

REASONS IN SUPPORT OF APPEAL

DP2025-05349 - 132 Varsity Estates Place NW

Submitted by Jo Anne Atkins, Director of Civic Affairs, Varsity Community Association – August 10, 2026

1. This appeal is filed pursuant to section 685(2) of the Municipal Government Act [*emphasis added*]:

In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

2. Section 685(2) states “decision or development permit”. Accordingly, an appeal lies not only from a decision to issue a development permit, but also a “decision” made by a development authority. The word “or” would otherwise be redundant contrary to the principles of statutory interpretation. Had the legislature intended to limit appeals to the SDAB only to decisions on development permits, it would not have used “or”.
3. The Varsity Community Association is appealing the decision by the Development Authority regarding DP2025-05349, which is linked to LOC2025-0141 at 132 Varsity Estates Place NW. The decision under appeal is the Development Authority’s decision to allow the applicant to convert the above-referenced concurrent development permit application from review under the H-GO land use district to review under the R-CG land use district, contrary to the City of Calgary’s established administrative policies and practices for Concurrent Submissions.
4. As a result of this decision, the Varsity Community Association and neighbouring residents are facing the prospect of a rowhouse in a cul-de-sac currently consisting of only 8 single family homes, without adequate opportunity to review the new plans and provide community input. Had the development authority followed its own long-standing procedures on concurrent applications, this would not be the case. Instead, the Development Authority refused to follow its own well-established and published procedures and policies on Concurrent Submission applications, without justification.
5. The Varsity Community Association fully supports the appeal filed separately by Chris Davis on behalf of affected residents.

6. In 2025, applications were submitted for a land use redesignation to H-GO and a concurrent development permit for a rowhouse development (two buildings) at 132 Varsity Estates Place NW.
7. Following our inquiry, the Development Authority confirmed on May 13, 2026 that the development permit was to be reviewed under H-GO district rules because the applications were linked. The applicant confirmed in the application documentation that the development permit was a Concurrent Submission. Under the Concurrent Submission rules, a concurrent development permit has no legal mechanism to exist on its own without its parent land use application.
8. As part of the application process, the applicant was required to sign a Concurrent Submission Declaration Form confirming that, should the land use amendment application be unsuccessful, a new development permit would be required if the applicant wished to modify the development permit to meet the existing land use district.
9. This means the applicant was not caught unaware of this requirement. There are sound planning and policy reasons why a new development permit is required. Further, failure by City Administration to apply the requirement consistently means the applicant is being treated differently from other applicants in the City of Calgary. When asked, City officials declined to provide examples in which they made a similar decision to abandon the Concurrent Submission policies and release an applicant from the established process.
10. In our written submission to the File Manager dated May 26, 2026, we made the following comments:

“We note that LOC2025-0141 is being reviewed concurrently with DP2025-05349. Our concerns for each application overlap and will therefore be outlined in this document.

As this development permit has been submitted under H-GO zoning, we understand if the land use redesignation application is refused, that the development permit application will be null and void. If the applicant then wishes to submit an application for a development permit for a rowhouse under R-CG zoning, we understand that this would require a new application with a new DP number and new plans. We note the Development Authority has assessed the development permit application as a discretionary use under H-GO rules.

Detailed Review 2 dated March 5, 2026 states on Page 2: *“The subject parcel is within a Residential – Grade-Oriented Infill (R-CG) land use district. This is a Discretionary*

*Use as per Land Use Bylaw 1P2007. However, there is currently a Land Use Amendment application in progress that proposes to change the subject parcel's land use district from Residential – Grade Oriented Infill (R-CG) District, to Housing – Grade Oriented (HGO) District. As a result, **this application will be reviewed against the H-GO District rules.**”*

City Administration did not respond to indicate that this understanding was incorrect.

