrical designed and applicable codes and regulations.
- Confirm all system requirements and locations with Owner on site.
- Construct house to applicable codes and regulations using Best Building practices.

No.	Date
55120/106 CONSTRUCTION	3/27/2016

Project Name and Address

McCARDIA CONELL TING LITD
100-200 MAHONEY RD. KENNESAW, GA 30144
(770) 424-2923, 1-877-750-1594-2022
(770) 424-2923

Project Name and Address

Proposed
house renovation
The Mahoney's

ELEVATIONS

Project	ma/h / apr / 16	Sheet
Date	April 2016	A7
Scale	1/4" = 1'-0"	



Summer Village Office

P.O. Box 100 (605 - 2nd Avenue)
Ma-Me-O Beach, Alberta T0C 1X0
Phone: (780) 586-2494 Fax: (780) 586-3567
E-mail: Information@svofficepl.com

SERVING THE SUMMER VILLAGES OF: ARGENTIA BEACH, CRYSTAL SPRINGS, GOLDEN DAYS, GRANDVIEW, MA-ME-O BEACH,
NORRIS BEACH, & POPLAR BAY

Judy McCardia

October 19, 2016

Ma-Me-O Beach
T0C 1X0

Tim Mahoney
5116-51st Ave
Wetaskiwin, AB.

**Re: Application for Development Permit No. MMO 2016-16:
Lot 5, Block 11, Plan 2414CL, 1010-1st Ave Ma-Me-O Beach**

Re: New Cabin

The application for Development as shown above has been **APPROVED** in compliance with the Summer Village of Ma-Me-O Beach **Land Use Bylaw No. 273** (the Bylaw).

Approval is based on the following requirements under the Bylaw and submission of plans:

1. No main building may exceed 28 feet in height above grade. Grade is defined as the lower of the crown of the road or the average grade of the two adjacent properties. Verbal confirmation of the height is 26.6 feet.
2. The required setback for the house is five feet from the side yard property line. Note that the setback is measured from the edge of the property line to the closest part of the building. The plans indicate the side yard setbacks to be 6 feet, with a 1 foot eave.
3. The required setback for the house is 20 feet from the front (being lakeside) and rear of the property. Verbal confirmation is a 20 foot rear setback and a 45 foot front setback.
4. Proper safety fencing / barricades must be in place while the excavation is open.
5. Land grading must ensure that excess water flows into the lake, a soakaway, a street or a lane.

Please confine all construction materials to the lot throughout the construction period, and remove all construction debris to a local or regional landfill. You are responsible and liable during the development period to keep the property secure for the maintenance of public safety. Also, please ensure that mud from trucks is removed from municipal roads.

All excavation and backfill is to be completed so that the drainage on the lot is not altered allowing surface water to run onto abutting lots or the municipal road, as per Schedule B, Section 3 (Site Drainage) of the Land Use Bylaw.

This permit is valid for up to 12 months from the date of issue July 28, 2016 however, if work is not commenced within six months, the permit will be deemed void.

You should have all Utility Installations on your property located and marked. This can be done by calling Alberta One Call at 1-800-242-3447, at least three days prior to commencement of the work.

Please contact our agent **Roadata at 1-888-830-7623** prior to starting this development to confirm the status of any road bans and maximum weight limits on Municipal roads. Alternatively, if you require a permit for overweight, you can go to www.travis.gov.ab.ca which is the new central permit system for Alberta.

Before commencing this development you are required to obtain permits for this development pursuant to the *Safety Codes Act (Alberta)*. These permits can be obtained by contacting:

Superior Safety Codes Inc.
No. 3, 6264 – 67 A Street
Red Deer AB
T4P 3E8
PH: 403-358-5545

You are required to place the attached placard in a location adjacent to the municipal road for public viewing during the construction period.



Paula Lamoureux
Development Officer

Summer Villages of Ma-Me-O Beach, Norris Beach, Crystal Springs, Poplar Bay, Golden Days, and Grandview

Enclosure- Placard, Permit attachment
Cc Superior Safety Codes Inc.

Paula Lamoureux

From: Paula Lamoureux
Sent: Thursday, May 25, 2017 1:46 PM
To: [REDACTED]
Subject: FW: Mahoney Drainage
Attachments: IMG_20170525_131030268_HDR.jpg; IMG_20170525_130959519_HDR.jpg; MMO2016-16 Mahoney Cabin.docx

Importance: High

Hi Tim,

The office has received complaints of water discharge from your property onto Municipal roads and draining to the south properties. Please see the attached pictures and a copy of the approval letter of your development permit.

Please note that either a swale of some sort is developed on the property to collect the water that is being discharged from the sump pump, or, bring in some sort of containment holder to be pumped out.

Please contact me to let me know what process you will undertake to eliminate the discharge water from running onto the Municipal road and into neighboring properties.

Thank you for your time in this matter.

Regards,

*Paula Lamoureux
Development Officer for Golden Days,
Poplar Bay, Grandview, Crystal Springs,
Norris Beach, and Ma-Me-O Beach
PH: 780-586-2494/Fax 780-586-3567
paula.lamoureux@svofficepl.com*

"Be part of the Solution, Not the Problem"

From: Paula Lamoureux [mailto:[REDACTED]]
Sent: Thursday, May 25, 2017 1:29 PM
To: Paula Lamoureux <Paula.Lamoureux@svofficepl.com>
Subject: Mahoney

Sylvia Roy

From: Brad Medwid <
Sent: Tuesday, November 3, 2020 3:04 PM
To: Sylvia Roy
Cc: [REDACTED]; Brad Medwid
Subject: Continuous breach of Mameo Beach Bylaw 273 Schedule B Section 3.1
Attachments: photo1.jpg; photo2.jpg

Follow Up Flag: FollowUp
Flag Status: Flagged

Good Afternoon Sylvia,

There is likely some background information about the subject of this email with the Village of Mameo Beach office, as I have spoken to Mayor Don Fleming earlier this summer about it. There was a partial resolution, however the issue continues and I have not been advised of any sort of long term solution or any work towards a long term solution.

We own a cabin ant 1008 1st Ave, the cabin that is causing the issue is located at 1010 1st Ave and is owned by the people that live at 1009B 1st Ave (Tim and Sylvia Mahoney).

Some background.

When the cabin at 1010 1st Ave was constructed, a sump pump was installed in it. When that sump pump was activated, it began pumping water out the side of the cabin that is adjacent to our property. Initially it was running via a hose into the alley; this caused flooding to one of the buildings on the property at A1007 across the alley from us. This was in approximately 2017; this property is owned by Sue Scheible (and her husband Roland who passed in 2018). There may be a record of that issue with the Village as I believe a formal complaint was lodged. The hose was subsequently redirected to the front of the cabin at 1010 and was allowed to spill water out, this water flowed onto both their property and our property, based on where the low points are as it would take the path of least resistance.

In the summer of 2019 I spoke with Tim and Sylvia about the issue and they said that they were trying to figure out a solution, and were not sure what their plan was. They did say they would try and figure something out.

In the spring of 2020, there had been no change. The water was still flowing out of the side of their cabin and was now flooding our parking area and saturating the lawn in our yard to the point that moss was replacing the grass due to the high water content. There was still no concrete answer from Tim or Sylvia. I contacted the town bylaw officer Doris McAllister and explained the situation; I never heard back from her and called her again several weeks later. She told me that the issue was going to be handled by 'Judy' from the Village. I later found out that this is Judy McCardia, the development officer for Mam-e-o Beach.

Over the spring and early summer of 2020, I made several phone calls to Judy, Left messages for her, and attended the village office to speak to her and discuss the situation. For each of these occurrences I had to initiate contact with her, she never returned any of the phone calls that I placed, and never followed up with me after speaking on the phone or in person. There was more than one occasion where she said that she would stop by the property to assess and speak with us; and she never did. I later found out that not only is she friends with Tim and Sylvia, but that her company designed their cabin at 1010 1st Ave; appears to be a bit of a conflict of interest to me. Sylvia agreed to move the hose to the other side of the property, however the person that lives on that side did not appreciate his yard getting flooded. The hose eventually found its way to the center of the driveway to try and mitigate some of the flooding on

our side; this was also to the benefit of Tim and Sylvia as they were building a fence, and it was going to go where the flooding was occurring at the front of the property.

