

CITY OF GRANDE PRAIRIE GENERAL APPEAL BOARD

HEARING DECISION GAB 2026-001

Decision Date: 2026/04/17

Hearing Date: 2026/04/14

Appeal File Number: GAB 2026-001

DECISION OF THE GENERAL APPEAL BOARD

BEFORE:

L. Murphy, Chair and Presiding Officer
B. Sherback
J. McFayden

DESCRIPTION OF THE APPLICATION

1. This is an appeal to the General Appeal Board (the Board) of section 545 of the *Municipal Government Act*, RSA 2000, c. M-26 (MGA) issued pursuant to the City of Grande Prairie Animals and Responsible Pet Ownership Bylaw (Bylaw C-1226). The Order (File Ref: 2025-0990) required Kurt Menzies, to:
 1. *Immediately cease the unauthorized keeping of livestock on the Subject Properties.*
 2. *Remove the horse ("Captain") from the properties located at 9002 122 Avenue and from 12038 Cygnet Boulevard.*
 3. *Relocate the horse to a facility or property that is appropriately zoned for the keeping of livestock.*
2. On February 25, 2026, the notice was sent by email and registered mail to Kurt Menzies.
3. Upon notice given to parties, a hearing was held in Grande Prairie, Alberta on April 14, 2026.
4. The following people participated in the hearing:
 - a. The Appellant: Kurt Menzies
 - b. Chief Bylaw Enforcement Officer Helen Napier on behalf of the Respondent, the City of Grande Prairie
 - c. David Braun
 - d. Andrew Bursey
 - e. Ellen Christopherson
5. The Board received written submissions from:
 - a. Debi Vigen-Rycroft
 - b. Anonymous
 - c. Kerith Bursey
 - d. Gallagher
 - e. Joy Pruden
 - f. Morgan & Darin Dunphy
 - g. Neal Fraser

ISSUE

6. Should the Board confirm, vary, substitute or cancel the Remedial Order (File Ref: 2025-0990) issued by the City of Grande Prairie Enforcement Services against Kurt Menzies, for the subject properties 90002 122 Avenue and 12038 Cygnet Boulevard, Grande Prairie, AB.

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LEGISLATION

7. Section 8 of the MGA provides the authority under which the Licence and Community Standards Appeal Board has been convened.
8. City of Grande Prairie Bylaw C-1469 provides the board with the authority to hear appeals.
9. Section 545 of the MGA provides an outline of the circumstances under which a designated officer can issue an order to require a person to comply with a municipal bylaw.
10. Section 547 of the MGA provides for the deadline for an appeal.
11. This appeal is governed by the City of Grande Prairie Animals and Responsible Pet Ownership Bylaw C-1226 (the “Bylaw”), section 5.3, which reads
A Person shall not keep Livestock in the City except where the keeping of Livestock is permitted or approved as discretionary by the Land Use Bylaw or the Person has been issues a valid Livestock Exemption Permit from the Director.
12. The *Interpretation Act*, RSA 2000 C I-8 (Interpretation Act) provides for the computation of time.

DECISION

13. The appeal is allowed in part and the Order to Remedy Contravention is varied. The Order to Remedy Contravention is confirmed with the amendment to the Compliance Deadline to strike “March 15, 2026” and substitute in its place “May 8, 2026”.

SUBMISSIONS OF THE PARTIES

Respondent’s Submissions

14. Chief Enforcement Officer Helen Napier, on behalf of the Respondent City of Grande Prairie presented written and oral submissions to the Board to request the Board deny the appeal and uphold the order to remedy contravention.
15. Chief Napier stated that the Livestock Exemption Permit is not properly before the Board.
 - a. The appeal period for the decision on the Livestock Exemption Permit expired on January 6, 2026.
16. Chief Napier stated the presence of the horse constitutes a continuing contravention of Bylaw C-1226.
17. Chief Napier presented key factors relevant to the order:
 - a. Mr. Menzies was made aware of the bylaw requirements and the need to obtain a Livestock Exemption Permit or remove the horse.
 - b. He applied for a Livestock Exemption permit which was reviewed and ultimately denied on December 15, 2025.
 - c. The Livestock Exemption decision included clear direction to relocate the horse by January 26, 2026.
 - d. No notice of appeal was filed within the prescribed 14 calendar day appeal period.
 - e. A follow up inspection on February 25, 2026 confirmed that the horse remained on the property.
 - f. As a result, an order to remedy contravention was issued under section 545 of the MGA.

