



## LAND AND PROPERTY RIGHTS TRIBUNAL

**Citation:** Argentia Beach Lands Ltd. v Summer Village of Argentia Beach (Subdivision Authority), 2025 ABLPRT 341  
**Date:** 2025-07-02  
**File No.** S25/ARGE/SV-014  
**Decision No.** LPRT2025/MG0341  
**Municipality:** Summer Village of Argentia Beach

**In the matter of** an appeal from a decision of the Summer Village of Argentia Beach Subdivision Authority (SA) respecting the proposed subdivision of Pt. LSD 7 and all those portions of LSDs 1,2, and 8 not covered by the waters of Pigeon Lake within SE 14-47-1-W5 (subject land) under Part 17 of the *Municipal Government Act*, RSA 2000, c M-26 (*Act*).

BETWEEN:

Argentia Beach Lands Ltd.

Appellant

- and -

Summer Village of Argentia Beach Subdivision Authority

Respondent Authority

BEFORE: P. Yackulic, Presiding Officer  
S. Kelly, Member  
G. Sokolan, Member  
(Panel)

K. Lau, Case Manager

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## DECISION

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### APPEARANCES

See Appendix A

This is an appeal to the Land and Property Rights Tribunal (LPRT or Tribunal). The hearing was held by videoconference, on June 18, 2025, after notifying interested parties.

## OVERVIEW

[1] This appeal concerns the deemed refusal of an application to create three residential parcels from a 61.07 acre previously subdivided parcel within the Summer Village of Argentia Beach. The Appellant appealed the decision, initially submitting the application to the SA's office rather than to the LPRT. Subsequently, the Appellant submitted the appeal to the LPRT where it was received on May 7, 2025, after the May 2, 2025 appeal deadline.

[2] Prior to the merit hearing being scheduled, the SA raised a preliminary issue based on the Appellant's late filing of the Notice of Appeal. The LPRT concluded the appeal was filed when it was received at the LPRT, which was after the deadline set by the *Act*. Further, since the legislation does not empower the LPRT to extend this deadline, the LPRT determined it did not have authority to hear the appeal.

## REASON APPEAL HEARD BY LPRT

[3] Section 678(2) of the *Act* directs subdivision appeals to the LPRT instead of a subdivision and development appeal board when the subject land is in the Green Area or within prescribed distances of features of interest to Provincial authorities, including a highway, body of water, sewage treatment, waste management facility, or historical site. The distances are found in s. 26 of the *Matters Related to Subdivision and Development Regulation*, Alta Reg 84/2022 (*Regulation*). The LPRT also hears subdivision appeals when the land is the subject of a licence, permit, approval or other authorization from various Provincial authorities.

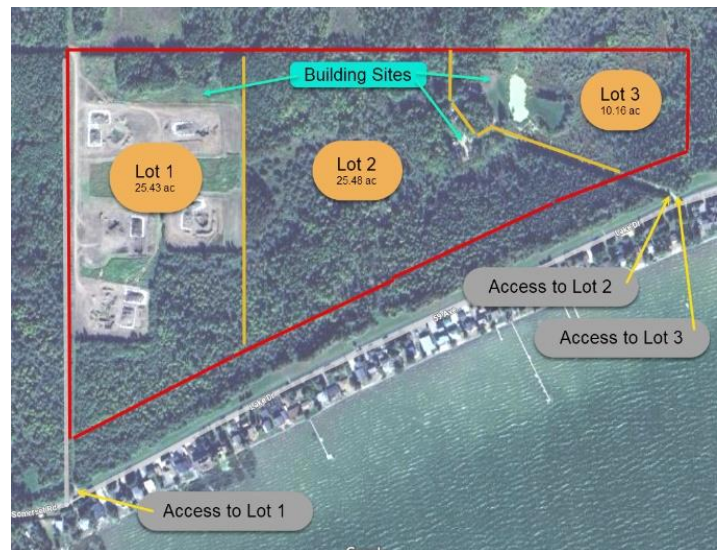
[4] In this case, wetlands exist on the subject property.