After getting 0 results from Doris or Judy I called Mayor Don Fleming directly about it; after that phone call, there was some eventual progress. The sump pump hose was buried shallow under their driveway and ran to the ditch on Judy McCardia's property; this solved the problem temporarily. This occurred in August.

On 20Oct30 I was at the cabin to do some yard work; normally we are not out there this late in the year. The sump pump was still draining water out of the side of their cabin, it was running every 3 minutes (could set your watch to it) shooting a jet of water against a sheet of wood that Tim had placed against the fence. The hose had been disconnected, as there had been some below freezing temperatures that had caused the hose to freeze (I understand the need to disconnect the hose for this). The water would flow towards the rear of the property, and what wouldn't get absorbed back into the ground would flow onto our property and underneath our guest house. Our guesthouse is sitting on above ground concrete blocks; any significant water flow there could negatively impact the structural integrity of the building. I spoke to Sylvia and she told me that they had planned on digging a trench to direct the flow of water to the alley; and that they just hadn't had time yet. I suspect it likely would not have happened as they did not likely think that we would be back out there this year; and we would be none the wiser. Sylvia allowed me access to her property to create a temporary barrier with some wood, and to dig a trench to redirect the water away from our property. I dug the trench to direct the water towards the alley (not a long term solution I know, but I had to do something to protect our lot).

I called Mayor Fleming to voice my concerns about the current situation, as he had been the only person I have talked to in the past that has returned phone calls, and seemed to be able to get some results. He told me that I should not be calling him, that I should be calling the office and talking to Judy. I explained that I was calling him as I have never received any calls back or information from Judy or Doris in the past. I did as he suggested and called the office; I was told by whoever answered the phone, that Judy had just stepped out and she would return my call. I left her a voicemail (this was the morning of 20Oct30). Since then I have not received a phone call from her.

I sent the following text to Mayor Fleming on the afternoon of 20Oct30:

Hi Don. Brad from Ma-Me-O. I did as you suggested and called the town. Whoever answered passed me on to Judy's voicemail and told em she would call me right back. I left a message and never did get a call back prior to th office closing (not surprised as Judy has never once returned any of my phone calls or stopped by our cabin when she said she would). I did see Sylvia (owner of 1010) and she gave me permission to onto her property and build a wall and trench in order to divert the water. That was their plan, but have not gotten to it yet. The water is now running towards the alley, and the pump is running every 3 minutes. I will be composing an email to the town with photos, videos, and my concerns. Other than yourself I have never received a call back from anyone. I have never heard of the long term plan to rectify this issue. Had we not been out today, the water would have continued to run under our guest house that is only built on concrete footings. Flooding that area could cause issues for the integrity of our guest house.

Once the ground freezes to depth, the problem will stop for the winter. Once it thaws in the spring, we are back to the same situation.

The following was his text response:

If you are not provided a response by Judy, I suggest that you contact her boss Sylvia Roy and request to appear as a delegation to Council at our next meeting to ask why the bylaw is not being followed. That meeting is on November 9. The bylaws are clear about not allowing water to flow onto adjacent property. When you phone you will receive a recorded message and you will have to wait until you hear the prompt to leave a message for Sylvia.

Throughout the years speaking to Tim about it, he always has an excuse, or says someone is coming to look at it. Initially he blamed the lack of eavestroughs for the constantly running sump pump; once the eavestroughs went on, the pump continued to run. I was told on multiple occasions that 'someone' or 'the plumber' was coming to look at the issue 'today' or 'tomorrow'; no one ever came. He has even said that it could be our well causing the issue. Our well has been there for decades; and there has been no change to our water pressure or flow since his cabin was built. The excuses and lack of long term solution from the owners of 1010 1st Ave is frustrating; the lack of action and communication from the Village Bylaw Officer and Village Development Officer are equally frustrating.

Photo 1 was taken the morning of 20Oct30 and shows the water running under the fence onto our property. Photo 2 (rotated, sorry) shows the back gate of the property at 1010 1st Av; there is not water running there as it is going under the fence onto our property before it can get to the gate. I have since trenched this area to direct the water under the gate and to the alley.

We need to see some sort of permanent solution for this issue, and have proper communication about it from the Village. What do you suggest as a next step?

You have permission to go on our property to see and listen for yourself; if you feel comfortable climbing up on the fence; you will see the pump in action. I tried sending the video, however it is too large to email. I can send it via text if that is an option, or will try sending it in a separate email.

I can be reached at this email or the following phone numbers:

My mother Pat Christiansen (also owner of the property) has been CC'ed on the email and can be reached at that email or (c): [REDACTED] for clarification; she is out at the cabin much more frequently than me.

Thank you for your time and attention to this matter.

Brad Medwid

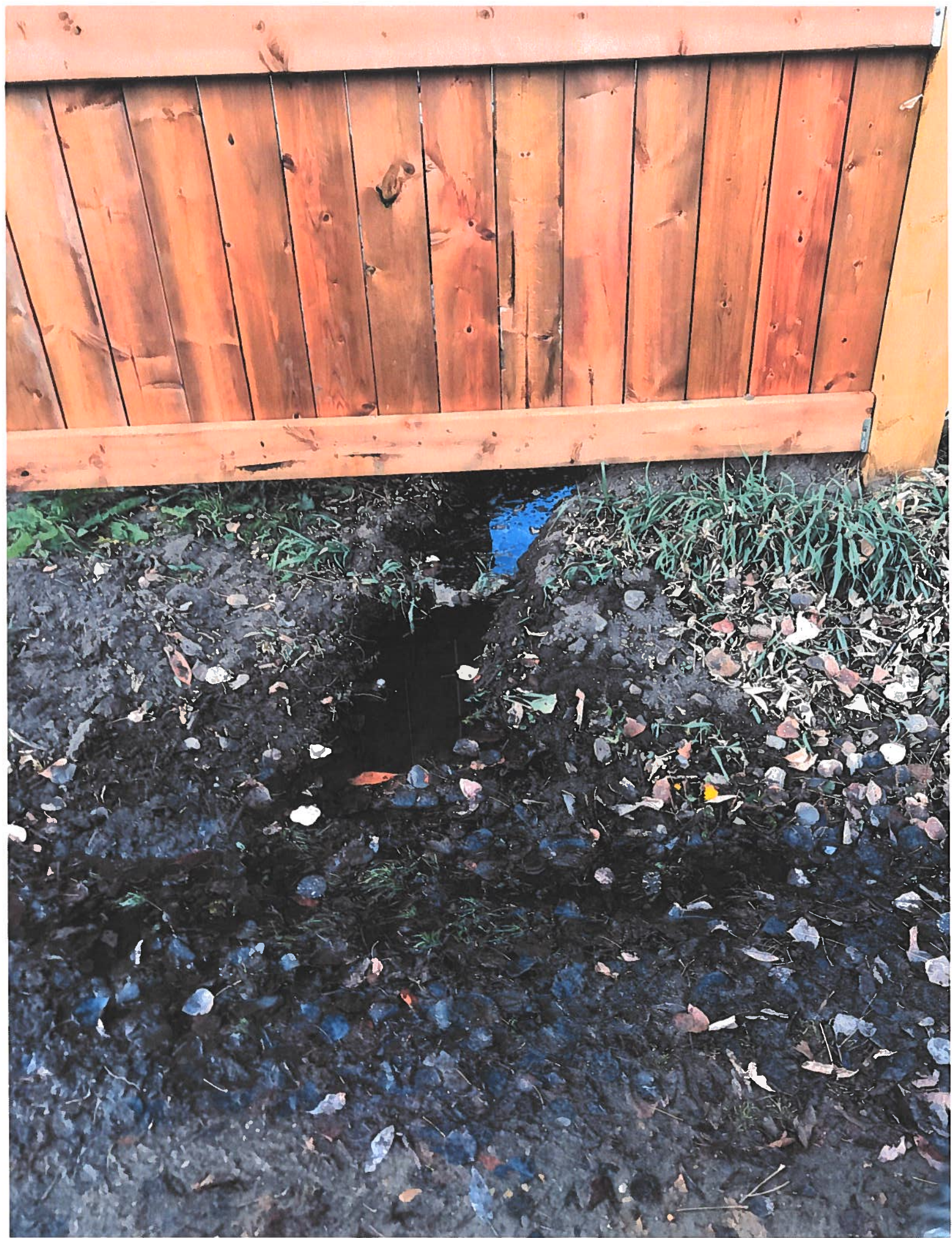
CONFIDENTIALITY CAUTION:

This message is intended only for the use of the individual or entity to which it has been addressed and may contain information that is privileged and confidential. If you are not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If this communication has been received in error, respond immediately via telephone or return e-mail, and delete all copies of this material.