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18. Chief Napier stated the position of Enforcement Services is straight forward. At the time the order to remedy contravention was issued, there was a clear and ongoing contravention of Bylaw C-1226.
19. Chief Napier stated that the legislative requirements for issuing an order to remedy contravention under section 545 of the MGA are fully met.
20. Chief Napier stated the authority to issue section 545 of the MGA, where a designated officer can issue and order when:
 - a. A contravention exists.
 - b. An action is required to remedy that contravention.Both conditions are clearly satisfied here.
21. Chief Napier stated to establish the contravention under section 5.3 of Bylaw C-1226, 3 specific criteria must have been met:
 - a. Was the appellant keeping livestock? The answer is yes; Bylaw C-1226 defines livestock to include a horse.
 - b. Is the keeping of livestock permitted as discretionary use in the Land Use Bylaw for the property? The answer is no; the zoning of the properties is General Residential. While section 83 of the Land Use Bylaw shows urban agriculture as a discretionary use, the definition of urban agriculture specifically states that this does not include intensive agriculture, extensive agriculture, or the raising of livestock. Furthermore, no such discretionary use has been approved.
 - c. Has the appellant been issued a valid livestock exemption permit? The answer is no. The appellant does not have a livestock exemption permit as his application for a livestock exemption permit was denied.
22. Chief Napier stated that despite being given clear direction and a reasonable timeframe to comply, the horse remained on the property beyond the January 26 deadline.
23. Chief Napier stated issuance of the order to remedy contravention February 25, 2026 was not only appropriate but necessary to ensure compliance with Bylaw C-1226.
24. Chief Napier highlighted that the process leading up to the order to remedy contravention was fair reasonable and progressive. Mr. Menzies was informed of the bylaw requirements, provided with the opportunity to apply for a livestock exemption permit, given time to submit supporting information, provided with a written livestock exemption decision and a clear compliance deadline, and only after the compliance deadline passed and the contravention continued was the order to remedy contravention issued.
25. Chief Napier stated that while the appellant might wish to raise factors related to the Livestock Exemption Permit, such as therapeutic need or neighbourhood considerations, those matters were properly considered during the livestock exemption process.
26. Chief Napier stated those considerations do not change the fact that the current situation constitutes a violation of Bylaw C-1226.
27. Chief Napier stated that cancelling the order to remedy contravention does not grant a livestock exemption permit. It would merely leave an active bylaw contravention in place.
28. Chief Napier stated that issuance of the order to remedy contravention was fair, reasonable and provided ample opportunity for compliance.

Appellant's Submissions

29. Kurt Menzies presented written and oral submissions to the Board
30. The Appellant began with background:
 - a. The point of getting the property was to connect with the community and raise their family in Grande Prairie.

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- b. Previous to acquiring it the property had sat empty and had been overgrown with chest height grass. It was an eyesore for the community. They turned it into a liveable property.
 - c. His daughter worked to own a horse and get involved in equestrian.
 - d. Boarded the horse at a friend's acreage outside of town. About a 20-minute drive.
 - e. His daughter was out for a casual ride, was bucked off and landed on her head.
 - f. It seemed like a mild concussion. She woke up with amnesia. Took in for CT scans and MRIs. Her memory slowly regained but it was almost like she had gone back two or three years in age.
 - g. They have opened their yard to their community and invite them to come out. Prepare and serve food and invite musicians from across the province.
 - h. About 30 days later, she woke up after running around with the neighbours and was paralyzed from the waist down.
 - i. 30 days without walking. They got her a wheelchair. She was dragging herself around the house.
 - j. After months of her not being able to walk they found a local doctor who used neuro acupuncture to help her. Slowly and miraculously, she was able to walk.
 - k. Started a long road to recovery. Did everything they could for her.
 - l. During this process she couldn't go to school. They didn't want her to fall behind so they hired people full time to be with her to help with school work.
 - m. Almost eight months later she could walk without losing her legs.
 - n. Finally passed that and started recovery for the mental health to get back to some sort of routine, society and back to school.
 - o. One therapist has said there is a strong connection every time they talk to her about Captain. They would have a breakthrough with the mental health side of things and recovery.
 - p. Started to find Captain was the connection to her healing and did everything they could to get her out there. Most days she couldn't get out of bed but the days she could we'd get her out there and she could maybe spend five minutes there. It was difficult to get her to her horse, despite knowing it was key to her mental health.
 - q. The friend had to put the acreage up for sale and they had 48 hours to find a home for the horse.
 - r. Their lives had been completely changed and challenged.
31. The Appellant stated, they contacted the City to figure out a plan and knew an exemption permit was needed.
- a. The Appellant stated Helen was great to work with to put things together.
 - b. The Appellant stated what ended up being a challenge was that the notice went out right before Christmas holidays, right before everyone was leaving on break.
 - c. The Appellant stated that they have great support from all of their neighbourhood. Almost the entire neighbourhood is in support of having Captain there.
 - d. The Appellant stated most people were already gone on holidays, they didn't receive the notice, almost everyone they talked to never received a letter in time to respond or get anything in.
 - e. The Appellant stated it was right during the holidays that they got the letter saying the permit was denied and they did not get the chance to appeal that.
 - f. The Appellant stated neighbours were fed an uncomplete and untrue story.

