

May 9, 2025

City of Airdrie
City Hall, 400 Main Street SE, Airdrie
Attention Council/Legislative Services

VIA EMAIL: legislativeservices@airdrie.ca

Dear Sir/Madam,

Re: Request for review of Enforcement Order dated April 25, 2025, in respect of sidewalk, road, and watermain adjacent Lot 6; Block 1; Plan 1511409 (196 Edwards Way SW)(the “Lands”)

I am writing to request a council review of the attached Enforcement Order dated April 25, 2025.

Strategic Group does not dispute the appropriateness of issuing the Enforcement Order to UK One Construction Ltd. However, Strategic Group does take issue with the Enforcement Order being issued to the owner of the Lands and certain terms of the Enforcement Order. Therefore, as set out in more detail below, Strategic Group requests that council vary the Enforcement Order by removing Strategic Group from the Enforcement Order and amending its terms to permit Strategic Group’s contractors a reasonable period of time to complete the appropriate work required to remedy the issues identified in the Enforcement Order.

On or about April 25, 2025, the City identified a section of excavated land adjacent Edwards Way that had subsided. The City also observed that the subsidence of the soil had caused the valve casing for a watermain below Edwards Way to be partially exposed and created a 10cm void below a 1.5m section of Edwards Way. As a result, the City properly ordered the general contractor overseeing construction on the Lands to take steps to prevent any damage to the watermain or road. However, the only party responsible for the potential damage to the sidewalk, Edwards Way, and the watermain beneath it is the general contractor responsible for the work on the Lands.

In addition, while Strategic Group acknowledges the subsidence of soil around the valve casing and undermining of the roadway merit the issuance of an enforcement order directing that the causes of the subsidence be remedied, Strategic Group disagrees with both the requirement to install “a sheet pile wall or equivalent alternative shoring system” and certain deadlines in the Enforcement Order. As noted in a May 2, 2025, submission to

the City, the east foundation wall of the building being constructed on the Lands is complete. As a result, the most efficient and comprehensive way of protecting the watermain and preventing further subsidence below Edwards way is to properly backfill the excavation on the east side of the Lands with soil currently stored on the Lands. For that reason, Strategic Group asks council to amend section 3 of the Enforcement Order to read:

- a. Prepare a schedule and procedure for properly backfilling and compacting the excavation adjacent Edwards Way; or
- b. direct your Geotechnical and Civil Engineer to prepare an engineered design for a sheet pile wall or equivalent alternative shoring system, designed to support loading of the adjacent roadway, and for the stabilization and reestablishment of the wrongfully excavated and undermined portion of the road right of way; and
- c. submit the required schedule and process for backfilling the excavation adjacent Edwards Way or shoring system design to the City's Engineering Department for review and approval.

Once the above terms of the Enforcement Order are varied, the deadlines in the Enforcement Order will also have to be amended to give Strategic Group's contractors a reasonable time satisfy them.

With the above changes made to the Enforcement Order, Strategic Group's contractors would be able to remedy the issues along Edwards Way without delay.

Yours truly,

Strategic Group



Branden Kidd

Development Manager



Municipal Enforcement, 2 Highland Park Way NE, Airdrie AB T4A 0R1
Ph: 403-948-8892 Fax: 403-948-0619

ENFORCEMENT ORDER

- ☐ Hand Delivered
- ☐ Registered Mail

To: **Umber Khan, UK One Construction Ltd. [CONTRACTOR]**
353 Santana Bay NW, Calgary, AB, T3K 3N6

Braden Kidd, Strategic Group [LANDOWNER]
Suite 400, 630 – 8 Avenue SW Calgary, AB, T2P 1G6

RE: Violation of *Streets Bylaw*, B-09/2024

WHEREAS In my capacity as a designated officer of the City of Airdrie, I am issuing a Enforcement Order pursuant to section 545 of the *Municipal Government Act*, RSA 2000, c M-26, as amended, with respect to unauthorized interference and damage to City streets as a consequence of unauthorized development on the property legally described as Lot 6; Block 1; Plan 1511409 (the “Lands”), and the off-site impacts of that unauthorized development to Edwards Way.

Section 545 of the *Municipal Government Act* authorizes a designated officer to issue an Enforcement Order when the designated officer finds that a person is contravening the *Municipal Government Act*, a City of Airdrie bylaw, or any other enactment that the City is authorized to enforce.

CONTRAVENTIONS:

Streets Bylaw

Section 7 of the *Streets Bylaw* states:

A person must not damage, deface, paint, chalk, stencil, or make any advertisement, legend, or sign of any kind on a pathway, sidewalk, street, or fence enclosing an obstruction on a street or public place.

Section 12 of the *Streets Bylaw* states:

A person must not damage, cut away, break, or remove portions from a gutter, curb, or sidewalk.