Sylvia Roy

From: Sue Scheible [REDACTED]
Sent: Wednesday, November 18, 2020 9:44 AM
To: Sylvia Roy
Subject: Mahoney discharge of water

Follow Up Flag: FollowUp
Flag Status: Flagged

Hello Sylvia...

as you know our neighbour Brad has been writing to you concerning some water discharge from Tim Mahoney's lot at Ma-Me-O Beach. I know he has referenced my husband and myself in that conversation.. as we too were flooded by Mr. Mahoney's discharge of water which started in May of 2017 - and has continued on a constant basis since then.. that's over 3 years....

In our particular case, asking Mr Mahoney to divert his water discharge fell upon deaf ears - and eventually I had to call in the Bylaw officer -(Paula - at that time) - who managed to get him to divert it back to his own property. Due to the fact that my husband was dying of cancer at the time - I was way too busy and preoccupied to pursue any actions.. but I still have those pictures if you'd like to see them.

I thought the problem had been taken care of. But alas, Mr. Mahoney is once again causing to have water discharged from his property back into the lane. Notwithstanding that the snow and ice is helping to cover the extent, as you know that will erode the integrity of the lane that has just been rebuilt from the installation of the sewer upheaval - not to mention seep back into my property as before - and also to Brad's. Winter and ice will be brutal - and the spring thaw - well.. I don't even want to get into the mess that will cause.

I have spoken to legal counsel who has informed me that this is clearly a tort - an actionable offense by law - in fact - I am told it was one the oldest laws on the books. You simply can not discharge water from your property onto anyone else's.

As, with Brad, I would like to know how the Village intends to deal with this situation now.. once and for all.

I look forward to hearing from you shortly.

Regards,
Sue

Sue J. Scheible
Real Estate Paralegal

Direct Telephone 780-352-0404
Direct Fax 780-452-1384

Sockett Law
5118 - 50 Avenue
Wetaskiwin, AB T9A 0S6
Telephone 780-352-6691
Fax 780-352-6697

Sylvia Roy

From: Sylvia Roy
Sent: Tuesday, December 1, 2020 1:46 PM
To: [REDACTED]
Subject: Drainage Issue Lot 5 Block 11 Plan 2414CL Ma Me O Beach
Attachments: Mahoney Plan 2414CL Block 11 Lot 5 Drainage Issue.pdf

Hello Dr. Mahoney,

Please see the attached letter.

Sylvia Roy, CLGM

Chief Administrative Officer
Summer Villages of Argentia Beach,
Crystal Springs, Golden Days, Grandview,
Ma-Me-O Beach, Norris Beach & Poplar Bay

Box 100, 605-2nd Avenue,
Ma-Me-O Beach, AB T0C 1X0

Ph: 780.586.2494
Fax: 780.586.3567

Check out our website: www.svofficepl.com

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Summer Village of Ma-Me-O Beach

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(780) 586-2494
Fax: (780) 586-3567

e-mail : information@svofficepl.com
website: svofficepl.com

November 30, 2020

Dr. Timothy G Mahoney
5116 - 51 Ave
Wetaskiwin, AB T9A 0V2

Re: Drainage Issue, 1010 – 1st Ave, Ma-Me-O Beach, AB / Plan 2414CL, Block 11, Lot 5

The Summer Village of Ma-Me-O Beach has received a number of complaints regarding a sump pump on the above Lands draining water onto neighboring properties. Our records show that this matter has been ongoing for some time, as far back as 2017.

The Summer Village would like to understand the matter further, and is requesting that you respond to the following questions:

1. In your determination, what is the source of the sump pump water? ie) weeping tile? Hydrostatic pressure from ground water? Foundation cracks and/ or any other defect in the development?
2. What remedies have you employed in an attempt to prevent the water from draining onto neighboring property/properties? Why have these methods not been successful?

Please send your response by December 9, 2020 via email to Sylvia Roy at Sylvia.roy@svofficepl.com , by regular mail at the mailing address above, or through the mail slot at the Summer Villages Office in Ma-Me-O Beach.

Thank you for your attention to this matter.

Sincerely,

Sylvia Roy, CLGM
Chief Administrative Officer
Summer Village of Ma-Me-O Beach

Sylvia Roy

From: Dr. Tim Mahoney [mailto:tim.mahoney@centra.net]
Sent: Thursday, December 24, 2020 10:19 AM
To: Sylvia Roy
Subject: Re: Drainage Issue Lot 5 Block 11 Plan 2414CL Ma Me O Beach

Sylvia, I think the problem has been addressed to the satisfaction of my neighbours. In fact, while I was recovering from a torn bicep, the neighbour's son, the one who has been so vocal over this problem and who, by the way, is not a taxpayer here, actually dug the trench and placed the boards up against my fence to keep the water ON MY PROPERTY. Don Fleming had suggested that I divert the water to the sewer. I would love to do this except that this plan is not allowed under the bylaws.

The bylaw you pointed out to me is being satisfied. The water is staying on my property in the winter and I have permission from Rick and Judy McCardia to bring the water to their property in the summer.

As I said, if you can come up with a better plan, I'm all ears!

Tim

Sent from my iPad

On Dec 24, 2020, at 10:01 AM, Sylvia Roy <Sylvia.Roy@svofficepl.com> wrote:

Hello Dr. Mahoney,

Thank you for your prompt response! However, you have until the end of March 2021 to come up with a plan.

And I do wish you a Merry Christmas, and a happy and prosperous New Year!

Take care,

Sylvia Roy, CLGM

Chief Administrative Officer
Summer Villages of Argentia Beach,
Crystal Springs, Golden Days, Grandview,
Ma-Me-O Beach, Norris Beach & Poplar Bay

Ph: 780.586.2494

From: Tim Mahoney [mailto:tim.mahoney@centra.net]
Sent: Thursday, December 24, 2020 9:45 AM
To: Sylvia Roy <Sylvia.Roy@svofficepl.com>
Subject: Re: Drainage Issue Lot 5 Block 11 Plan 2414CL Ma Me O Beach

And Merry Christmas to you as well Sylvia!!

As far as I'm concerned, the problem is handled for now. If you can figure out how to deal with Mother Nature, let me know a better solution.

The water from the sump is staying on my land in the winter and being pumped over to the McCardias in the summer to water their trees. I would love to not have to spend money on electricity to keep my

pump running, but because of the excess water in the area and the high water table I am stuck with this problem. If I turn the sump pump off, my basement floods. That is not going to happen! I have talked to many professionals already and no one has found a better solution then the one I've already come up with.

Tim

Sent from my iPhone

On Dec 24, 2020, at 9:15 AM, Sylvia Roy <Sylvia.Roy@svofficepl.com> wrote:

Hello Dr. Mahoney,

Please see attached letter.

Sylvia Roy, CLGM

Chief Administrative Officer

Summer Villages of Argentia Beach,

Crystal Springs, Golden Days, Grandview,

Ma-Me-O Beach, Norris Beach & Poplar Bay

Ph: 780.586.2494

From: [REDACTED] <[REDACTED]>

Sent: Tuesday, December 1, 2020 5:04 PM

To: Sylvia Roy <Sylvia.Roy@svofficepl.com>

Subject: RE: Drainage Issue Lot 5 Block 11 Plan 2414CL Ma Me O Beach

Hi Sylvia, this has been a pain for me as well. My power bill is through the roof with the sump pump continuously draining water from the sump. We think that there is higher water in this area. The lots behind us have always been very swamp like. Also, with the water table being as high as it was this past year, it compounded the problem.

Fortunately, last summer, Judy McCardia graciously agreed to allow me to extend a hose to her property. Having the water moved further away from our house and weeping tile reduced the water recycling that has been going on. During the winter months I cannot use the hose. It would freeze and burst. So to keep the water from going into the neighbour's yard, I:

(#1) built a fence to help contain the water onto my yard and

(#2) erected boards to deflect the water away from the fence. The next door neighbour's son actually placed some of the boards against the fence to redirect the flow. At this point, the water stays in my yard and stops flowing at my property line.