## PROPOSAL

[5] To create three residential parcels from a 61.07 acre previously subdivided parcel within the Summer Village of Argentia Beach.

## BACKGROUND

[6] The SA determined more information was needed to complete the subdivision application, and it was deemed incomplete on March 10, 2025. On April 11, having not received any of the identified outstanding information, the SA issued a "Deemed Refused" decision, pursuant to s. 653.1(8) and (9) of the *Act*, with the following reason:



1. The applicant failed to comply with the requirements in section 653.1(8) and (9) of the *MGA*. Specifically, the applicant failed to submit all the outstanding information and documents identified in the Deemed Incomplete Notice on or before the date referred to in the Notice. Further, no request for an extension to the deadline identified in that notice was received.

[7] The Notice of Deemed Refusal sent to the Appellant's legal counsel on April 11, 2025 stated "an appeal to this decision should be directed to the LPRT within 21 days of the date of the letter", which would have been May 2, 2025.

[8] The Appellant appealed the decision, initially submitting the application to the SA's office on April 20, 2025, rather than to the LPRT. Subsequently, the Appellant submitted the appeal to the LPRT where it was received on May 7, 2025, after the May 2 appeal deadline.

[9] The SA questioned if the LPRT had jurisdiction to hear the appeal, as it had been filed late. A Preliminary Hearing was held on June 18, 2025 to determine this matter.

## **PRELIMINARY ISSUE**

[10] Was the appeal was filed late, and if so, does the LPRT have authority to hear it?

### **Summary of the SA's Position**

[11] The SA outlined the steps it took to communicate with the Appellant regarding the status of its application.

[12] The SA deemed the subdivision application to be incomplete on March 10, 2025, in accordance with s. 653.1(8) and (9) of the *Act* and provided the Appellant with a list of deficient information requirements on that day. The letter indicated the Appellant had until April 10, 2025 to address these outstanding requirements and indicated if these requirements were not satisfactorily addressed by that date, the application would be Deemed Refused. The Appellant failed to supply outstanding information identified and the application was subsequently Deemed Refused on April 11, 2025. The Appellant was notified through correspondence sent that same day to its Legal Counsel.

[13] The notice of Deemed Refusal that was sent to the Appellant's legal counsel clearly indicated an appeal to this decision should be directed to the LPRT within 21 days of the date of the letter, which would have been May 2, 2025. Twenty-one days was used to incorporate the seven days allowed in s 678(3) of the *Act* for receipt of the notice.

[14] Further correspondence between the SA's office and the Appellant again indicated the appeal was to be filed directly with the LPRT and not with the Summer Village Office, along with the email address to which it could be sent.

[15] The SA acknowledged receipt of the Appellant's appeal to the LPRT on April 20, 2025, but submitted it believed the SA's office was being provided with a copy of the appeal that had been sent to the LPRT.

[16] The SA referenced case law concerning the late filing of development appeals indicating the courts have supported the appeal period prescribed in the *Act* as a limitation period that cannot be extended by the LPRT. The SA submitted the same principles would apply to subdivision appeals in that the provisions respecting development applications and subdivision applications have identical wording.

### **Summary of Appellant's Position**

[17] The Appellant provided records of its correspondence with the SA, the Summer Village of Argentia Beach, and the LPRT indicating confusion about whether the appeal was to be filed with the LPRT through the SA's office, the SDAB, or with the LPRT directly. The Appellant documented a conversation with the CAO of the Summer Village of Argentia Beach in which he had received direction to file the appeal with the SDAB; however, this information was provided in error and both the CAO and the SA corrected that error in subsequent emails, indicating the appeal should be filed with the LPRT.