Waterworks Bylaw

Section 55 of the Waterworks Bylaw states:

A person must not damage, destroy, remove, or interfere in any way, with any pipe, pipe connection, valve, bypass valve, water meter, metering installation, seal or other appurtenance forming part of or attached to the potable water distribution system.

An inspection of the Lands on April 24, 2025 and surrounding roads revealed that Edwards Way and the adjacent sidewalk have been damaged by the excavation work and development on the Lands.

At the time of inspection, it was observed that a 10-meter-long section of the sidewalk had collapsed due to inadequate slope stability of the developments excavation which had encroached into the sidewalk of Edwards Way SW.

The collapsed section of sidewalk occurred at the location of a watermain isolation valve for a 350mm watermain within the west sidewalk of Edwards Way SW, leaving the valve casing exposed and protruding from the collapsed soil.

Due to a collapse of the sidewalk, it was identified on site that the roadway structure has been impacted and time of inspection a 100mm deep void between the asphalt and granular base course has formed. The void appears to extend the length of the failure area and extend into the roadway by approximately 1.5 meters, however the full extent of the damage into the roadway way was unable to be determined to this point.

ORDER:

YOU ARE HEREBY ORDERED TO IMMEDIATELY STOP the development and use of the Lands causing damage to Edwards Way and sidewalk and are ordered to comply with the *Streets Bylaw*, *Waterworks Bylaw*, and directions of the City of Airdrie.

Specifically, you must:

1. **Immediately** discontinue all excavation and development activities on the Lands within 5 meters of east boundary of the Lands, with the exception of activities required to maintain site security, compliance, with OH&S regulations, and to comply with the directives of this Order or any other Order that the City may issue.
2. **Take immediate action** to implement interim shoring and stabilization measures to secure and protect the excavated slope along Edwards Way to prevent further deterioration of the roadway, sidewalk, and slope; and
3. **Within 7 days** of the date of this Order:
 - a. direct your Geotechnical and Civil Engineer to prepare an engineered design for a sheet pile wall or equivalent alternative shoring system, designed to support loading of the adjacent roadway, and for the stabilization and reestablishment of the wrongfully excavated and undermined portion of the road right of way; and

- b. Submit the required design to the City's Engineering Department for review and approval.
4. **Within 14 days** of the date of this Order, you shall provide to the City's Engineering Department the name of the proposed contractor intended to undertake the work (which shall not be any party named in this Order), which contractor shall have a minimum of 10 years experience related to shoring, slope stabilization and road construction and repair, carry a minimum of \$5 Million in general liability insurance, either hold or be willing to obtain a valid business licence for the City of Airdrie, and hold a Certificate of Recognition (COR) and current WCB account.
5. **Within 30 days** of the date the design and proposed contractor have been approved by the City, you shall complete the installation of the shoring system and all required repairs necessary for the restoration of the road right of way. Confirmation of completion shall be provided to the City in writing by the contractor retained to undertake the work, confirming that all work has been completed in accordance with the approved design.

Note that the 350mm water line, including the isolation valve, valve stem, casing and rod are to be secured, protected, and remain operational during the restoration work, to the satisfaction of the City's Water Services. Once the work has been completed, the City of Airdrie Water Services are to be contacted to permit an inspection to be completed to ensure the isolation valve and valve stem are fully operational.

CONSEQUENCES OF FAILURE TO COMPLY:

Should any requirement of this Enforcement Order not be complied within the time limits provided, the City of Airdrie shall be authorized to undertake the work itself, at your expense. This may include entry onto the Lands to accommodate inspection and repair work, in addition to whatever other actions or measures the City determines to be necessary to remedy the above-noted contraventions, including seeking an injunction or other relief from the Court of King's Bench or imposing fines. The expenses and costs of actions or measures taken by the City of Airdrie under this section are an amount owing to the City of Airdrie by you. Further, the City may add the costs and expenses for carrying out this Enforcement Order to the tax roll for your Lands pursuant to Section 553(1)(c) of the *Municipal Government Act*.

YOU ARE HEREBY NOTIFIED THAT As per *Municipal Government Act* section 547, Enforcement Order, you may seek a Review of this Order from the City of Airdrie Council. To do so, the request must be made, in writing, to Council within 14 days after this order is received. After reviewing the order, Council may confirm, vary, substitute, or cancel the order. The request may be sent to Council at legislative.services@airdrie.ca or 400 Main Street SE, Airdrie, AB, T4B 3C3. legislative.services@airdrie.ca or 400 Main Street SE, Airdrie, AB, T4B 3C3. Enforcement Order. A Review does not act as a stay of the requirements of this Order, including the time limits imposed herein.

ORDERED by the City of Airdrie this **25th** day of **April 2025**.

PER:

Community Peace Officer

AIRDRIE MUNICIPAL ENFORCEMENT