So, although there were issues with the water getting into my neighbour's yards in the past, I think that I have come up with solutions to alleviate the problem.

Sincerely, Tim Mahoney

Sylvia Roy

From: Sylvia Roy
Sent: Thursday, December 24, 2020 9:00 AM
To: [REDACTED]
Subject: RE: Drainage Issue Lot 5 Block 11 Plan 2414CL Ma Me O Beach
Attachments: Mahoney re Re Plan 2414CL Block 11 Lot 5 Bylaw Violation 2020 12.pdf

Hello Dr. Mahoney,

Please see attached letter.

Sylvia Roy, CLGM
Chief Administrative Officer
Summer Villages of Argentia Beach,
Crystal Springs, Golden Days, Grandview,
Ma-Me-O Beach, Norris Beach & Poplar Bay

Ph: 780.586.2494

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, December 1, 2020 5:04 PM
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Subject: RE: Drainage Issue Lot 5 Block 11 Plan 2414CL Ma Me O Beach

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Sincerely, Tim Mahoney

From: Sylvia Roy <Sylvia.Roy@svofficepl.com>
Sent: December 1, 2020 1:46 PM
To: [REDACTED] <[REDACTED]>
Subject: Drainage Issue Lot 5 Block 11 Plan 2414CL Ma Me O Beach

Hello Dr. Mahoney,

Please see the attached letter.



Summer Village of Ma-Me-O Beach

Box 100 (605 – 2nd Avenue)
Ma-Me-O Beach, Alberta T0C 1X0
(780) 586-2494
Fax: (780) 586-3567

e-mail : information@svofficepl.com
website: svofficepl.com

December 21, 2020

**Attention: Dr. Timothy G Mahoney
5116 - 51 Ave
Wetaskiwin, AB T9A 0V2**

Dear Sir:

Re: 1010 – 1st Ave, Ma-Me-O Beach, AB / Plan 2414CL, Block 11, Lot 5 (the “Lands”) Bylaw Violation

The Summer Village of Ma-Me-O Beach (the “Village”) has received a number of complaints regarding a sump pump on the above Lands draining water onto neighboring properties. Our records show that this matter has been ongoing for some time, as far back as 2017.

Since that point in time, you have taken the following corrective actions to address the issue:

1. Installed a hand-dug trench to divert water being released from the sump pump to the property line.
2. Installed a fence along the side property line to divert water released from the sump pump from running onto the adjacent residential lot.

Although these actions may have reduced the amount of water released from the sump pump and draining water onto the neighboring property, it appears that these corrective actions have not resolved the issue and that water released from the sump pump continues to negatively affect the neighboring property.

The Summer Village acknowledges that Condition #5 on the development permit issued for the Lands (the “Development Permit”) indicates that land grading must ensure that excess water flows into the lake, a soakaway, a street or a lane. However, the development permit did not anticipate water being generated on a lot. It only anticipated rain water falling on a lot and building and the requirement that the property be developed in a manner that would not cause that rain water to be directed onto a neighbouring property. As this excess water is being generated from within your property, it is your responsibility to control it from flowing off your property.

As such, this letter is to officially notify you that the Lands are in violation of the above condition as well as the following provisions of Schedule B of Bylaw 273, the Summer Village's *Land Use Bylaw*:

3. Site Drainage

3.1 Water shall not be permitted to flow from one property on to a neighbouring property unless a drainage scheme is agreed in writing between the two owners and the municipality.

As the responsible landowner, you are required to bring the lands back into compliance with the Development Permit and the Land Use Bylaw by implementing a permanent solution to the drainage issues to the satisfaction of the Village, where any water expelled from the sump pump is not affecting neighboring properties. You may wish to seek the advice of a professional engineer to address this issue.

If you do not immediately take steps to bring the Lands back into compliance with the development permit and the Land Use Bylaw, the Village will proceed to issue a stop order pursuant to section 645 of the *Municipal Government Act* requiring you to bring the Lands back into compliance. To that end, please provide the Village with a plan and timeline for implementing a permanent solution to the drainage issues on the Lands.

In the event you fail to respond to the Village with a plan and a suitable course of action to address the drainage issues present on the Lands by **March 31, 2021**, we plan to commence enforcement proceedings and to immediately issue a stop order. If you fail to comply with such a stop order, the Village may take steps to bring the Lands back into compliance with the Development Permit and Land Use Bylaw, and you would be responsible for any costs incurred by the Village in doing so.

Any further non-compliance may result in further legal action, including seeking a court order requiring you to comply with any stop order that has been issued. Any such action may result in the requirement that you pay legal costs and any costs incurred by the Village in enforcing any stop orders issued by the Village.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sylvia Roy', with a stylized flourish at the end.

Sylvia Roy, CLGM
Chief Administrative Officer
Summer Village of Ma-Me-O Beach

Sylvia Roy

From: Dr. Tim Mahoney [REDACTED]
Sent: Thursday, December 24, 2020 10:19 AM
To: Sylvia Roy
Subject: Re: Drainage Issue Lot 5 Block 11 Plan 2414CL Ma Me O Beach

Sylvia, I think the problem has been addressed to the satisfaction of my neighbours. In fact, while I was recovering from a torn bicep, the neighbour's son, the one who has been so vocal over this problem and who, by the way, is not a taxpayer here, actually dug the trench and placed the boards up against my fence to keep the water ON MY PROPERTY. Don Fleming had suggested that I divert the water to the sewer. I would love to do this except that this plan is not allowed under the bylaws.

The bylaw you pointed out to me is being satisfied. The water is staying on my property in the winter and I have permission from Rick and Judy McCardia to bring the water to their property in the summer.

As I said, if you can come up with a better plan, I'm all ears!

Tim

Sent from my iPad

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And I do wish you a Merry Christmas, and a happy and prosperous New Year!

Take care,

Sylvia Roy, CLGM

Chief Administrative Officer
Summer Villages of Argentia Beach,
Crystal Springs, Golden Days, Grandview,
Ma-Me-O Beach, Norris Beach & Poplar Bay

Ph: 780.586.2494

From: Tim Mahoney [REDACTED]
Sent: Thursday, December 24, 2020 9:45 AM
To: Sylvia Roy <Sylvia.Roy@svofficepl.com>
Subject: Re: Drainage Issue Lot 5 Block 11 Plan 2414CL Ma Me O Beach

And Merry Christmas to you as well Sylvia!!

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Sent from my iPhone

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Sylvia Roy, CLGM
Chief Administrative Officer
Summer Villages of Argentia Beach,
Crystal Springs, Golden Days, Grandview,
Ma-Me-O Beach, Norris Beach & Poplar Bay

Ph: 780.586.2494

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, December 1, 2020 5:04 PM
To: Sylvia Roy <Sylvia.Roy@svofficepl.com>
Subject: RE: Drainage Issue Lot 5 Block 11 Plan 2414CL Ma Me O Beach

Hi Sylvia, this has been a pain for me as well. My power bill is through the roof with the sump pump continuously draining water from the sump. We think that there is higher water in this area. The lots behind us have always been very swamp like. Also, with the water table being as high as it was this past year, it compounded the problem. Fortunately, last summer, Judy McCardia graciously agreed to allow me to extend a hose to her property. Having the water moved further away from our house and weeping tile reduced the water recycling that has been going on. During the winter months I cannot use the hose. It would freeze and burst. So to keep the water from going into the neighbour's yard, I:

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Sincerely, Tim Mahoney

Sylvia Roy

From: Dr. Tim Mahoney [REDACTED]
Sent: Thursday, December 24, 2020 11:03 AM
To: Sylvia Roy
Subject: Re: Drainage Issue Lot 5 Block 11 Plan 2414CL Ma Me O Beach

Sylvia, you keep mentioning that this problem goes back to 2017. The sump only became a problem in 2019 when the water table rose to such a high level. Please forward to me a copy of each complaint received by you and/or your office going back to 2017.

Thank you, Tim

Sent from my iPad

On Dec 24, 2020, at 10:01 AM, Sylvia Roy <Sylvia.Roy@svofficepl.com> wrote:

Hello Dr. Mahoney,

Thank you for your prompt response! However, you have until the end of March 2021 to come up with a plan.