11. After several persistent attempts to obtain an update on this file, on July 22, 2026, we were advised that the application for the land use redesignation had been withdrawn and that the development permit would now be reviewed under the rules for the R-CG land use district. Prior to requesting this update, affected residents and the Varsity Community Association were not informed of this significant change to the LOC and DP applications.
12. On July 22, 2026, the Varsity Community Association requested a meeting with the Planning Department, City Solicitor, and legal counsel for a group of affected neighbours to express our concerns that proper procedures were not being followed and that a new development permit under the R-CG land use district was required because the linked land use redesignation application had been withdrawn.
13. On July 27, 2026, the Varsity Community Association confirmed a meeting date of July 29, 2026 with City Administration and summarized our concerns (see Attachment 1). The meeting was held on July 29, and we were advised that a decision would be made on the file soon afterward.
14. On August 4, 2026, we received an email from the File Manager advising us that City Administration would not require a new development permit application under the R-CG land use district. (Attachment 2).
15. For background context, the Varsity Community Association has been involved with a materially identical situation at 4607 Valiant Drive NW. An application was made in April 2025 for a land use redesignation to H-GO. Concurrently, an application was submitted for a development permit under the H-GO land use district. At the same time, the developer applied for a development permit under the R-CG land use district. When we inquired, we were told the applicant did this to save time in case the land use application was defeated. On September 9, 2025, the application for rezoning to H-GO was defeated at Council and the concurrent development permit was cancelled. The developer then continued

with its application for a development permit under the R-CG land use district. Different procedures have therefore been followed in materially identical scenarios, with applications submitted three months apart in the Varsity community, creating a confusing and inconsistent application process.

16. This inconsistency in following City of Calgary policies and procedures creates uncertainty and erodes trust in the planning process. The community and affected residents are severely disadvantaged by not being informed of these changes or given the opportunity to properly review a new development permit application under the R-CG land use district. This error violates the principles of procedural fairness, and a new development permit application is required in these circumstances.
17. There has been a series of irregularities from the outset of this application that has had a compounding impact on the procedural fairness rights of the community and its ability to trust the planning review process. The Varsity Community Association is concerned that the Development Authority has acted unfairly and contrary to established process. Additional evidence will be provided at the procedural and jurisdictional hearing.
18. The decision undermines the Concurrent Submission Declaration Form and associated dual-application processes and jeopardizes the soundness of the application review. To allow this error to go unchecked may have broader consequences for other applications, calling into question whether sound planning practices are being followed.
19. The Development Authority has erred in its decision to convert a concurrent development permit application submitted under the H-GO land use district to an application under the R-CG land use district. A new development permit under the R-CG land use district is required.
20. For these reasons, we are appealing this decision of the Development Authority to the Subdivision and Development Appeal Board.
21. The Varsity Community Association seeks to have the Development Authority's decision to allow the conversion of the concurrent development permit application DP2025-05349 (land use redesignation application LOC2025-0141) to an application under the R-CG land use district quashed or varied, and asks that the SDAB rule that a new development permit application is required in the R-CG land use district.

ATTACHMENT 1 – July 27, 2026 Letter to City Administration



July 27, 2026

Councillor Kim Tyers
Debra Hamilton, GM Planning
Jill Floen, City Solicitor
Jessica Siriphokham,
Reza Bacchus, File Manager
City of Calgary

Re: 132 Varsity Estates Place NW – Improper Handling of DP and LOC Process

Dear Cllr. Tyers, Ms. Hamilton, Ms. Floen, Ms. Siriphokham, and Mr. Bacchus,

We would like to bring to your attention a very troubling situation regarding the development permit and land use redesignation process for a rowhouse building (2 buildings) at 132 Varsity Estates Place NW.

We note the application is slated for approval on July 27 according to the City's website.

We became aware on the morning of July 22 that city staff members have been working with the developer to approve a very controversial development permit that was linked to a land use redesignation without proper notification to affected parties. This lack of transparency subverts well-established city planning and public engagement processes. This kind of drift from conventional procedure calls into question what the motivation is behind this and goes against any sense of procedural fairness.

The Varsity Community Association and affected residents have been left completely in the dark. Not only were we not circulated on the new plans, our requests for information were ignored.

