

In the Court of Appeal of Alberta

Citation: Pattison Outdoor Advertising Ltd v Edmonton (City), 2026 ABCA 262

Date: 20260807

Docket: 2503-0086AC

Registry: Edmonton

Between:

Pattison Outdoor Advertising Ltd.

Appellant

- and -

**City of Edmonton and
City of Edmonton Subdivision and Development Appeal Board**

Respondents

The Court:

**The Honourable Acting Chief Justice Dawn Pentelchuk
The Honourable Justice Alice Woolley
The Honourable Justice Joshua B. Hawkes**

Memorandum of Judgment

Appeal from the Decision by
City of Edmonton Subdivision and Development Appeal Board
Dated the 22nd day of April, 2025
(SDAB-D-25-048)

Memorandum of Judgment

The Court:

Overview

[1] This is an appeal from a decision of the City of Edmonton Subdivision and Development Appeal Board (the Board) denying the appellant's application for a development permit for a sign. We allow the appeal for the following reasons.

Background

[2] The sign in question is an existing rooftop advertising sign that displays digital copy. Outdoor advertising signs in Edmonton require a development permit. A permit is valid for five years after which a new permit is required. The sign was first approved in 2014 and again in 2019 under the bylaws then in force.

[3] On January 1, 2024, the City of Edmonton Zoning Bylaw 20001 (the Zoning Bylaw) came into effect. The appellant applied for a development permit for the sign under the new Zoning Bylaw. The proposed Use set out in the permit application was for "a Projecting Sign in the form of a Roof Sign (Digital Copy) 6.10 m x 3.05 m".

[4] The proposed sign does not fit neatly into any category of Uses as defined in the new Zoning Bylaw. The two definitions to which it most closely conforms are a Projecting Sign and a Minor Digital Sign.

[5] Section 7.20.3.3.2 of the Zoning Bylaw is a deeming provision which provides:

[W]here specific purposes or activities do not conform to any Use definition or generally conform to the wording of 2 or more Use definitions, the Development Planner may deem the purposes or activities to conform to a Use they consider to be the most appropriate. In this situation, despite any other Section of this Bylaw, the Use is always considered a Discretionary Use, whether or not the Use is listed as a Permitted Use or Discretionary Use within the applicable Zone;¹

¹ City of Edmonton, *Zoning Bylaw 20001* (1 January 2024).

[6] The appellant sought to have the sign approved as a Projecting Sign through the use of the deeming provision. The Development Authority denied the permit application as did the Board on appeal.

Board decision

[7] The Board found that under the Zoning Bylaw, the sign was a “hybrid” of two types of signs, having “characteristics of both a Minor Digital Sign and a Roof Sign which under the *Zoning Bylaw 20001* is now subsumed within the definition for Projecting Sign”.² It concluded that it did not have authority to grant the requested variances as the proposed development was not a prescribed Use within the Zoning Bylaw.³

Ground of appeal

[8] Permission to appeal was granted on the following question:

Did the Board err in law by concluding that it had no authority to grant the requested variance?⁴

Standard of review

[9] Section 688(1)(a) of the *Municipal Government Act*, RSA 2000, c M-26, allows for appeals from Board decisions on questions of law or jurisdiction. The Supreme Court of Canada clarified in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 36-37, that when a legislature creates a statutory appeal mechanism from the decision of an administrative decision-maker, courts must apply the applicable standard of appellate review described in *Housen v Nikolaisen*, 2002 SCC 33. Questions of law such as the interpretation of the *Municipal Government Act* and zoning bylaws are reviewed on a standard of correctness.⁵ The sufficiency of the reasons provided by the Board must be addressed in the context of the issues advanced by the parties and the record of proceedings. They are addressed from the perspective of whether an informed reader could determine why the decision was made from the reasons provided.⁶

Analysis

[10] The sole issue to be determined in this appeal is narrow. The sign is in a Mixed-Use Zone in which digital copy is permitted in some types of signs but not in others. The respondent correctly

² *Ogilvie LLP v Development Authority of the City of Edmonton*, 2025 ABESDAB 10048 at para 47.

³ *Ogilvie*, at para 52

⁴ *Pattison Outdoor Advertising Ltd v Edmonton (City)*, 2025 ABCA 210 at para 5.

⁵ *Edmonton (City of) Library Board v Edmonton (City of)*, 2021 ABCA 355 at para 27.

⁶ *Stubicar v Calgary (Subdivision and Development Appeal Board)*, 2022 ABCA 299 at para 62.

concedes that the deeming provision may apply in these circumstances. However, it contends that the Board properly exercised its discretion in determining not to apply that provision in this case.

[11] We are unable to discern from the Board's reasons why it did not apply the deeming provision. If it concluded that the provision was unavailable in a Mixed-Use Zone in the circumstances of this case, it erred in law. If it declined to exercise its discretion to deem the proposed development a Use it considered most appropriate, it provided effectively no explanation for that choice. In either case the proper remedy is to remit the matter to the Board for reconsideration in light of these reasons.

Conclusion

[12] The appeal is allowed and the decision of the Board is quashed. The matter is returned to the Board for reconsideration.

Appeal heard on June 11, 2026

Memorandum filed at Edmonton, Alberta
this 7th day of August, 2026

Pentelechuk A/C.J.A.

Authorized to sign for: Woolley J.A.

Hawkes J.A.

Appearances:

J.W. Murphy, KC
for the Appellant

K.L. Hurlburt, KC (no appearance)
for the Respondent (City of Edmonton Subdivision and Development Appeal Board)

K. Haldane
for the Respondent (City of Edmonton)