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- g. The Appellant stated they had spoken to Helen about one of the neighbours going around petitioning under false pretexts and was advised not to do the same and it only amounted to a small part of the considerations.
- h. The Appellant stated that from the denial it was clear that the neighbours who had responded were led to believe that they wanted six or seven horses and a large barn. Which was untrue, they were seeking an exemption for a single horse, for therapeutic reasons and for a period of time. They said they could have gone to talk to their neighbours and they all would have said they were for it, especially the small group who were lied to.
 - i. The Appellant confirmed they did miss the appeal date and it was their own fault.
- 32. The Appellant stated they never believed Captain would be there permanently, they were looking out for the health of their daughter.
- 33. The Appellant stated they have five and half acres. It sites two properties but Captain has almost never set foot, maybe a couple times, on a Cygnet Boulevard property.
- 34. The Appellant stated they are happy to look at any mitigation strategies.
- 35. The Appellant stated when it came to the removal it was not something lightly or easily handled.
- 36. The Appellant stated his daughter has been able to, for the first time since January, attend two consecutive days of school. Every time she goes out there she lights up.
- 37. The Appellant stated horses pick their people and he chose her. They indicated they have seen the connection and the boarder saw that connection.
- 38. The Appellant stated that he appreciated that there is a process and procedures, that they appreciate the work Helen does for the City, and that they did not have anything bad to say about the work that has been done here.
- 39. The Appellant asked for help to help their daughter and the work with Captain.
- 40. The Appellant stated they are open to whatever that solution or plan would be.
- 41. In questioning by the Board, the Appellant there had been consideration for the existing facility, PARDS. The Appellant stated his daughter started with PARDS, however, there are days she still can't get out of bed. Any distance beyond where it's at... They have a full time live in help for the days his daughter can't get out of bed and work with Captain. Being able to walk out the door and be with him, beyond 500 to 1,000 feet is extremely difficult and its hard to be consistent.

Submissions in Favour of the Appeal

- 42. David Braun presented oral and written submissions to the Board. Braun indicated they are a neutral party and live in Wedgewood.
 - a. Braun presented a blind survey and submitted it to the Board.
- 43. Andrew Bursey, a neighbour at 11214 Cygnet Boulevard, presented an oral submission to the Board.
 - a. Bursey attested that they were a neighbour on holiday and when they saw the letter seeking feedback it was too late to submit a response.
 - b. Bursey stated that they spoke to neighbours on the street who said they were gone and didn't have the opportunity to do anything with it.
 - c. Bursey attested that they have personally seen the difference the horse has made in Jessica's life.

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44. Ellen Christopherson, stepmother to Jessica Menzies and resident of the property in question, presented an oral submission to the Board.
 - a. Christopherson stated that the removal of Captain scares her because it is the only thing that allows her to get her stepdaughter out of the house on her bad days. Those days are still there. The change that happens afterwards is immense.
 - b. Christopherson speculated that additional City resources will have to go to her stepdaughter if the horse is removed.
 - c. In questioning by the Board, Christopherson clarified by City resources they meant they think there will be more hospital visits if the horse is removed. Her wellbeing and stability have been deeply stabilized by that horse and without the horse she will need more support.

Closing Statement of the Respondent

45. Chief Napier acknowledged the personal circumstances and recognized that the matter is deeply important to Mr. Menzies and concerns raised are not insignificant.
46. Chief Napier reiterated that the only matter before the Board is whether the order to remedy contravention was appropriately issued.
47. Chief Napier stated considering the order itself the facts are straight forward:
 - a. The property is located in a residentially zoned district where livestock is not permitted.
 - b. No valid livestock exemption permit is currently in place.
 - c. A clear compliance deadline was provided following the denial of the permit.
 - d. As of the inspection on February 25, 2026 the horse remained on the property.
48. Chief Napier stated the issuance of the order under section 545 is the legislated mechanism available to address ongoing contravention and bring the property into compliance.
49. Chief Napier emphasised that the order is not intended to be a punitive measure, it is a corrective tool to ensure consistency with the Bylaw and to support fair application of the rules across the community.
50. Chief Napier stated Enforcement Services considered the underlying concerns raised during the exemption process were considered at that time, including therapeutic reasons. Those matters were reviewed through the appropriate process and do not change the current status of the property in terms of compliance.
51. Chief Napier stated that the order was appropriately issued and should be upheld to maintain the integrity and consistency of the City's regulatory framework.
52. In questioning by the Board, Chief Napier clarified that the Bylaw is specific in that it says 14 Calendar Days and does not give reference to giving consideration to holidays, weekends, anything outside of Calendar Days. They followed the General Appeal Board Bylaw. What they go by is that it's deemed delivered seven days from mailing, then 14 calendar days after that, that is the appeal period.