[18] In the end, the Appellant provided the SA with a file containing its completed appeal on April 20, 2025, believing it would be forwarded to the LPRT. To this end, the Appellant was of the opinion he had satisfied the requirements of the time limit.

[19] When the Appellant realized the appeal had not been forwarded to the LPRT, he sent it by email. Receipt of the appeal on May 7, 2025 was acknowledged in writing by the LPRT on May 14, 2025, including, by copy of the Notice of Acknowledgement to the SA, instructions to the SA to provide the LPRT with a complete copy of its file on the application.

[20] The Appellant indicated it had taken this acknowledgement to mean the appeal had been accepted by the LPRT. To support this conclusion, the Appellant referred to Part C, Section 7.1 of the LPRT's *Subdivision and Development Appeal Procedure Rules (Procedure Rules)* which indicates "The Board administration may notify persons who have filed late appeals that their appeals will not be processed...". The Appellant focused on the critical wording of "may notify", indicating to him the LPRT is not required to refuse to process a late-filed appeal.

[21] Further, the Appellant noted it had, in the course of its correspondence about the status of the appeal application with the SA, requested the SA to review the original 1996 purchase and sale agreement between the Summer Village and the Appellant's parents which had created the subject parcel of the subdivision application. The Appellant submitted review of this document could persuade the SA to reverse its position to refuse the subdivision. Throughout the process of filing the appeal, the Appellant was waiting for a response to this request but one was never received.

### Findings

1. The appeal was received more than 14 days after receipt of the Deemed Refusal notice.
2. The LPRT does not have jurisdiction to hear this appeal.

### Decision

[22] The Appeal is dismissed

### Reasons

[23] Section 678(2) of the *Act* creates a right of appeal and dictates the time in which to exercise it, as follows:

(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681.

[24] Section 678(2) further clarifies the appeal must be filed with either the LPRT or the SDAB, providing direction on when it is appropriate to file with each board. Section 678(5) does contemplate a remedy for a situation where an appeal is filed with the wrong board:

(5) If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

Had the appeal been filed on April 20 with the SDAB (the "wrong" board per s. 678(5)), the SDAB would have had the responsibility to forward it to the LPRT, which could then have heard the appeal upon its referral. However, in this case the appeal was initially filed with the SA rather than one of the two

appeal boards (SDAB or LPRT). The LPRT finds it reasonable that the SA would have concluded it was being copied on the filing of the appeal as a courtesy by the Appellant, because it is not a body that can receive or process an appeal. Additionally, the Appellant never received any direction from the Summer Village to file an appeal with the SA. While it appears incorrect information was provided directing the appeal to the SDAB, that information was corrected indicating the appeal was to be filed with the LPRT.

[25] The Appellant filed the appeal with LPRT on May 7, after realizing this to be the appropriate procedure. Subsequently, the LPRT issued its standard Notice of Acknowledgement, confirming it had accepted receipt of the appeal on May 7, 2025. The Appellant argued that this acknowledgement implies the LPRT has accepted the appeal should be heard, noting the LPRT's *Procedure Rules* allow LPRT Administration to decline to process appeals that have been filed late. The LPRT does not accept this argument. It is not reasonable to interpret the LPRT Procedure Rules as giving LPRT administration power to expand the time stipulated within the *Act* for an appeal to be filed. Rather, the purpose of the Rule is to allow Administration to save parties and the LPRT from wasting time and resources by scheduling hearings for appeals that are clearly late. Part C, Section 7.1 of the *Procedure Rules* provides an opportunity for administration to alert an appellant who has filed an appeal after the appeal period has expired that its appeal may not be processed; however, it does not require that to happen. Further, if there is any dispute or question as to whether an appeal has been filed late, the *Procedure Rules* allow for the matter to be put before a panel to make a final determination.

