

Executive Summary to Council

Legal Options for the Removal of Unauthorized Sea Containers Used for Residential Purposes

To: Mayor and Council
From: Chief Administrative Officer
Date: August 12, 2026
Re: Court injunction process under s.554 of the Municipal Government Act

1. Purpose

This summary outlines the legal process for compelling the removal of sea (shipping) containers that are being used for residential purposes without authorization, following the enforcement steps already taken by administration. On the advice of the Oldman River Regional Services Commission (ORRSC), the recommended next step is an application to the Court of King's Bench for an injunction under section 554 of the Municipal Government Act (MGA).

2. Background

- **Land-use status.** Under the Land Use Bylaw 192-2019 (consolidated to 192-2026), a *permanent* shipping container is a discretionary use in the Industrial district only; it was removed from the Residential, Commercial and Public districts in the 2024 amendment. A temporary container (maximum one) is permitted in those districts, but permanent placement is not.
- **Residential occupancy.** A container does not meet the LUB definition of a single-unit dwelling (constructed on site on a permanent foundation), and accessory buildings and structures may not be used for human habitation (Schedule 6). Living in a container is a clear contravention of the LUB, independent of the untidy-premises concern.
- **Steps taken.** Administration has issued stop order(s) under MGA s.645 / LUB s.43 and unsightly (untidy) premises notification(s) under Bylaw 264-2024 / MGA s.546. The property owner(s) have not complied within the deadlines given.

3. The statutory enforcement chain

The MGA provides a graduated set of tools. The Village has worked through the order stage; the injunction is the enforcement mechanism used when an order has been issued and ignored.

Enforcement step	MGA / Bylaw	Status
Stop order — land-use / development contravention	MGA s.645; LUB 192-2019 s.43	Issued
Order to remedy contravention of an enactment	MGA s.545; LUB s.42	Available
Unsightly / untidy premises order	MGA s.546; Bylaw 264-2024	Issued
Municipality remedies default; add cost to tax roll	MGA s.553 / 553.1	Available
Court injunction for removal	MGA s.554	Proposed next step
Recovery of the Village's costs in the action	MGA s.554.1	On success

4. What a section 554 injunction is

- It is a court order from the Court of King's Bench (Alberta's superior trial court) directing the owner to comply — that is, to cease the residential use and remove the container(s).
- It is available wherever there is an **ongoing contravention of a bylaw**.
- **Key advantage:** a s.554 application is routine and does *not* require the usual common-law injunction test (serious issue / irreparable harm / balance of convenience). In most cases the only question before the court is whether the owner complied with the order already issued under the MGA. Where the underlying orders were validly issued and ignored, the outcome is relatively predictable.

5. The process, step by step

1. **Assemble the record.** Compile the enforcement file: the stop order and unsightly-premises notice, the compliance deadlines, proof of service, and evidence of continued non-compliance (photos, inspection notes, dates).
2. **Council authorization.** Council may wish to authorize the commencement of legal proceedings by resolution before counsel is instructed.
3. **Retain counsel.** The Village's solicitor drafts and files the application. Members may also use the ABmunis Casual Legal Helpline for preliminary guidance at no charge.
4. **Commence the application.** The matter is started by an Originating Application (Form 7) in the Court of King's Bench, supported by a sworn affidavit setting out the contravention, the orders issued, service, and non-compliance.
5. **Serve and hear.** The owner is served and may file a responding affidavit. The application is heard by a Court of King's Bench justice.
6. **Order and enforcement.** The court can order removal/compliance by a set date and typically authorize the Village to enter and carry out removal at the owner's expense if the owner still fails to comply, with those costs added to the tax roll.

6. Cost, timing and risk

- **Cost.** Court filing fees are modest (the Form 7 originating application fee is in the low hundreds of dollars, plus per-page charges); legal counsel is the main expense. Under MGA s.554.1 the Village may recover its costs in the action, and removal costs can be recovered through the tax roll (s.553 / 553.1).
- **Timing.** Typically a few weeks to a few months, depending on court scheduling and whether the owner contests.
- **Risk.** Relatively low where the record is clean. The principal vulnerability is any procedural defect in the underlying orders — confirm each order was validly issued, properly served, and that the 21-day SDAB appeal period on the stop order has expired without appeal.

7. Recommendation

That Council authorize administration to finalize the enforcement file and instruct legal counsel to bring an application under s.554 of the MGA for an order requiring removal of the unauthorized container(s) and cessation of the residential use, with costs recovered from the owner where available.