And I do wish you a Merry Christmas, and a happy and prosperous New Year!

Take care,

Sylvia Roy, CLGM
Chief Administrative Officer
Summer Villages of Argentia Beach,
Crystal Springs, Golden Days, Grandview,
Ma-Me-O Beach, Norris Beach & Poplar Bay

Ph: 780.586.2494

From: Tim Mahoney [REDACTED]
Sent: Thursday, December 24, 2020 9:45 AM
To: Sylvia Roy <Sylvia.Roy@svofficepl.com>
Subject: Re: Drainage Issue Lot 5 Block 11 Plan 2414CL Ma Me O Beach

And Merry Christmas to you as well Sylvia!!

As far as I'm concerned, the problem is handled for now. If you can figure out how to deal with Mother Nature, let me know a better solution.

The water from the sump is staying on my land in the winter and being pumped over to the McCardias in the summer to water their trees. I would love to not have to spend money on electricity to keep my pump running, but because of the excess water in the area and the high water table I am stuck with this problem. If I turn the sump pump off, my basement floods. That is not going to happen! I have talked to many professionals already and no one has found a better solution than the one I've already come up with.

Tim

Sylvia Roy

From: Dave Janzen [REDACTED]
Sent: Saturday, May 22, 2021 7:31 AM
To: Sylvia Roy
Subject: Re: MMO Drainage Issue

Follow Up Flag: Follow up
Flag Status: Flagged

[[**EXTERNAL:** This message did not originate inside SVO. Please be cautious with the following content, attachments, links, and only from those you trust and expect emails from.]]

Hi Sylvia, As per our conversation on Friday, you are aware that Tim Mahoney has a sump pump in his basement at 1010 1st Ave and is pumping it across my lot to McCardias but the water is running back to my property at 1012- 1st Ave. He was pumping it straight across my driveway into my lot last year and I asked him to stop. After I left for home he dug the hose under my driveway, ran it across my lot in the trees to The McCardias but because of the slope of the land it runs back and pools on my property. I believe, that he needs to find a different solution to his water problem and he needs to remove the pump out hose from my property immediately or further action will be taken.

Sincerely Dave Janzen

Sent from my iPhone

On May 21, 2021, at 12:13 PM, Sylvia Roy <Sylvia.Roy@svofficepl.com> wrote:

Hello,

Thank you for your phone call today. You now have my email address.

Sylvia Roy, CLGM

Chief Administrative Officer
Summer Villages of Argentia Beach,
Crystal Springs, Golden Days, Grandview,
Ma-Me-O Beach, Norris Beach & Poplar Bay

Box 100, 605-2nd Avenue,
Ma-Me-O Beach, AB T0C 1X0

Ph: 780.586.2494
Fax: 780.586.3567

Check out our website: www.svofficepl.com

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Sylvia Roy

From: Sylvia Roy
Sent: Monday, May 31, 2021 12:52 PM
To: 'Tim Mahoney'
Cc: Sylvia Roy
Subject: MMO Beach Stop Order for Plan 2414CL Block 11 Lot 5
Attachments: Mahoney Stop Order 2021 05 31.pdf

Hello Dr. Mahoney,

Please see the attached letter.

Thank you,

Sylvia Roy, CLGM
Chief Administrative Officer
Summer Villages of Argentia Beach,
Crystal Springs, Golden Days, Grandview,
Ma-Me-O Beach, Norris Beach & Poplar Bay

Box 100, 605-2nd Avenue,
Ma-Me-O Beach, AB T0C 1X0

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Summer Village of Ma-Me-O Beach

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Fax: (780) 586-3567

e-mail : information@svofficepl.com
website: svofficepl.com

STOP ORDER

May 31, 2021

Attention: Dr. Timothy G Mahoney
5116 – 51 Ave
Wetaskiwin, AB T9A 0V2

Dear Dr. Mahoney,

Re: Plan 2414CL, Block 11, Lot 5 (the “Lands”)

In my delegated capacity as the Development Authority for the Summer Village of Ma-Me-O Beach (the “Village”), I hereby issue a Stop Order pursuant to Section 645 of the Municipal Government Act, with respect to the aforementioned Lands.

The Village's Land Use Bylaw states in Schedule B:

3. Site Drainage

3.1 Water shall not be permitted to flow from one property on to a neighbouring property unless a drainage scheme is agreed in writing between the two owners and the municipality.

The development permit issued for the Lands (the “Development Permit”) states:

5. Land grading must ensure that excess water flows into the lake, a soakaway, a street or a lane.

Further, Part 17 of the *Municipal Government Act* and Section 22 of the Village's Land Use Bylaw allows the Development Authority to issue a Stop Order where a development or use of land or buildings does not comply with the Municipal Government Act, the Land Use Bylaw, or a development permit or subdivision approval.

At present, the Lands do not comply with the Village's Land Use Bylaw or the Development Permit, given:

1. There are longstanding issues dating to 2019 with a sump pump on the Lands pumping excess water to the surface which drains onto neighboring lands;
2. You have attempted to prevent the water from draining onto neighboring lands by:
 - a. Digging a trench to divert water released from the sump pump to the property line;

- b. Installed a fence along the property line to divert water release from the sump pump from running onto the adjacent residential lot;
 - c. Run a hose over the adjacent residential lot, without the permission of that landowner, to an additional lot owned by a neighbor who has permitted you to drain the water on their property.
- 3. Despite these efforts, the water continues to drain onto neighboring properties.
 - 4. A letter from the Village dated December 21, 2020 was sent to you requesting that you find a permanent solution to these draining issues.
 - 5. Water continues to drain onto neighboring properties.

Accordingly, you are hereby ordered to stop the unauthorized development and comply with the Land Use Bylaw and Development Permit by:

- a. Cease draining water onto neighboring lands, unless those neighbors have given you express written permission to do so; and
- b. Implement a permanent solution whereby water from the Lands does not drain onto neighboring properties.

within **ninety (90) days** of the date of this letter.

You are hereby advised that you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, written notice of an appeal together with the applicable **appeal fee of \$250.00** must be received by the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days of receipt of this letter.

Please be advised that the Village has the authority in the event that this Stop Order is not complied with within the time limit provided, to enter onto your lands to take whatsoever actions are determined by the Village to bring the lands into compliance, including seeking an Injunction or other relief from the Court of Queen's Bench of Alberta. Further, the Village has the authority to add the costs and expenses for carrying out this Stop Order to the tax roll for your Lands pursuant to Section 553(1)(h.1) of the Municipal Government Act.

YOURS TRULY

Summer Village of Ma-Me-O Beach

Per:



Sylvia Roy, CLGM
Chief Administrative Officer
Summer Village of Ma-Me-O Beach

June 3/2021

RECEIVED

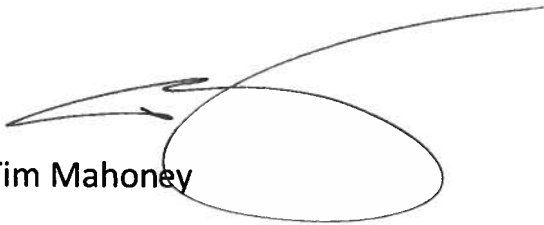
To Whom It May Concern:

JUN 04 2021

I have made the decision to appeal the "Stop Order" that Ms Sylvia Roy had issued on May 31/2021. I have had issues with the high water table causing my sump to fill and pump a large amount of water. I have found solutions to deal with this. However, they don't seem to satisfy Ms Roy.

Sincerely,

Tim Mahoney



Good Afternoon Ben,

Below is my written submission regarding the Notice of Appeal - Subdivision and Development Appeal Board Hearing - Stop Order on Plan 2414CL, Block 11, Lot 5. I will be attending the meeting via Zoom.

When the cabin at 1010 1st Ave was constructed, a sump pump was installed in it. When that sump pump was activated, it began pumping water out the side of the cabin that is adjacent to our property. Initially it was running via a hose into the alley; this caused flooding to one of the buildings on the property at A1007 across the alley from us. This was in approximately 2017; this property is owned by [REDACTED]. There may be a record of that issue with the Village as I believe a formal complaint was lodged. The hose was subsequently redirected to the front of the cabin at 1010 and was allowed to spill water out, this water flowed onto both their property and our property, based on where the low points are as it would take the path of least resistance.