[26] Interpreted in context, neither the *Act* nor the LPRT rules of procedure allow administration to extend the deadline to appeal, or to make a final determination as to whether an appeal has been filed in time; that decision can only be made by a panel of LPRT members. The LPRT notes Part C, section 6.2 of the *Procedure Rules* provides clarity on not only how an appeal may be filed, but on the importance of the appeal deadline:

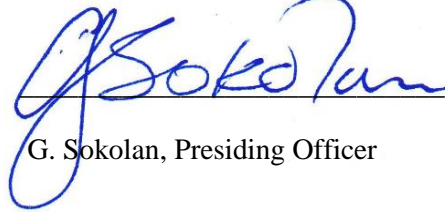
6.2 A notice of appeal can be filed by e-mail, fax, or hard copy, **as long as it is received at the Tribunal before the appeal deadline.** (emphasis added)

[27] Neither the *Act* itself nor regulations made under it contain provisions empowering the LPRT to extend an appeal deadline for a subdivision appeal under Part 17 of the *Act*. The LPRT agrees with SA's position that the 14 day appeal period described in s 678(2) of the *Act* is a limitation period that cannot be extended by the LPRT, and that the same principles apply to appeal periods for both subdivision and development applications. Previous LPRT and MGB decisions have also consistently found there is no opportunity to extend filing deadlines for notices of appeal - see, for example, *Ball v City of Airdrie (Development Authority)*, 2023 ABLPRT 378, *Chemtrade Logistics Inc v City of Fort Saskatchewan (Development Authority)*, 2023 ABLPRT 204 and *Wolfe v Mountain View County (Subdivision Authority)*, 2014 ABMGB 21. This conclusion is also consistent with the observation that the *Act* contemplates expeditious resolution of planning matters, and with Alberta Court of Appeal decisions such as *Bass v Calgary Planning Authority (2019 ABCA 139)*, which notes "the well-established law that this Court also does not have the jurisdiction to enlarge a statutory time limit to file an appeal".

[28] The LPRT concludes that it does not have the authority to extend the legislated timelines. Since the appeal was not filed with either the SDAB or the LPRT until after appeal period expired, it follows the LPRT is unable to hear the merits of the appeal. The Appellant's confusion surrounding the procedure for filing an appeal is unfortunate, but does not change this result. A potential recourse may be for the Appellant to re-initiate the subdivision application with the SA, which would also allow it to emphasize the original 1996 purchase and sale agreement between the Summer Village and the Appellant's parents, if it is of the opinion that review of this document may influence the SA.

Dated at the City of Edmonton in the Province of Alberta this 2nd day of July, 2025.

**LAND AND PROPERTY RIGHTS TRIBUNAL**

A handwritten signature in blue ink, appearing to read "G. Sokolan", is written over a horizontal line. The signature is fluid and cursive.

G. Sokolan, Presiding Officer

## APPENDIX A

### PARTIES WHO ATTENDED, MADE SUBMISSIONS OR GAVE EVIDENCE AT THE HEARING:

NAME	CAPACITY
John Gibeau	Appellant, Argentia Beach Lands Ltd.
Jack Gibeau	Argentia Beach Lands Ltd. (Observing)
C. Dick	Argentia Beach Lands Ltd. (Observing)
J. Dauphinee	Summer Village of Argentia Beach Subdivision Approving Authority, MPS
J. Grundberg	Brownlee LLP, Counsel for Summer Village of Argentia Beach
A. Aidoo	Brownlee LLP (Observing)
E. Parker	Brownlee LLP (Observing)