As a result, on July 24 we emailed the following request:

"We have consulted with our legal counsel who agrees proper procedure has not been followed with this file to the detriment of the affected residents and the community.

We therefore request a meeting with with yourself, Ms. Siriphokham, Ms. Hamilton, a representative from the City Solicitor's office, Bob Benson, Chris Davis, a representative of the affected neighbours, and myself before any further review, approval, or other action is taken on this development permit application."

We missed Councillor Tyers and Sharon Colbert on this email but requested their presence in a subsequent email. For clarification, Bob Benson is the President of the Varsity Community Association and Sharon Colbert is a member of the Varsity Civic Affairs Committee. Chris Davis is legal counsel for the nearby neighbour, Emil Khotari.

After consulting with everyone's availability we would like to meet at 10:30 am on **Wednesday, July 29, 2026**.

We believe that a new development permit is required in this instance. The previous development permit was linked to the land use redesignation application as shown in the email from the file manager:

As per my email correspondence to you on July 10, 2025, "An applicant can submit a development permit application at any point after a land use amendment has been submitted. In the case of 132 Varsity Estates Place NW, the DP2025-05349 is 'linked' to LOC2025-0141 and will be reviewed against H-GO district rules. Please note, this is done at the applicant's own risk because there is no guarantee that the LOC2025-0141 will be approved. But it is the applicant's prerogative to do so."

When applicants submit a land use redesignation application and a development permit that relies on approval of that application, if the land use is withdrawn, a new development permit under a new land use district is required. The Concurrent Submission Declaration illustrates this expectation:

The declaration states, "Further, I understand that if, after an unsuccessful Land Use Amendment application, I wish to modify my Development Permit application to meet the rules of the existing district, I must apply for a new Development Permit at my expense. Despite these risks, I still wish to proceed with the concurrent application option."

We reiterate our request that no action be taken on this file until after our meeting. We believe proper procedures have not been followed and a decision on the application would be premature.

Background

The land use redesignation application for H-GO was made in July 2025. The development permit application was submitted in October 2025 and plans were revised in February and April 2026.

In response the Varsity Community Association organized two public meetings to allow the applicant to present their proposal to the community. The first to discuss the land use application in September 2025 had approximately 500 concerned residents in attendance and over 250 attended the meeting on May 5, 2026 to review the amended plans submitted in April. Residents are staunchly opposed to the project. Almost 300 residents signed a petition requesting the applicant to drop their proposal for many reasons including parking and traffic safety issues and being very out of context for the site. It is a highly inappropriate location for a rowhouse on a laneless cul-desac, especially one that maxes out the H-GO building envelope. Even with the

smaller R-CG envelope it is still an out of context development in our opinion. We know for each application the file manager received hundreds of comments in opposition.

We have been checking DMAP a few times a month and assumed the file manager would advise us of any change in status for either application as is normal procedure. We noticed on July 15 that the DMAP status for the land use redesignation had changed and it indicated it would be on the CPC agenda on July 9. When we checked, it was not on the agenda. Between myself and Sharon Colbert, a member of the Civic Affairs Committee, we emailed the file manager three times to ask for updates on July 15 and July 21. Sharon followed up by leaving voicemail messages for the file manager and his supervisor. She finally contacted the file manager's supervisor on July 22. She eventually got a return call from Mr. Bacchus, the file manager, on July 22 at 11:40 am. I received an email from the file manager at 11:33 am on July 22 which stated the land use application had been withdrawn prior to the CPC meeting and the DP application had been changed to comply with R-CG rules. These are significant changes to a set of plans from one district to another. These new plans have not been posted on DMAP as of July 23.

We have not received any official notification or phone call about any of this. Normally amended plans are circulated by email from DP.circ@calgary.ca with a deadline for comments and the revised plans are posted on DMAP. We received a normal notification with a deadline for comments about the amended plans in April which was just a slight change in the driveway configuration. In response and at the request of the applicant, we held another public meeting. When these amended plans were circulated, I emailed the file manager to confirm that these plans were under the H-GO land use zoning. He assured me they were as you can see from the email above.