In the summer of 2019 I spoke with Tim and Sylvia about the issue and they said that they were trying to figure out a solution, and were not sure what their plan was. They did say they would try and figure something out.

In the spring of 2020, there had been no change. The water was still flowing out of the side of their cabin and was now flooding our parking area and saturating the lawn in our yard to the point that moss was replacing the grass due to the high water content. There was still no concrete answer from Tim or Sylvia. I contacted the town bylaw officer Doris McAllister and explained the situation; I never heard back from her and called her again several weeks later. She told me that the issue was going to be handled by 'Judy' from the Village. I later found out that this is Judy McCardia, the development officer for Mam-e-o Beach.

Over the spring and early summer of 2020, I made several phone calls to Judy, Left messages for her, and attended the village office to speak to her and discuss the situation. For each of these occurrences I had to initiate contact with her, she never returned any of the phone calls that I placed, and never followed up with me after speaking on the phone or in person. There was more than one occasion where she said that she would stop by the property to assess and speak with us; and she never did. I later found out that not only is she friends with Tim and Sylvia, but that her company designed their cabin at 1010 1st Ave; appears to be a bit of a conflict of interest to me. Sylvia agreed to move the hose to the other side of the property, however the person ([REDACTED]) that lives on that side did not appreciate his yard getting flooded. The hose eventually found its way to the center of the driveway to try and mitigate some of the flooding on our side; this was also to the benefit of Tim and Sylvia as they were building a fence, and it was going to go where the flooding was occurring at the front of the property.

After getting 0 results from Doris or Judy I called Mayor Don Fleming directly about it; after that phone call, there was some eventual progress. The sump pump hose was buried shallow under their driveway, [REDACTED] driveway and ran to the ditch on [REDACTED] property; this solved the problem temporarily. This occurred in August of 2020.

On 20Oct30, I was at the cabin to do some yard work; normally we are not out there that late in the year. The sump pump was still draining water out of the side of their cabin, it was running every 3 minutes (could set your watch to it) shooting a jet of water against a sheet of wood that Tim had placed against the fence. The hose had been disconnected, as there had been some below freezing temperatures that had caused the hose to freeze (I understand the need to disconnect the hose for this). The water would flow towards the rear of the property, and what wouldn't get absorbed back into the ground would flow onto our property and underneath our guest house. Our guesthouse is sitting on above ground concrete blocks; any significant water flow there could negatively impact the structural integrity of the building. I spoke to Sylvia Mahoney and she told me that they had planned on digging a trench to direct the flow of water to the alley; and that they just hadn't had time yet. I suspect it likely would not have happened as they did not likely think that we would be back out there this year; and we would be none the wiser. Sylvia allowed me access to her property to create a temporary barrier with some wood, and to dig a trench to redirect the water away from our property. I dug the trench to direct the water towards the alley (not a long term solution I know, but I had to do something to protect our lot).

I called Mayor Fleming to voice my concerns about the current situation, as he had been the only person I have talked to in the past that has returned phone calls, and seemed to be able to get some results. He told me that I should not be calling him, that I should be calling the office and talking to Judy. I explained that I was calling him as I have never received any calls back or information from Judy or Doris in the past. I did as he suggested and called the office; I was told by whoever answered the phone, that Judy had just stepped out and she would return my call. I left her a voicemail (this was the morning of 20Oct30). Since then I have not received a phone call from her.

I sent the following text to Mayor Fleming on the afternoon of 20Oct30:

Hi Don. Brad from Ma-Me-O. I did as you suggested and called the town. Whoever answered passed me on to Judy's voicemail and told em she would call me right back. I left a message and never did get a call back prior to th office closing (not surprised as Judy has never once returned any of my phone calls or stopped by our cabin when she said she would). I did see Sylvia (owner of 1010) and she gave me permission to onto her property and build a wall and trench in order to divert the water. That was their plan, but have not gotten to it yet. The water is now running towards the alley, and the pump is running every 3 minutes. I will be composing an email to the town with photos, videos, and my concerns. Other than yourself I have never received a call back from anyone. I have never heard of the long term plan to rectify this issue. Had we not been out today, the water would have continued to run under our guest house that is only built on concrete footings. Flooding that area could cause issues for the integrity of our guest house.

Once the ground freezes to depth, the problem will stop for the winter. Once it thaws in the spring, we are back to the same situation.

The following was his text response:

If you are not provided a response by Judy, I suggest that you contact her boss Sylvia Roy and request to appear as a delegation to Council at our next meeting to ask why the bylaw is not being followed. That meeting is on November 9. The bylaws are clear about not allowing water

to flow onto adjacent property. When you phone you will receive a recorded message and you will have to wait until you hear the prompt to leave a message for Sylvia.

Throughout the years speaking to Tim about it, he always has an excuse, or says someone is coming to look at it. Initially he blamed the lack of eavestroughs for the constantly running sump pump; once the eavestroughs went on, the pump continued to run. I was told on multiple occasions that 'someone' or 'the plumber' was coming to look at the issue 'today' or 'tomorrow'; no one ever came. He has even said that it could be our well causing the issue. Our well has been there for decades; and there has been no change to our water pressure or flow since his cabin was built. The excuses and lack of long-term solution from the owners of 1010 1st Ave is frustrating; the lack of action and communication from the Village Bylaw Officer and Village Development Officer are equally frustrating.

As of 21Jun23, the water is still running constantly. I learned from on 21Jun22 that [REDACTED] never gave the Mahoney's permission to run the discharge hose across his property. I also learned that water has recently been running onto the [REDACTED] property from the [REDACTED] property.

After this issue was initially brought forward, developments and improvements continued to occur to the property. This can't be an issue of cost as money has continued to be spent on the property including decks, fencing, hardscaping, furnishings, and finishing work.

Many years into this violation, we have a temporary solution in warm weather that involves running a leaking hose across another neighbour's property (permission not obtained for this) onto the property of a friend, who is also the designer of the faulty cabin and the development officer for the village. What permissions were obtained and what happens if these permissions are rescinded or revoked via change in opinion or change in property ownership. Where does the water go then? This also does not solve the problem for any weather that is below freezing. The ground will be frozen at the surface making the use of the hose unusable due to the hose freezing. For the weeks and months where the ground is not frozen to the depth of the water table/sump, the water continues to pump out the side of the cabin constantly.

I have been asked by multiple residents from throughout Mameo Beach about what is happening with the 'water issue' and what the village is doing about it. These were first time conversations with people that I had not met previously. In speaking with them it seems like this issue is well known throughout the village and everyone is waiting to see the outcome.

I don't know what happened at the beginning of design and construction, was the water table assessed? Were proper procedures followed? When the issue was first noticed why was it not corrected before construction continued?

There has to be a permanent solution found and it has to be started on soon. This has been allowed to go on for too many years. I don't know what the answer is, fill in the sump pit? fill in the basement? Bring the low point of the cabin above the water table? The current 'solution' is not working and is not a solution. The solution is not my responsibility to formulate and decide. There are experts that can be hired to solve the problem and correct the issue. I have

repeatedly heard that 'someone' was coming to look at it. I have never seen any professionals there to assess and have never heard back if someone has actually looked at it.

Sincerely,

Brad Medwid

A solid black rectangular redaction mark covering the signature area.

Good morning Sylvia,

I am contacting you at the request of my son, Brad Medwid. I am currently at our cabin and have been monitoring the water drainage next door. The pump leaks at the connection to the outside hose and by watching the leak I have determined that the pump is coming on every 3 minutes and is pumping for about 1 minute 40 seconds, leaking the entire time. I have pictures of this as well but when I attached them the email would not send. If the pictures are important I could text them to you if you could provide me with a number.

Thank you,

Pat Christiansen







Brief - Development Appeal Board Hearing June 29, 2021

I am writing this brief to the Development Appeal Board concerning the water discharge from Tim Mahoney's lot at Ma-Me-O Beach - which I have been advised is legally described as Lot 5 Block 11 Plan 2414CL.

Let's be very clear. This is not simply a sump pump discharge that many residents might have in Ma-Me-O Beach that they utilize on a wet rainy season. This is an almost CONSTANT water discharge of underground water.

