

June 4, 2025

City of Airdrie
City Hall,
400 Main Street SE,
Airdrie, Alberta

VIA EMAIL: legislative.services@airdrie.ca

Dear Sir/Madam,

Re: Council review of Enforcement Order dated April 25, 2025 (the “Enforcement Order”)

Overview

196 Edwards Way SW (the “**Lands**”) is currently being developed under the terms of a development permit dated August 7, 2024. On or about April 24, 2025, the City of Airdrie identified that the contractors working on the Lands (the “**Contractors**”) had excavated beyond the approved excavation area on the east boundary of the Lands and into the Edwards Way right-of-way.

On April 25, 2025, the City issued the Enforcement Order (**Schedule 1**), which stated that the excavation had encroached on the sidewalk; impacted the roadway; left a watermain valve exposed; and caused a section of the sidewalk on Edwards Way to collapse due to slope instability. As a result, the Enforcement Order directed both the owner of the Lands and the Contractors to take certain steps to ensure that the excavation on the east boundary of Edwards Way was stable.

Strategic Group does not argue that the Enforcement Order should not have been issued to the Contractors. However, Strategic Group seeks a review of the directives in the Enforcement Order requiring the installation of a “sheet pile or equivalent shoring system”. Specifically, Strategic Group requests that the Enforcement Order be amended to permit the backfilling and compaction of the excavation between Edwards Way and the foundation of the building on the Lands as the means of ensuring the stability of Edwards Way. This revision to the Enforcement Order should not be controversial because the City ultimately retained Ellis Don to complete this work.

For the reasons that follow, Strategic Group requests that the City formally amend the Enforcement Order to permit the work already completed to resolve any slope stability issues on Edwards Way and then withdraw the Enforcement Order as it is no longer required.

Background

On April 24, 2025, the City identified that the excavation related to the development of the Lands had exceeded the approved excavation area on the east boundary of the Lands and extended into the Edwards Way right-of-way. On April 25, 2025, the City issued the Enforcement Order, which alleged that “a 10-meter-long section of sidewalk had collapsed due to inadequate slope stability of the development’s excavation which had encroached into the sidewalk of Edwards Way SW”. Notably, while Edwards Way SW has a sidewalk right-of-way, there is no cement sidewalk constructed there. Therefore, there was no “collapsed sidewalk”. Instead, there was an over excavation of the grass sidewalk right-of-way. The Enforcement Order also stated that the “collapsed section of sidewalk” left a valve casing for a 350mm watermain “exposed and protruding” and alleged that a “100mm deep void” between the roadway and its base may have been created by the excavation.

The Enforcement Order set out five directives that Strategic Group and its Contractors were to complete within 30 days of the date of the Enforcement Order. The directives relevant to this review are below:

Directive 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.

Directive 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.

Directive 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.

In accordance with the Enforcement Order, all excavation work on the Lands was stopped until the directives in the Enforcement Order were satisfied.

As required by the Enforcement Order, on May 2, 2025, Strategic Group submitted a proposal to mitigate all slope stability risks along Edwards Way (**Schedule 2**). However, also on May 2, 2025, the City delivered a Notice (the “**Emergency Notice**”) that it was invoking section 551 of the *Municipal Government Act* to complete what the City believed to be emergency work to stabilize the excavations along the north and the east boundaries of the Lands (**Schedule 3**). Under the authority of the Emergency Notice, the City’s contractor (Ellis Don) took control of the work on the Lands and Strategic Group and its Contractors were prevented from complying with directives 4 and 5 of the Enforcement Order.

While the City issued the Emergency Notice on the basis that there was an “imminent danger to public safety or of serious harm to property”, Ellis Don did not install any temporary shoring along Edwards Way (**Schedule 3**). In fact, Ellis Don did not undertake any work along Edwards Way until May 21, 2025, when it began to backfill the space between Edwards Way and the foundation of the building on the Lands—as Strategic Group had proposed 19 days earlier (**Schedule 4**). Ellis Don completed the backfilling work on May 22, 2025 (**Schedule 5**). Ellis Don ultimately demobilized from the Lands on May 28, 2025, without having installed any sheet pile wall or similar shoring system along Edwards Way.

As of the date of these submissions, the space between the foundation of the building on the Lands and Edwards Way has been backfilled by Ellis Don in accordance with the proposal submitted by Strategic Group on May 2, 2025; any risk to the Edwards Way right-of-way that ever existed has been resolved by that backfill work; and Ellis Don has left the Lands without formally returning control of the Lands to the Contractors.

Ground of Appeal

It was not reasonable to require the construction of “a sheet pile wall or equivalent alternative shoring system”, when the most efficient and comprehensive way of protecting the watermain and Edwards Way right-of-way was to properly backfill the excavation on the east side of the Lands.