## APPENDIX B

### DOCUMENTS RECEIVED PRIOR TO THE HEARING:

NO.	ITEM	
1A	Notice of Appeal	193 pages
2A	Subdivision Application Sept 2024	6 pages
3R	Subdivision Application	6 pages
4R	Background Information LPRT Package	22 pages
5R	Outstanding Requirements	3 pages
6R	25-SUB-036_Appeal Submission and Appeal Info	6 pages
7R	Status of Appeal	8 pages
8R	Geotechnical Investigation Report	36 pages
9R	Groundwater Availability Assessment	24 pages
10R	Restrictive Covenants	32 pages
11R	Wetland Assessment Report	44 pages
12R	(May 26 2025) Letter to LPRT Re_Jurisdiction	2 pages
13R	Argentia Beach Land Use Bylaw	75 pages
14R	Summer Village of Argentia Beach MDP	37 pages
15R	Pigeon Lake North IDP	66 pages
16R	Deferred Reserve Caveat	2 pages
17A	LPRT Subdivision Appeal – Argentia Beach Lands Ltd.	161 pages
18A	LPRT Preliminary Hearing – Submission by Argentia Beach Lands Ltd. – June 10 2025 with Sylvia Roy Email	5 pages
19A	Original Appeal Email	6 pages
20A	Email Chain Regarding Subdivision Denial and Appeal Process_Redacted	8 pages
21A	Full July 26 1996 Land Purchase and Sale Agreement	54 pages

## APPENDIX C

### DOCUMENTS RECEIVED AT THE HEARING:

NO.	ITEM	
22R	Roy email response RE_Appeal to LPRT	5 pages
23	Notice of Acknowledgement	14 pages
24	2025-05-07_RE_Subdivision Denial Appeal – 125 Argentia Beach Road SVAB_Email of Appeal from Gibeau	4 pages

## APPENDIX D

### LEGISLATION

The *Act* and associated regulations contain criteria that apply to appeals of subdivision decisions. While the following list may not be exhaustive, some key provisions are reproduced below.

#### *Municipal Government Act*

##### Purpose of this Part

Section 617 is the main guideline from which all other provincial and municipal planning documents are derived. Therefore, in reviewing subdivision appeals, each and every plan must comply with the philosophy expressed in 617.

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

- (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and
  - (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,
- without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

##### Appeals

Section 678 of the *Act* sets out the requirements for appeal of a decision by the subdivision authority.

678(1) The decision of a subdivision authority on an application for subdivision approval may be appealed

- (a) by the applicant for the approval,
  - (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,
  - (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or
  - (d) by a school board with respect to
    - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,
    - (ii) the location of school reserve allocated to it, or
    - (iii) the amount of school reserve or money in place of the reserve.
- (2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681
- (a) with the Land and Property Rights Tribunal
    - (i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is subject of the application (A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,



- (B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,
- (C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission,
- or
- (D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,
- or
- (ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii),
- or

(b) in all other cases, with the subdivision and development appeal board.

(2.1) Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

...

#### Hearing and decision

Section 680(2) of the *Act* requires that LPRT decisions conform to the uses of land referred to in the relevant land use district of the LUB. It does not require that the LPRT abide by other provisions of the LUB, the MDP or the *Subdivision and Development Regulation*, although regard must be given to them.

680(2) In determining an appeal, the board hearing the appeal

- (a) repealed 2020 c39 s10(48);
- (a.1) must have regard to any statutory plan;
- (b) must conform with the uses of land referred to in a land use bylaw;
- (c) must be consistent with the land use policies;
- (d) must have regard to but is not bound by the subdivision and development regulations;
- (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;
- (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

(2.1) In the case of an appeal of the deemed refusal of an application under section 653.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 653.1(2).

(2.2) Subsection (1)(b) does not apply to an appeal of the deemed refusal of an application under section 653.1(8).

...

#### **Matters Related to Subdivision and Development Regulation - Alberta Regulation 84/2022**

##### Application referrals

Section 7 of the *Regulation* deals with application referrals.

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...

(6) On an application for subdivision being determined or deemed under section 653.1 of the *Act* to be complete, the subdivision authority must send a copy to

....

(e) the Deputy Minister of the Minister responsible for administration of the *Public Lands Act* if the proposed parcel

(i) is adjacent to the bed and shore of a body of water, or

(ii) contains, either wholly or partially, the bed and shore of a body of water;