I have met and spoken with Senior Counsel who, amongst other things, have suggested to me that I should also contact the Alberta Government Water Resources and the Dept. of Environment, as it may likely be that this is a redirection of an underground water source - perhaps an artesian well - or spring ? Not only is that in and of itself, wrong, considering we are all utilizing underground water wells. it is a very serious and major concern.

Let me start at the beginning. It all started in May 2017 when Mr. Mahoney was constructed his house on this lot. I have attached some pictures - showing the fast flowing water discharging - quite blatant and obvious that this is not a sump pump - and the flooding that occurred to our property as a result. In asking Mr Mahoney to divert his water discharge - it fell upon deaf ears and he did nothing. I eventually called the Bylaw officer - who managed to get him to divert it back to his own property.

I have since been advised that he simply diverted it to the front - causing his other neighbours flooding and concern.

That's 4 YEARS of continually water flow!!!!!! Definitely something in my mind that Water Resources should be aware of.

Fast forward to April 2021. Lo and behold - Mr. Mahoney is once again causing to have water discharged from his property back into the lane. I attach some pictures showing again the discharge of water.. and the flooding it is quickly causing - and heading over to our property.

Yet again, I contact the village to have this stopped. Since then, I have learned that the other neighbours had as well.

This is not a problem that needs a band-aid solution. This needs to be stopped once and for all. Not only to the integrity of lake, the underground water sources, the neighbours quiet and safe enjoyment of their own property - but also to a potential - if not already advanced - issue that is affecting our water wells.

I trust the Development Appeal Board will see a final and permanent solution to not simply stopping the drain onto other properties - but to in fact quit pumping underground water out of our soil.



Sue J. Scheible
A1009 - 2nd Avenue
Ma-Me-O Beach, AB T0C 1X0

Ben Cowan
Acting Secretary to the SDAB
Ben.cowan@uleth.ca

To whom it my concern,

RE: Sump at 1010 – 1st Ave. Ma-Me-O Beach Alberta

I am writing this letter to notify you that Dr. Tim Mahoney has our permission to drain his sump water from 1010 – 1st Ave. Ma-Me-O Beach AB, Lot 5, Block 11, Plan 2414CL in the Municipal ditch in front of our property at 1014 – 1st Ave, Lot 7, Block 11, Plan 2414CL.

Sincerely,



Judy & Richard McCardia

Good Evening Ben,

Below is my second written submission regarding the Notice of Appeal - Subdivision and Development Appeal Board Hearing - Stop Order on Plan 2414CL, Block 11, Lot 5. I will not be able to attend the meeting as scheduled on 21Jul06 in person or via zoom, I would be available to attend the week after. I have downloaded some photos and videos onto a USB drive and will be delivering them to the Village Office for inclusion in the hearing, likely on Jul 2 as I will be at Mameo Beach that day.

My original written submission still stands, so I won't be rehashing it here. This submission will largely be based on the 52-page SDAB Agenda Package that we received tonight (21Jun29).

In the Construction Drawings (Appendix A) that were provided as part of the package, there is no indication that a sump pit/sump pump would be installed. I don't know if that is a requirement that should have been included with the drawings or not. If it should have been included and was not; when was it decided to put a sump pit in.

Page 29 of the Agenda is a letter from the Village to Mr. Mahoney, in this letter 2 sets of questions are asked, I am not going to rewrite them here as they can be read from the Agenda. My question is: have these questions from the Village been answered by Mr. Mahoney to the satisfaction of the Village?

What steps were taken to assess the water table prior to construction occurring? We are a lake front village. Mr. Mahoney referred to the lots behind his cabin as 'hav(ing) always been swampy' in one of his written responses to the Village (pg.31 of the Agenda). With this fore knowledge of swampy land in the area, what steps were taken by Mr. Mahoney to ensure that his lot wasn't 'swampy' or have a high-water table. In that same letter he references his 'solution':

1. *Build a fence to help contain the water onto my yard.*

In my experience, water takes the path of least resistance. A wood board fence will not contain water. The water would just flow under to the low point of the land. Making the fence 6 feet tall, (in violation of the land use bylaw) does not make a difference as the water goes under the fence, not over it. This is not a solution; the water still pours out the side of the cabin continuously. That is what needs to be corrected.

2. *Erected boards to deflect the water away from the fence. The next door neighbour's son actually placed some of the boards against the fence to redirect the flow. At this point, the water stays in my yard and stops flowing at my property line. So although there were issues with the water getting into my neighbour's yards in the past, I think that I have come up with solutions to alleviate the problem.*

I am 'the son' referenced above. I had to move the boards around to redirect the continuous flow of water out of the side of their cabin. Again, not a solution I just redirected the problem so that it flowed less onto my property and more onto the municipal property (alley). Neither of the steps in this 'solution' have solved the problem.

These solutions are rehashed on page 32 in another written response to the Village. This response also includes permission from Judy McCardia allowing the water to be diverted to her property in the summer. Again, this does not solve the problem at all. The water still flows continuously out the side of his cabin. When the temperature is too cold for the 'hose solution' to work we are back to boards and the fence. This also does not solve the issue of permission not being sought to run the hose across the Janzen property, nor the issue of the water now flowing from the McCardia property to the Janzen property, nor the issue of when ownership of the McCardia cabin changes, and it will because no one lives for ever, what happens when the new owner rescinds that permission; or the McCardia's rescind it before ownership changes. Again, all these 'solutions' do not fix the problem.

On page 35 of the agenda, in another written correspondence from Mr. Mahoney, he references a trench that I dug to divert the water. I dug the trench, because he had not done so. The trench was dug to reduce the water impacting my property. I diverted it to the alley, which again is not a solution, but I had to do something (no one else was) to protect my property. Contrary to Mr. Mahoney's beliefs, I am a taxpayer in the Village and own 1/3 of the property my family owns. The water is not staying on his property, and again none of this solves the problem of the water pouring continuously out the side of his cabin.

Page 37 of the Agenda is another written response from Mr. Mahoney to the Village. In this correspondence, he references that he has 'talked to many professionals already and no one has found a better solution....'. My question to the board is: has Mr. Mahoney shared the identities of these professionals or any written information that they have provided him, or is this just lip service. Perhaps the Village needs to engage with 'the professionals' in order to see what the solution could be.

Page 42 of the Agenda is another written response from Mr. Mahoney, in this he references 'the high-water table'. If the high-water table is to blame like Mr. Mahoney states here, what was done at the beginning of development to check for a high-water table. Had appropriate action been taken at the beginning of development, or when the issue was first brought to his attention in 2017, perhaps solutions could have been developed then that would have solved the issue at a potentially much lower cost. Regardless, development continued, and the problem was never rectified. We heard excuses over the years about, more rain than usual, that once eaves troughs were put on the residence the problem would stop, the lake is high this year, it will be better next year.

When the sump pump was turned on in 2017 it has pumped continuously to this date. It only takes a break in the winter when the ground is frozen to below the sump pit level, and like a hibernating animal it wakes up in the spring and starts all over again; each and every year.

The first complaint about the water discharging from the property was received by the village in the spring of 2017 (Agenda page 3, and page 18). We are now into our 5th summer of this same issue. Again the issue cannot be corrected by diverting water, or building fences, or watering the McCardia trees. There needs to be solution to the water consistently filling the sump pit and being discharged out the side of the cabin. I am not an engineer; I do not know how to fix this. That is not my problem, that is Mr. Mahoney's problem. I don't care if he has to fill in his basement or bring up the level of the sump pit to above the water table; it needs to

fixed. The cost to correct the problem is likely higher now than it would have been in 2017. This is also not my problem. Had it been dealt with appropriately at the time Mr. Mahoney first became aware of it, we would not be in the situation we are in currently.

My cabin has been in my family for three generations, it will be willed to the fourth generation when the rest of us involved in this appeal hearing are no longer on this earth. This problem needs to be corrected properly so that my children aren't dealing with the same issue years from now with a different property owner and a different Village counsel. If Mr. Mahoney is unwilling to find and pay for a permanent solution, then the village must step in and find it for him.

Sincerely,

Brad Medwid

A solid black rectangular redaction mark covering the signature area.