If a small change such as this warrants notification then a major change such as changing height and lot coverage should surely require recirculation and notification to affected parties. There should have been a circulation on the amended plans as they are significantly different and under a completely different land use.

On another parcel in Varsity at 4607 Valiant Drive NW the owner submitted concurrent applications for a land use redesignation to H-GO, a development permit for a rowhouse under H-GO, and a second development permit for a rowhouse under R-CG. When the redesignation was refused at Council, they cancelled the DP under H-GO and proceeded with the DP under R-CG. This sets a precedent in how the City handles these applications and that Administration sees development permits under the two different land use districts as separate and distinct permits.

Sharon Colbert was advised that the permit would be approved on July 23. Such a rushed process creates the impression that the file manager has been working with the developer to ensure a development permit is approved on the site without input from affected residents and without following well-established city planning practices.

We see that as of July 26 DMAP states "Pending Decision" but there is no update on the land use. The City's data spreadsheet shows an approval expected on July 27, 2026.

Conclusion

This is not a minor amendment but an entirely new development permit application.

Please ensure no approval is granted until this matter is sorted out.

We believe the rush to get this new development permit approved without any public input or consideration of is to ensure the approval occurs prior to August 4, 2026.

Trust in City Administration and Council is just starting to recover from an all-time low. What we are observing with this application does not restore confidence that city staff are working in the best interests of Calgarians.

Request

We would greatly appreciate it if you could ensure the decision on this development permit is paused until an investigation into city procedure and potential violations of city policies is completed.

Yours truly,

Jo Anne Atkins
Director of Civic Affairs
Varsity Community Association
403-999-9122

c.c. Mayor Jeromy Farkas
Bob Benson, President, Varsity Community Association
Chris Davis, legal counsel
Emil Kothari
VCA Civic Affairs Committee
VCA Board of Directors

Attachment A – Email Exchanges
Attachment B – DMAP July 23, 2026

ATTACHMENT A – Email Exchanges

Email Thread #1 between JoAnne Atkins & Reza Bacchus

July 22, 2026

Hello Reza,

We have not been circulated on this. Why not? We will be getting legal advice today.

Yours truly,

Jo Anne Atkins

From: Bacchus, Reza [mailto:Reza.Bacchus@calgary.ca]
Sent: July 22, 2026 11:33 AM
To: Jo Anne Atkins; Bob Benson
Cc: Siriphokham, Jessica C.
Subject: Re: [External] RE: LOC2025-0141 (132 Varsity Estates Place NW) Petition
Importance: High

Good Morning Jo Anne,

This is a follow-up to your email from July 15 and yesterday, July 21.

Regarding the land use amendment application LOC2025-0141 for 132 Varsity Estates Place NW, this has been withdrawn by the applicant. This is why you could not find it on the CPC's agenda.

In addition, the applicant for the development permit, DP2025-05349 at the same address, has further amended the plans, (e.g., building height) to align with the still existing R-CG district rules in order to submit their application with no requirement for a land use amendment. As of today, DP2025-05349 is still under review.

I hope this clarifies what is happening with regards to this parcel. Please let me know if you have any further questions.

Best Regards,
Reza

Reza Bacchus

Planner I
Planning and Development Services - Community Planning
C (587) 891-3895
E Reza.Bacchus@calgary.ca
The City of Calgary | Mail Code: 8076
800 MacLeod Trail S.E. | P.O. Box 2100, Station M
Calgary, AB T2P 2M5

From: Jo Anne Atkins <joanneatkins@shaw.ca>
Sent: 21 July 2026 1:04 AM
To: Bacchus, Reza <Reza.Bacchus@calgary.ca>
Subject: [External] RE: LOC2025-0141 (132 Varsity Estates Place NW) Petition

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Following up to my previous inquiry – I haven't heard when this is supposed to go to CPC. Can you please advise? Please advise also what the recommendation is to CPC.

