



# **FIGHTING TO PRESERVE MY HOME AND NET WORTH IS NOT HOW I ENVISIONED MY SENIOR YEARS**

Nita Jalkanen, A Proud Parkdale Resident



- This is my home in Parkdale.
- I have lived and invested in this property for 30 years.
- My covered veranda provides me great joy year-round.

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# FEATURED LISTINGS



## Commercial

11411 88 Street  
Edmonton

**\$ 1,589,900**

0 bed | 0 bath | sqft |

24 days

- Construction planned to be built along the majority of the length of my southern property line. "The architectural appeal of a **glorified toolshed.**"
- **Six-plex** (three raised basement suites, three two-storey above ground suites).
- A **rental**/revenue/investment property.
- Equivalent to **three to four storeys in height** (34').
- **All within Bylaw.**

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- **This is my garden.**
- Infill will run 105 feet deep into the lot, i.e. , the **full length of my landscaped garden, past my covered veranda, plus the majority of the length of my living room** with its south-facing windows.
- **Development will run/affect 100% of the length of my garden.**
- **A standard SFD** or side-by-side duplex would only impact **32%**.
- A **+3m strip** along my southern property line will be forced into **permanent shadow year-round**.



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- **October 2024** (afternoon).
- Shadow study indicates that between September 21 and March 21, **almost all of my front yard will be in shadow from 10 a.m. to 3 pm. It worsens as the day wanes.**
- **The area in front of my veranda will be in shadow throughout the entire day.**
- **My enjoyment of property is being taken from me.**

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- **March 2025** (early morning).
- Shadow study indicates that between September 21 and March 21, **almost all of my front yard will be in shadow** from 10 a.m. to 3 pm. **It worsens as the day wanes.**
- The **area in front of my veranda will be in shadow throughout the entire day.**
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- **Studies** in Shanghai and New Zealand **have now quantified** the **dollar value of sunlight** in relation to property values.
- Science has quantified **the health benefits of sunlight**.
- Our mature neighborhood gardens and landscaping rely on sunlight.
- Our **northern climate quality-of-life** relies on sunlight.

- **Infill which deprives an adjacent property of its natural sunlight is causing deliberate qualitative AND quantitative property damage.**
- **My property and personal net worth are being devalued.**

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- Research has confirmed that **each rental unit addition lowers existing home values.**
- Rental property densification has a greater drag on property values than the addition of a homeless shelter or funeral home.

- Since *Zoning Bylaw 20001* came into effect in January 2024, Parkdale has seen **9 revenue properties approved, and 0 single family dwellings.**
- This is irresponsible and uncontrolled development leading to “slum creation.”
- This equates to **deliberate quantitative** and qualitative **property damage.**
- **My property and personal net worth are being devalued.**

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# The Enjoyment of Property

- The *Alberta Bill of Rights* and the *Canadian Bill of Rights* both guarantee **human beings** (but not developers or corporations) the right to the "**enjoyment of property.**"
- **Supreme Court defines** it as:
  - Pure air
  - Pure water
  - Light
  - The right to enjoy one's property
  - The right to deal with one's property as one sees fit
  - Personal comfort in one's property
  - The value of one's property
  - Quiet
  - Convenience
  - "Property and all or any part of what is implied therein."

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# Due Process

- We are not to be deprived our citizen right to the "enjoyment of property" save for "**due process.**"
- Due process is defined as:
  - "The principle that the government must respect all of the **legal rights** a person is entitled to under the law."
  - This includes our civil, property, and human rights.
  - This includes our right to the **enjoyment of property.**



# A Fair Hearing

- Our current legislated process to appeal a development is:
  - **file a Notice of Appeal** (with possibly only days' notice);
  - subsequently provide a written argument and evidence; and
  - attend a "hearing" with the Subdivision & Development Appeal Board (SDAB).
- The Appeal Board's **Code of Ethics** requires them to provide a "**fair hearing.**"
- A fair hearing requires that:
  - **Two sides** to an issue must be given heed, consideration, evaluation, and analysis before a decision is rendered that affects both parties.

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- The Board's Code of Ethics also requires an unbiased application of the **Laws of Alberta**.

- This would include:
  - the **Alberta Bill of Rights**.
  - our personal citizen guarantee that our **enjoyment of property** is not removed without **due process**.

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- The Municipal Government Act **requires** the SDAB to **approve** any infill development that falls within the current parameters of *Zoning Bylaw 20001*.
- For a Permitted Use, No-Variance development this means:
  - Adjacent property owners have **no right of appeal**, despite obvious property damage being inflicted on them.
  - **The Board is contravening their own Code of Ethics.**
  - **Our property rights are being removed, including without due process.**
  - We are then **forced** to apply to the Court of Appeal. **\$\$**. No new evidence is allowed!

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# The Supreme Court is clear.

- It is *prima facie*, competent to any man to enjoy and deal with his own property as he chooses.
- He must, however, so enjoy and use it as **not to affect injuriously the rights of others.**

*Reid v Linnell, 1923.*

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# The Supreme Court is clear.

- The law calls for **prudent, reasonable, and logical conduct.**
- When damage can be readily foreseen....
- **Steps must be taken NOT to cause damage** or to injure the rights of a neighbour.
- If damage is done, there is **clear financial liability for damages.**
- **Who is going to pay? The taxpayers?**

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# *Zoning Bylaw 20001* is violating our civil, property, and human rights.

- Our right to be equal before and under the law (a civil right).
- The right to enjoyment of property (a civil or property right).
- The right to equal protection and benefit of the law (a human right).
- The right to due process (a human right).
- The right to life, liberty and security of person (a human right).
- (And for some, the right to compensation.)
- **Our rights are silenced**, while infill developers benefit and profit.
- **Our enjoyment of property is being removed.**
- **Our rights are not protected**, while infill is now the Wild West.
- **We are denied due process** unless \$\$\$.
- Many of us are being **traumatized** by our own government.
- **People are owed compensation.**

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**Fighting to preserve  
my home and net worth  
is not how I envisioned  
my senior years.**

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