From: "Dr. Tim Mahoney" <[REDACTED]>

Date: July 3, 2021 at 4:43:48 PM MDT

To: Ben Cowan <[REDACTED]>

Subject: Fwd: Development Appeal

Hello Ben, I am writing this letter to support my appeal to the Stop Order received on May 31, 2021. When construction was started in 2017, the water table was considerably lower then at present. (See 2 photos showing excavation before removal of existing cabin and excavation with ICF blocks in place for the foundation). In these photos, there is no water present in the excavation site. Following the construction of the foundation, there was a large amount of precipitation which raised the water table substantially. This, in turn started the problem with our sump pump having to remove excess water coming into our sump.

Initially the water had been diverted into the lane. This caused issues with water accumulation in the lane. We then diverted the water into the low spot in the front yard of my property. Unfortunately it accumulated in this low spot which was shared with the neighbours at 1008-1st avenue.

I had moved it temporarily to the low spot at 1012-1st avenue, which is on village property, to dry out the low spot shared

with 1008-1st avenue. We were scrambling to try and find solutions.

When Richard and Judy McCardia graciously offered to let me run a hose to the low spot in front of their home at 1014-1st avenue, I immediately ran a hose, across village property to their low spot. (See diagram outlining the path of the hose). This was one of the solutions listed in Sylvia Roy's email to me on December 21, 2020. In this email she had mentioned that condition #5 in the development permit states that excess water must flow into a lane (tried that), a road, the lake (that would require digging up the road to get across 1st avenue so not a possibility), or into a "soakaway". The low spot in front of the McCardia's would definitely qualify as a soakaway. Dave Jansen had said that I was crossing his property to get to this low spot. The diagram states otherwise. The property line is marked by the position of my fence. I buried the hose in a trench that runs straight out from my property, follows a path beside the road and then crosses back into the low spot until it reaches an area in front of the McCardia's home. Dave had mentioned that this was flooding his lawn. The picture taken of the grass looking dead is supposedly the area that was under water. One of the photos in the trees is directed at the ground to show that there is no water accumulation. The weekend that Dave came out was following several days where we received at least 2 inches of rainfall. (See diagram from ACIS Alberta). Judy McCardia had definitely discussed this with Dave that weekend so that he would get that this was NOT caused by the sump drainage.

In the colder months over the winter, I have to disconnect the hose because it would freeze. Following the fence construction, which I did at no charge to either of my neighbours, I did place some boards to deflect the water exiting my sump pump. While recovering from surgery to repair a torn bicep, Brad offered to place more boards and dig a trench. This contained the water to my yard. Ice accumulates on the boards leaning against the fence and any water that doesn't freeze runs down the trench to the property line. This has not caused any water accumulation as shown in the historical photos taken by Ms Sheible that was witnessed during the early stages of construction. Ms Sheible talks about the lane being destroyed by the water that comes to my property line. I have enclosed a picture of the lane taken on June 30th. Aside from someone having backed into my fence and breaking some boards, the lane looks perfectly fine.

Ms Sheible also refers to the water being taken away from our soil, depleting the underground water sources, polluting the aquifer and affecting our water wells. Despite the incredibly absurd comments, I can assure everyone that this is ground water.....pure and simple. In fact a friend of ours has been collecting water in a 1000 litre tank, similar to the one on Ms Sheible's lot (picture enclosed) to water her trees. I don't think that she would want water that is "polluting" our aquifer for that purpose!

The third row properties in block 10 are built on an extremely wet area. Many were filled with water in years past. I have discussed this with Mr. Merle Hagstrom. Merle is a geotechnical engineer and designed the foundation for his brother Bruce's cabin on the third row. He had to place 75 screw piles and build an extremely thick slab on grade. Normally, when building on sand, you could just build a slab on grade. But because of the swamp like conditions, he had to add the screw piles. I am pretty sure that this is where all of the excess water is coming from.

The reason that we believe that a pump in the local area is contributing to our water issues is that when electrical power to the entire block is out, the water accumulation in the sump stops. I have asked numerous contractors why this would be happening. No one has an definitive answer except to suggest the obvious....that someone nearby has a pump that is pumping water into the ground. We have already ruled out our pump and Brad and Pat say they turn their pump off whenever they leave. So the big mystery is who's well is pumping water into the ground?

Our friend, who has been getting water from our SUMP PUMP has had her fill time go from 40 minutes to 120 minutes over the last 5 weeks. It would appear that the water is becoming less saturated with the heat that we have been experiencing.

I did enclose some pictures of 1st avenue on July 2nd and the lane on July 3rd after the incredible downpour on July 2nd. It measured 2 1/2 inches! Of course the water sitting on the road and lane has already disappeared.

My wife and I would love to find a solution to having our sump running continuously. It has taken an enormous amount of electricity consumption to deal with it. Money I would rather not spend. Despite Brad's comments that I have done nothing about this problem, I have spoken to many engineers and contractors about this issue. We can't control the water table and I am not going to turn the sump pump off and flood my crawl space. I am thankful that at least one of our neighbours has been kind enough to help us with a solution.

Tim and Sylvia Mahoney

From: Brad Medwid <[REDACTED]>
Sent: Saturday, July 3, 2021 7:38 PM
To: Cowan, Ben <[REDACTED]>
Subject: Re: [EXTERNAL] Details for Rescheduled SDAB Hearing

Caution: This email was sent from someone **outside of the University of Lethbridge**. Do not click on links or open attachments unless you know they are safe. Suspicious emails should be forwarded to phishing@uleth.ca.

Hi Ben,

A couple of points for the board.

I was just out at the cabin, and during this historic heat wave, the Mahoney sump pump was running like clockwork. Every 3 minutes on Thursday afternoon, long before the rainstorm on Friday night. Regardless of the board's decision, it is paramount to determine what this water source is and how continuously pumping it out of the ground is affecting the water in the area (nearby wells, underground springs etc).

My sump pump at home runs on occasion. The water that it pumps out is not crystal clear water. The water being pumped from the Mahoney sump looks like water from a mountain stream, you could drink from the end of the hose.

All of his solutions have been band aid fixes. The root of the problem has not been addressed, and none of his correspondence has addressed the main issue.

It appears that due diligence was not done at the front end of the build. The resulting issues from that can not be downloaded onto the neighbours or property that belongs to the municipality. This issue has been known for several years and has been ignored for several years by Mr Mahoney. He has not taken the steps to be compliant with the bylaw. The board has already issued a stop work order and I don't see any evidence presented, or any evidence that can be presented, that would reverse their decision and allow him to keep pumping water onto other's property. Had he taken the proper steps earlier, we would not be here now.

Everyone who has ever built a sandcastle on a beach knows you don't have to dig very far to hit water. Mr Mahoney has lived on a beach for many years. He should have been aware that digging a basement in this residence could have led to the results they did. He hit water, and instead of correcting the issue, he has passed it on to everyone else.

A leaky hose, that freezes up in the colder months, that delivers the water to nearby properties is not a solution. The board must uphold the stop work order and ensure that the issue gets corrected properly.

Thank you

Brief - Development Appeal Board Hearing July 6, 2021

I am writing this short additional brief to the Development Appeal Board concerning the water discharge from Tim Mahoney's lot at Ma-Me-O Beach in response to having a chance to read the Development Board's Agenda and contents.

I question Mr. Mahoney's 'surprised' response to this problem only starting in 2019 (pg 37 of the agenda)- when not only had I spoken to him several times in 2017 to stop the problem.. but he was also advised to do so by the Village. I had previously sent you some pictures of my flooding at that time showing the constant discharge and volume of the water flow.. and I am providing more today.

As for the 'temporary 'summer' solution to the diversion.. is this ditch not Village property? - which then backs up into the other neighbours property? I wasn't aware that the McCardia's could give permission on behalf of the Village to use Village property?

This Stop Order needs to be upheld... and this issue needs to be corrected properly. Not just 'smoothed' over or band-aided.

But once again lets be very clear. This is not a normal sump pump discharge. This is a continuous water flow for 4 years from under the ground. It is not a sump pump pit discharge that is common in many households and may flow intermittently in extreme rain storms or spring heavy winter thaws. This is a major source of diverting an underground water source - and that in and of itself is a very very serious concern. Least of all being a concern to the closest proximity neighbours who rely on underground water for their water wells - and to the integrity of the lake.

This problem needs to be not only professionally investigated by the correct provincial and federal water regulators - but also completely stopped once and for all.

Sue J. Scheible