Requested Changes

Strategic Group requests that directives 3 and 5 of the Enforcement Order be amended as follows:

Directive 3: **Within 7 days** of the date of this Order:

- (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.

Directive 5: **Within 30 days** of the date the schedule and process or design and proposed contractor have been approved by the City, you shall complete backfilling and compacting the excavation adjacent Edwards Way or 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.

Reasons for Requested Changes

The Enforcement Order was issued to address perceived slope stability issues along Edwards Way. To the extent any such issues existed, they were addressed by the work proposed by Strategic Group and completed by Ellis Don. The City would not have permitted Ellis Don to complete that work, if it were not a reasonable means of resolving the potential issues identified in the Enforcement Order. As a result, the Enforcement Order should be formally amended to acknowledge the backfilling of the excavation along Edwards Way as an appropriate solution to the perceived slope stability issues that gave rise to the Enforcement Order.

Conclusion

As noted at the outset, Strategic Group does not dispute the City's authority to issue the Enforcement Order to the Contractors. Strategic Group only asks that the City acknowledge that the solution Strategic Group proposed to resolve the perceived issues along Edwards Way was an appropriate one by formally amending the Enforcement Order. In addition, with the perceived slope stability issues that gave rise to the Enforcement Order resolved by the work proposed by Strategic Group and completed by Ellis Don, there is no need for the Enforcement Order. With the issues resolved by the work that has already been completed, the most reasonable course of action is to first amend the Enforcement Order as requested and then formally withdraw it and remove it from the title to the Lands.

Strategic Group thanks you for your consideration and is committed to ensuring that its Contractors and the development of the Lands comply with all City bylaws going forward.

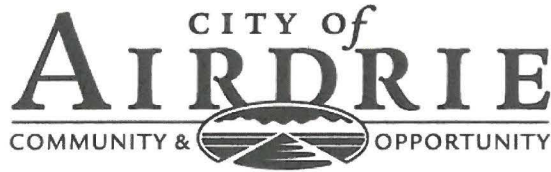
Yours truly,

Strategic Group



Branden Kidd
Development Manager

CC: Gail Gibeau, RPP, MCIP: Gail.Gibeau@airdrie.ca
Tracey Tester, Senior Planner, City of Airdrie: Tester@airdrie.ca
Shannon McCarron, Development Compliance Officer, City of Airdrie:
Shannon.McCarron@airdrie.ca
Stephanie Martin, Team Lead, Building Inspections, City of Airdrie:
Stephanie.Martin@airdrie.ca



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

CLIENT:	UK One Construction	FILE NO:	BNG25-1001
PROJECT:	Creekside	DATE:	2025-05-02
ADDRESS:	196 Edwards Way NW Airdrie, AB		

Purpose: Review of North Shoring Wall & Backfilling on the East Side

Site Visit Overview:

- On April 29, 2025, ARGEO conducted an on-site review of the north shoring wall and backfilling against the structural wall on the east side of the site (along Edwards Way) at the project site in Airdrie, AB.

Backfilling Along Edwards Way (East Side):

- The structural wall along Edwards Way is approximately 4 metres in height.
- From a geotechnical perspective, backfilling may commence on the east side, provided that NO machinery is placed within 4 metres of the excavation edge along Edwards Way.
- All structural backfill must be tested. The contractor is required to notify ARGEO prior to commencing backfilling operations.
- Structural engineer should be consulted prior to backfilling work to review the foundation from structural perspective.

North Shoring Wall (1st Avenue NW):

- ARGEO conducted a visual assessment of the north shoring wall on the same day and issued a memo to the client addressing the concern. A detailed slope stability assessment will be carried out upon request from the City of Airdrie in the coming days, followed by a report with recommendations.

Conclusion and Recommendations:

- Backfilling on the east side (Edwards Way) may proceed as outlined above.
- As the client has already received the memo regarding the visual inspection of the north shoring wall, UK One Construction is liable for any failure of the north shoring wall resulting from activities in the area since that inspection.



AR Geotechnical Engineering Ltd.
Calgary, Alberta

**TECHNICAL
MEMORANDUM**

CLIENT: UK One Construction

FILE NO: BNG25-1001

PROJECT: Creekside

DATE: 2025-04-30

ADDRESS: 196 Edwards Way NW Airdrie, AB



DISTRIBUTION:

Prepared by: Reza Lotfalkhani, P.Geo

Reviewed by: Ayoub Ramadan, P.Eng

PAGE 2 OF 2

SIGNED:

SIGNED:

May 20, 2025: Looking north along Edwards Way



May 21, 2025, Photograph looking north along Edwards Way



May 22, 2025, Photograph looking north along Edwards Way



TABLE OF SCHEDULES

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