Thanks,

Jo Anne Atkins

From: Bacchus, Reza [mailto:Reza.Bacchus@calgary.ca]

Sent: June 23, 2026 9:31 AM

To: JoAnne Atkins

Subject: LOC2025-0141 (132 Varsity Estates Place NW) Petition

Good Morning Jo Anne,

I am following up regarding a petition of residents I recall being mentioned who are opposed to this land use amendment. I cannot seem to find the passage where I read that.

I am currently writing my report to Calgary Planning Commission (CPC) and I have the opportunity to outline the number of signatures on a petition if was received. However, I never received a petition from you. May I ask if you could forward me a copy of the petition so I may include this number in the report?

Please note, I cannot attach the petition to the report. But the authors of the petition may submit the petition directly to Council as a public submission via the Clerks' form on [Calgary.ca/PublicSubmissions](https://calgary.ca/PublicSubmissions).

Best Regards,
Reza

Reza Bacchus

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Email Thread #2 between Sharon Colbert & Reza Bacchus

July 22, 2026

Hi Reza,

Thank you for calling me back this morning. I appreciate the time you took to speak with me. I am emailing to confirm I understood our conversation correctly.

It is my understanding from our conversation that the applicant withdrew LOC2025-0141 prior to July 9, 2026, and it did not go to the Calgary Planning Commission on July 9th, as a result.

A week or so ago, the applicant submitted an amendment to their existing H-GO development permit application DP2025-05349 linked to LOC2025-0141, and converted it to an RC-G development permit application.

The amended development permit application has been reviewed by the Development Applications Review Team, which recommended it be approved. It is slated to be approved tomorrow, July 23, 2026. After it is approved, this decision will be publicly advertised.

The Development Map has not been updated to reflect the LOC withdrawal or the DP amendment.

The Varsity Community Association and the affected neighbours were not notified of any of these changes to the land use amendment application or the amended development permit application (even though it is a discretionary use under R-CG).

Could you please confirm if the above information is correct?

Thank you.

Sharon Colbert
403-629-0696=

Email Thread #3 – between Bob Benson, JoAnne Atkins & Large Group

Thank you Jo Anne.

This is a matter of serious concern to many Varsity residents and to Varsity Community Association, and I look forward to participating in the meeting requested in Jo Anne's email.

I will be on vacation from July 23 through August 9, but will be available to participate in the meeting most days from July 27 through August 9 by telephone or videoconference.

Regards,

Bob Benson
President, Varsity Community Association

From: Jo Anne Atkins <joanneatkins@shaw.ca>

Sent: July 22, 2026 12:38 PM

To: JoAnne Atkins <joanne.atkins57@shaw.ca>

Cc: Reza Bacchus <Reza.Bacchus@calgary.ca>; Bob Benson <benson@wbalaw.ca>; Kim Tyers <kim.tyers@calgary.ca>; Debra Hamilton <debra.hamilton@calgary.ca>; Jessica C. Siriphokham <Jessica.Siriphokham@calgary.ca>; Chris Davis <chris@chrisdavislaw.ca>; Jaxson Owchar <CLWARD1@calgary.ca>; Emil Kothari <kothariemil@hotmail.com>; Sharon Colbert

July 27, 2026 Varsity Community Association Letter Re: 132 Varsity Estates PI NW

<sharon.colbert@me.com>

Subject: Re: [External Sender] DP2025-05349/LOC2025-0141

I inadvertently omitted Councillor Tyers name and would request her attendance at this meeting as well.