Closing Statement of the Appellant

53. The Appellant stated that the wellbeing of Captain is a big part of this as well. They have taken a lot of steps to make sure he is taken care of.
54. The Appellant stated they have consideration for their neighbours and keep community first in mind. If anyone has an issue they have an open door.
55. The Appellant acknowledged there are a lot of considerations for things they have to have in place dealing with the manure, daily health of the horse, has all been taken to consideration.
56. The Appellant stated they are at the property every day.

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57. The Appellant stated they have brought professionals in to make sure Captain is healthy and has everything he needs.
58. The Appellant stated there were eight times Enforcement visited the property but they haven't had a single ticket. They noted they have a couple of neighbours who complain no matter what they do.
59. The Appellant stated they never asked anything from their community. This is the first time they are asking for anything. The support has been overwhelming.
60. The Appellant stated they understand process, they are not trying to avoid that, they are all for doing the proper procedures.
61. The Appellant indicated they would appreciate any consideration and some type of plan. They are open to any help and assistance.
62. The Appellant stated the timing of the exemption permit and the appeal was critical, both in neighbour responses and their ability to respond to the appeal.
63. The Appellant stated that having Captain is not a matter of convenience. There are places to board horses like PARDS. At this point it is a necessity for health and wellbeing.

REASONS

64. In this appeal, the Board must determine if the Order the City's Animals and Responsible Pet Ownership bylaw regarding the unauthorized keeping of a Horse at the Appellant's home was justified.
65. In determining this appeal, the Board considered all the relevant provincial legislation, City of Grande Prairie Bylaws, evidence submitted to the Board and presented at the hearing, the arguments made, and the circumstances and merits of the application.
66. The Board acknowledged the personal circumstances presented by the Appellant and recognizes the hardship but must operate within the scope of the appeal on the Order to Remedy Contravention.
67. The Board confirms that keeping a horse on the subject properties constitutes a violation of section 5.3 of Bylaw C-1226 for the following reasons:
 - a. Bylaw C-1226, section 5.3, reads, "A Person shall not keep Livestock in the City except where the keeping of Livestock is permitted or approved as discretionary by the Land Use Bylaw or the Person has been issued a valid Livestock Exemption Permit from the Director."
 - b. The subject properties located at 9002 122 Avenue and 12038 Cygnet Boulevard are zoned as General Residential under the Land Use Bylaw C-1260. The keeping of livestock is neither a permitted nor a discretionary use.
 - c. The Appellant was denied a Livestock Exemption permit December 15, 2025 and no appeal was filed with this Board on that matter.
68. The Board confirms that Enforcement Services issued the Order in accordance with section 545 of the MGA for the following reasons:
 - a. "If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require."
 - b. An inspection found that the horse was still located on the property at 9002 112 Avenue on February 25, 2026. The Appellant indicated at the hearing that the horse is still on the property.

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- c. The order was issued in writing, and a copy was provided to the Board.
69. The Board finds that Enforcement Services did not provide a suitable compliance deadline for the following reasons:
- a. In accordance with the Interpretation Act sections 22 and 23 and Bylaw C-1469 section 9.7, the order sent February 25, 2026 would have been deemed receipted March 4, 2026.
 - b. In accordance with the MGA section 547 and the Interpretation Act section 22, the subsequent deadline to file the appeal for the Order issued was March 18, 2026.
 - c. The Board finds it unfair for the compliance deadline, indicated as March 15, 2026 on the Order, to not account for the full opportunity to appeal.

CONCLUSION

70. The Board decides to vary the Order to provide a fair compliance deadline. The deadline will be the full 14 days provided under the MGA for an appeal, plus the seven days provided for deemed receipt under the Interpretation Act and Bylaw C-1469, from the date of this decision. For further clarity, the Order to Remedy Contravention is confirmed with the amendment to the Compliance Deadline to strike “March 15, 2026” and substitute in its place “May 8, 2026”.

“L. Murphy” (signed) _____
L. Murphy, Chair and Presiding Officer

April 17, 2026 _____
Date