

## COURT OF APPEAL OF ALBERTA

**Form AP-1**

[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER: 2501-0148AC

TRIAL COURT FILE NUMBER: 2501-01001

REGISTRY OFFICE: CALGARY

APPLICANTS: STEPHEN ROSS, LESLIE SKINGLE, BRIAN TALBOT, DAVID TAYLOR, RALPH YOUNG, DEVONIAN DEVELOPMENT CORPORATION, and THREE SISTERS MOUNTAIN VILLAGE PROPERTIES LTD.

Registrar's Stamp



STATUS ON APPEAL: APPELLANTS

RESPONDENT: TOWN OF CANMORE

STATUS ON APPEAL: RESPONDENT

DOCUMENT: **CIVIL NOTICE OF APPEAL**

APPELLANTS' ADDRESS FOR SERVICE AND CONTACT INFORMATION: Shores Jardine LLP  
Barristers and Solicitors  
2250, 10104 – 103 Avenue  
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Attention: Gwendolyn Stewart-Palmer, K.C. / Zachary Gerard  
Telephone: 780-448-9275  
Facsimile: 780-423-0163

File No.: 2423-00002/GJSP

### WARNING

To the Respondent: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

**1. Particulars of Judgment, Order or Decision Appealed From:**

Date pronounced: April 28, 2025

Date entered: May 7, 2025

Date served: May 7, 2025

Official neutral citation of reasons for decision, if any:

(do not attach copy) ***Ross v Canmore (Town)*, 2025 ABKB 258**

(Attach a copy of order or judgment: Rule 14.12(3). If a copy is not attached, indicate under item 14 and file a copy as soon as possible: Rule 14.18(2).)

**2. Indicate where the matter originated:**

**X Court of King's Bench**

Judicial Centre: Calgary

Justice: The Honourable Justice C.D. Simard

On appeal from a King's Bench Applications Judge or a Justice of the Court of Justice?:

Yes      X No

Official neutral citation of reasons for decision, if any, of the Applications Judge or Justice of the Court of Justice: (do not attach copy)

(If originating from an order of a King's Bench Applications Judge or a Justice of the Court of Justice, a copy of that order is also required: Rule 14.18(1)(c).)

**Board, Tribunal or Professional Discipline Body**

Specify Body:

**3. Details of Permission to Appeal, if required** (Rules 14.5 and 14.12(3)(a)).

X Permission not required, or      Granted:

Date:

Justice:

(Attach a copy of order, but not reasons for decision.)

**4. Portion being appealed** (Rule 14.12(2)(c)):

X Whole, or

Only specific parts (if specific part, indicate which part):

(Where parts only of a family law order are appealed, describe the issues being appealed, e.g. property, child support, parenting, etc.)

**5. Provide a brief description of the issues:**

The Appellants, Stephen Ross, Leslie Skingle, Brian Talbot, David Taylor, Ralph Young, Devonian Development Corporation, and Three Sisters Mountain Village Properties Ltd., appeal the decision of the Honourable Justice C.D. Simard on the following grounds:

1. The Honourable Justice C.D. Simard erred in law by concluding that the Respondent, Town of Canmore, had the authority to establish sub-classes on any basis it considers appropriate without limitation and without regard for the language in section 297 and Parts 9 and 10 of the *Municipal Government Act*, RSA 2000, c M-26;
2. The Honourable Justice C.D. Simard erred in law by concluding that the powers of enforcement and inspection of the assessor under Part 9 of the *Municipal Government Act*, RSA 2000, c M-26 could be delegated to the Chief Administrative Officer; and
3. Such other grounds as counsel may advise and the Court may permit.

**6. Provide a brief description of the relief claimed:**

The Appellants, Stephen Ross, Leslie Skingle, Brian Talbot, David Taylor, Ralph Young, Devonian Development Corporation, and Three Sisters Mountain Village Properties Ltd., respectfully seek the following relief:

- a. An order granting this appeal;
- b. An order quashing Bylaw 2024-19;
- c. In the alternative, a declaration that Bylaw 2024-19 is invalid and of no force or effect;
- d. Costs for the Appellants; and
- e. Such further and other relief as counsel may advise and this Court may deem just.

**7. Is this appeal required to be dealt with as a fast track appeal? (Rule 14.14)**

Yes    X No

**8. Does this appeal involve the custody, access, guardianship, parenting time, decision-making responsibility, contact or support of a child?** (Rule 14.14(2)(b))

Yes    ☒ No

**9. Will an application be made to expedite this appeal?**

Yes    ☒ No

**10. Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate?** (Rule 14.60)

Yes    ☒ No

**11. Could this matter be decided without oral argument?** (Rule 14.32(2))

Yes    ☒ No

**12. Are there any restricted access orders or statutory provisions that affect the privacy of this file?** (Rules 6.29, 14.12(2)(e), 14.83)

Yes    ☒ No

If yes, provide details:

(Attach a copy of any order.)

**13. List respondent(s) or counsel for the respondent(s), with contact information:**

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Counsel for the Appellants, Stephen Ross, Leslie Skingle, Brian Talbot, David Taylor, Ralph Young, Devonian Development Corporation, and Three Sisters Mountain Village Properties Ltd.

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File No. 104279-021

Counsel for the Respondent, Town of Canmore

*If specified constitutional issues are raised, service on the Attorney General is required under s. 24 of the Judicature Act: Rule 14.18(1)(c)(viii).*

**14. Attachments (check as applicable)**

X Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))

N/A – Earlier order of Applications Judge, etc. (Rule 14.18(1)(c))

N/A – Order granting permission to appeal (Rule 14.12(3)(a))

N/A – Copy of any restricted access order (Rule 14.12(2)(e))

*If any document is not available, it should be appended to the factum, or included elsewhere in the appeal record.*