Jo Anne Atkins

Sent from my iPhone

On Jul 22, 2026, at 12:32 PM, JoAnne Atkins <joanne.atkins57@shaw.ca> wrote:

From: "JoAnne Atkins" <joanneatkins@shaw.ca>

To: "Reza Bacchus" <Reza.Bacchus@calgary.ca>, "Bob Benson" <benson@wbalaw.ca>, "Kim Tyers" <kim.tyers@calgary.ca>, "Debra Hamilton" <debra.hamilton@calgary.ca>

Cc: "Siriphokham, Jessica C." <Jessica.Siriphokham@calgary.ca>, "Chris Davis" <chris@chrisdavislaw.ca>, "Jaxson Owchar" <CLWARD1@calgary.ca>, "Emil Kothari" <kothariemil@hotmail.com>

Sent: Wednesday, July 22, 2026 12:32:05 PM

Subject: DP2025-05349/LOC2025-0141

Hello Reza,

We have consulted with our legal counsel who agrees proper procedure has not been followed with this file to the detriment of the affected residents and the community.

We therefore request a meeting with with yourself, Ms. Siriphokham, Ms. Hamilton, a representative from the City Solicitor's office, Bob Benson, Chris Davis, a representative of the affected neighbours, and myself before any further review, approval, or other action is taken on this development permit application.

We are involved with the public hearing today at Council and have an SDAB hearing Thursday afternoon but can makes ourselves available after that.

Yours truly,

Jo Anne Atkins

Director of Civic Affairs

Varsity Community Association

joanneatkins@shaw.ca

ATTACHMENT B – DMAP – July 23, 2026



[Development map](#) > Application details

Development permit - DP2025-05349

Address
132 VARSITY ESTATES PL NW

File number
DP2025-05349

Status
Pending Decision

Application information

Application status

Contact us

Click on each document link to download:

[DP2025-05349 DMAP Plans \(Submitted\) 2025-09-16 \(3MB\).pdf](#)

[DP2025-05349 DMAP Plans Amended \(2MB\) 2026-02-18.pdf](#)

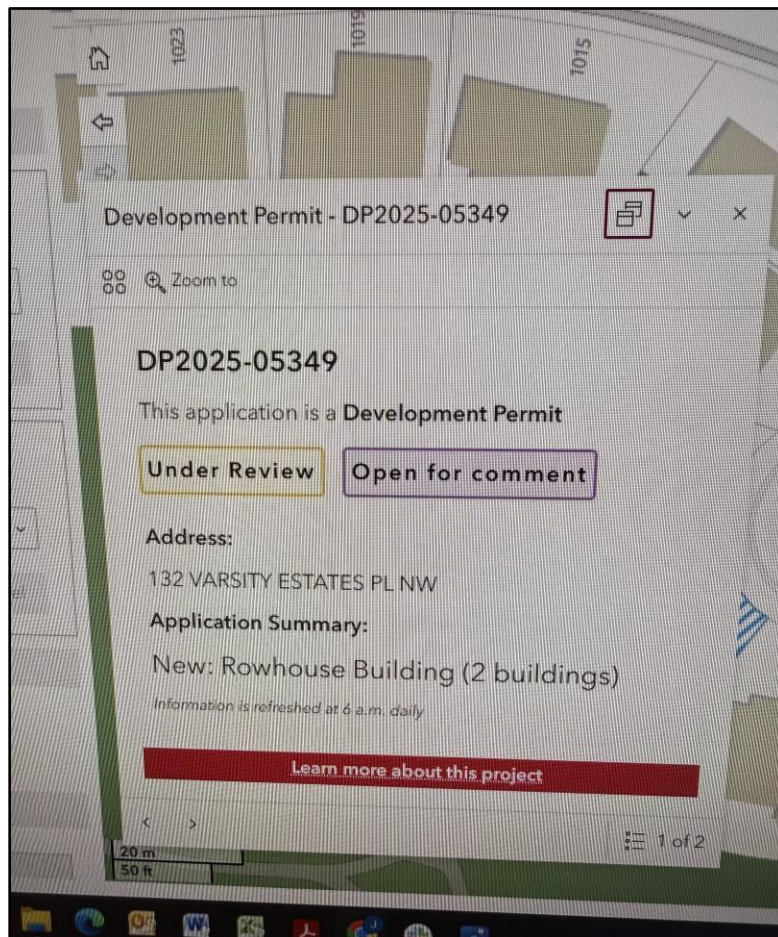
[DP2025-05349 DMAP Plans \(Amended\) 2026-04-14 \(3MB\).pdf](#)

