

Section 37.2 of the LUB has relevance to both the actions of Dunvegan Gardens and the RMWB, which states, with emphasis:

### 37.2 Offences and Penalties

(a) **Any person who:**

(i) **contravenes or causes, allows or permits a contravention of any provision of this Bylaw;**

(ii) contravenes or fails to comply with a development permit or conditions forming part thereof;

(iii) authorizes or proceeds with any development that is at variance with the description, specifications or plans that were the basis for the issuance of a development permit;

(iv) continues development after a development permit has expired, been revoked or suspended;

(v) **having been issued a Stop Order, does not complete the corrective measures described therein within the time specified therein;**

(vi) displays a sign in an abandoned state; or

(vii) displays a Portable Sign without a valid development permit outside the Urban Service Area or displays a Portable Sign which is not over an approved Portable Sign Marker.

**is guilty of an offence and is liable upon summary conviction to a fine not exceeding \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.**

(b) **Where contravention is of a continuing nature, a separate offence is deemed to occur on each day the offence continues.**

(c) Notwithstanding Section 3 b) of the Regional Municipality of Wood Buffalo General Penalty Bylaw, **for each offence and for each and every subsequent offence** (including each and every day an offence is continued after the first day) **the penalty shall be in accordance with Schedule 37A.**

By permitting Dunvegan Gardens to continue to be in contravention of the LUB, the RMWB is guilty of an offence, along with Dunvegan Gardens.

The following provision determines the fines:

Schedule 37A Specified Penalties for Offences

1. \$200.00 Minimum Penalty for contraventions of this Bylaw, not otherwise specified below.
2. \$200.00 Minimum Penalty for:
  - (a) Undertaking Development prior to the issuance of a Development Permit;
  - (b) Contravention of an Approved Development Permit or the Conditions of an Approved Development Permit;
  - (c) Contravention of the Conditions of a Subdivision Approval;
  - (d) Development with expired Development Permit or continuing development after Development Permit revocation or suspension,
  - (e) Sign developed without a required Development Permit;
  - (f) Sign in an abandoned state;
  - (g) Display a Portable Sign without a valid Development Permit or Portable Sign is not over an approved Portable Sign Marker.
3. \$300.00 Minimum Penalty for:
  - (a) Maintaining unsafe or unsightly premises
4. **\$1,000.00 Minimum Penalty for:**
  - (a) **Contravention of a Stop Order** or other Order issued under this Bylaw or the Act.

This provision indicates that anyone who contravenes a stop order is liable for a minimum penalty of \$1,000.00 a day for each day that a contravention occurs.

If this provision had been followed and enforced by the RMWB, Dunvegan Gardens would be liable for a minimum fine of over \$2,000,000.00 since September of 2011 up to the present day. What would the fine be to the RMWB for issuing Haul Permits to Dunvegan Gardens, in contravention of the Stop Order of September 2, 2011? It is an offence to “allow” or “permit” a contravention of the LUB, in accordance with Section 37.2 of the LUB.