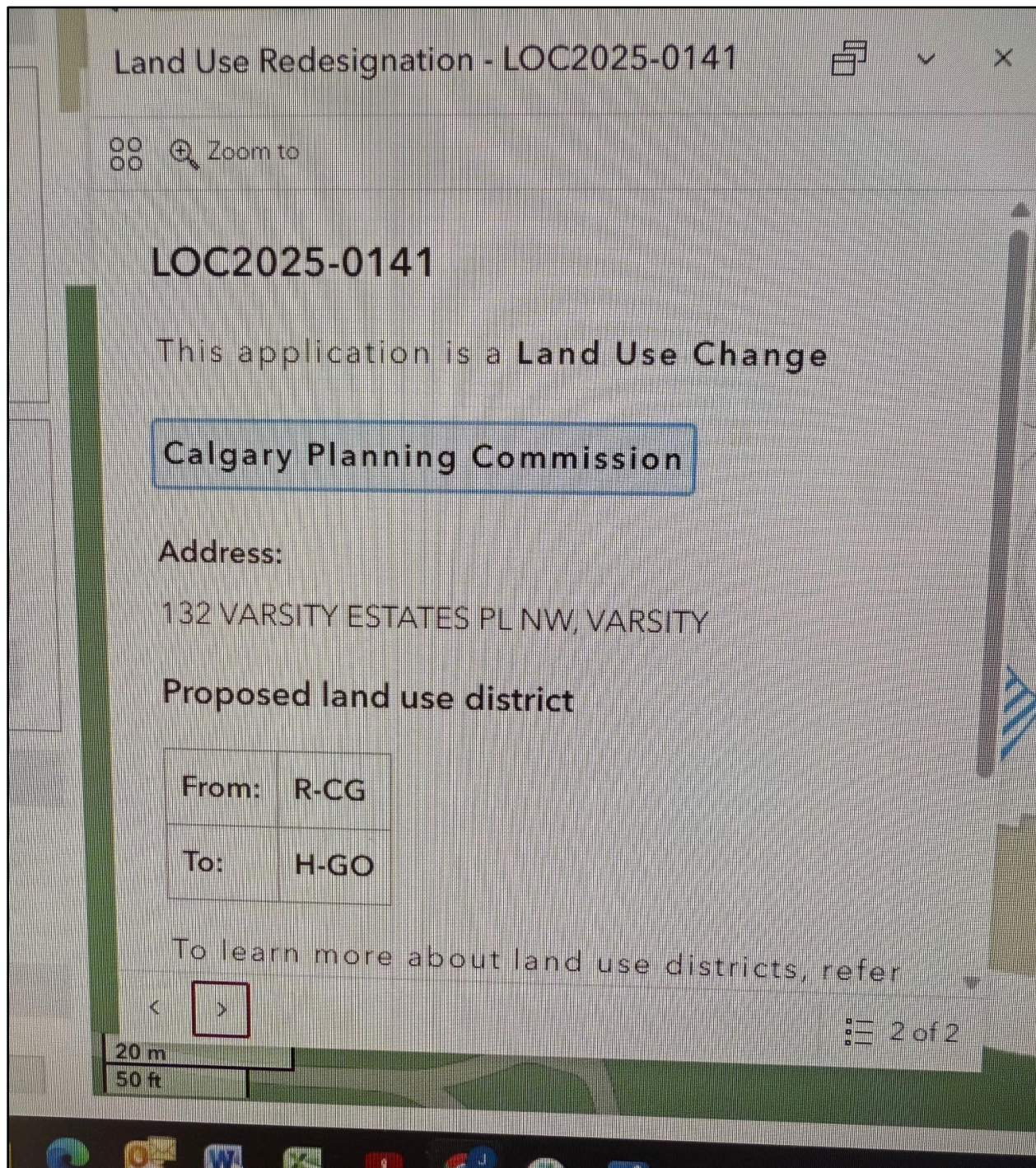
Community
Varsity

Land use district/zone

- Residential - Grade-Oriented Infill (R-CG)

[Where can I find a list of the land use districts? ↗](#)





ATTACHMENT 2 – Email Confirming the Decision that a New DP is Not Required

The Varsity Community Association considers this as written confirmation that a decision has been made by the Development Authority regarding DP2025-05349 to not require a new development permit application to be made for a rowhouse under the R-CG land use district.

August 4, 2026, 12:43 p.m.

Good Afternoon Sharon,

DP2025-05349 continues to move forward through the established development permit review processes. Any updates to the status of the application will appear on developmentmap.calgary.ca.

One update I can share with you now is that a new seven-day notice posting will be up between Aug. 6 - Aug. 13. When reviewing an application for decision, it is a standard process to ensure that the notice sign posted at the site stated all of the proposed uses. When the proposed uses do not match the uses posted on the site, a new notice posting sign is required. The notice posting of the proposed uses for a minimum of 7 days before decision, is a mandatory requirement of the Land Use Bylaw. Flexibility is not permitted on this requirement.

As you know, if this application is approved, a [public notice](#) regarding the development approval will be published. Anyone deemed to be affected by the approval will have an opportunity to appeal the decision in front of the Subdivision and Development Appeal Board. Further information regarding the appeal process can be found at <https://www.calgarysdab.ca/home.html>.

Best Regards,
Reza

Reza Bacchus

Planner I

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Calgary, AB T2P 2M5

From: Lee, Christian <Christian.Lee@calgary.ca>
Sent: 04 August 2026 8:10 AM
To: sharon.colbert <sharon.colbert@me.com>
Cc: Jo Anne Atkins <joanne.atkins57@shaw.ca>; JoAnne Atkins <joanneatkins@shaw.ca>; Bacchus, Reza <Reza.Bacchus@calgary.ca>; Belvedere, Shannon <Shannon.Belvedere@calgary.ca>; Rockley, Matt A. <Matt.Rockley@calgary.ca>
Subject: Re: [External] Fwd: DP2025-05349

Good morning Sharon,

I hope you had a wonderful long weekend. I am writing to advise that our internal records show that a decision **has not been made** at the time and date of this email.

Reza and Matt (who is covering for Jessica) will follow up if, and once, there as an update to provide.

Regards,

Christian Lee | B.Arch. | RPP | MCIP
Chair, Calgary Planning Commission
Manager, Planning Advisory and Coordination Services
Community Planning | Planning & Development Services

From: Sharon Colbert <sharon.colbert@me.com>
Sent: Friday, July 31, 2026 16:34
To: Lee, Christian <Christian.Lee@calgary.ca>
Cc: Jo Anne Atkins <joanne.atkins57@shaw.ca>; JoAnne Atkins <joanneatkins@shaw.ca>
Subject: [External] Fwd: DP2025-05349

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Hello Christian,

I understand Jessica is out of the office until August 10, 2026. If you could be of any help in responding to our inquiry below, we would be grateful.

Thank you.

Sharon Colbert

Begin forwarded message:

From: Sharon Colbert <sharon.colbert@me.com>

Subject: DP2025-05349

Date: July 31, 2026 at 4:26:45 PM MDT

To: "Jessica C. Siriphokham" <jessica.siriphokham@calgary.ca>, Reza Bacchus <Reza.Bacchus@calgary.ca>

Cc: JoAnne Atkins <joanne.atkins57@shaw.ca>, JoAnne Atkins <joanneatkins@shaw.ca>

Hello Jessica and Reza,

We have been tracking DP2025-05349 on the City of Calgary's Open Data Portal. We noticed that the decision date of July 27, 2026 and the "approval" status that was posted last week was removed yesterday.

However, we see now that while the decision date has not been re-posted, the decision status "approval" re-appeared this afternoon.

Could you please provide us with an update on the status of the decision on this DP.

Thank you.

Sharon Colbert