

**FOOTHILLS COUNTY  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
Development Appeal Board Decision**

**HEARING DATE:** MAY 21, 2026

**BOARD ORDER:** D12/2026

**APPELLANTS:** KEITH LARDEN AND ERIC AND JO-ANN HARTMAN

**LANDOWNER:** SAM OSMAN

**APPLICANT:** LISA NEILL

**APPEAL AGAINST:** THE APPROVAL OF 26D 077 FOR A BED & BREAKFAST (4 ROOMS)

**SUBJECT PROPERTY:** PLAN 8311642, BLOCK 1, LOT 5; PTN. S 08-22-04 W5M

**BEFORE:** CHAIRMAN B. ROBSON; BOARD MEMBERS B. ESTES, B. MEYERS, DON LARSON, MATT FOX AND RECORDING SECRETARY G. STANLEY

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**DECISION**

Having been satisfied that notice of this hearing was provided in accordance with the Municipal Government Act, R.S.A. 2000, Chapter M-26;

And upon having read the materials provided, and upon having heard the representations from the Appellants, Landowner, Applicant, the Development Authority for Foothills County and affected parties with respect to the appeal filed by the Appellant in accordance with Section 685 of the Municipal Government Act against the approval of Development Permit 26D 077 for a Bed & Breakfast (4 Rooms) on Plan 8311642, Block 1, Lot 5; Ptn. S 08-22-04 W5M (The "Property").

The Subdivision and Development Appeal Board for Foothills County (the "Board") has decided to:

ALLOW the appeal and OVERTURN the Development Authority's decision to approve Development Permit 26D 077 for a Bed & Breakfast on Plan 8311642, Block 1, Lot 5; Ptn. S 08-22-04 W5M.

The application is thereby REFUSED.

**INTRODUCTION**

- i. The subject property is an existing 59.51-acre Agricultural District parcel that is located northeast of Pine Ridge Road W, and approximately 360 metres west of Highway 762.

- ii. On April 22, 2026, the Development Authority for Foothills County approved Development Permit 26D 077 for a Bed & Breakfast (4 Rooms) on S 08-22-04 W5M.
- iii. An appeal was received on April 28, 2026, from K. Larden against the approval of Development Permit 26D 077.
- iv. An appeal was received on May 11, 2026 from E. and J. Hartman against the approval of Development Permit 26D 077.

## **ISSUES**

### **1. PROPOSAL AND SITE CONTEXT**

- i. The Development Authority submitted that the application sought approval to use four bedrooms within the existing principal dwelling as a year-round Bed and Breakfast, to be operated by the Applicant and her spouse, both of whom reside in the dwelling and would remain on site during guest stays.
- ii. The Development Authority submitted that the proposal did not consider the construction of any new buildings or structures to support the Bed and Breakfast use.
- iii. The Development Authority reviewed the site plan submitted by the Applicant, showing the location of all existing structures on the subject property and the property boundaries.
- iv. The Development Authority submitted that existing development on the subject property includes the principal dwelling containing the four proposed guest rooms, a second dwelling used as a caretaker residence, two garages used for an art studio and storage, an equipment shed, a barn, a chicken coop or animal shelter, and a private arena with attached barn approved under Development Permit 23D 063. All structures meet municipal setback distances and have the proper approvals in place.
- v. The Applicant, L. Neill, submitted that the proposed use represents a modest, residential-scale Bed and Breakfast that is compatible with the surrounding area and can be managed with minimal impact.
- vi. The Landowner, S. Osman, submitted that the application met the applicable requirements for a Bed and Breakfast under the County's Land Use Bylaw. He confirmed that he is the owner of the land and buildings on the subject property. He stated that the residence is currently used as a weekend home that he hopes to use for retirement and while he resides there, it is not full-time.

**2. LAND USE BYLAW AND INTERPRETATION**

- i. The Development Authority submitted that section 2.5 of Land Use Bylaw 60/2014 defines a Bed and Breakfast as a secondary use of a principal dwelling unit where the owner or operator provides temporary lodging or sleeping accommodation for a maximum stay of 14 days in no more than four guest rooms, with meals permitted but not required.
- ii. The Development Authority submitted that a Bed and Breakfast is a discretionary use under the Agricultural District land use rules. Section 10.4 of the Land Use Bylaw states that bed and breakfast homes must operate as a secondary use within an existing dwelling and be run by a live-in owner, with no more than four guest units per property and no alteration to the home's residential character or exterior appearance. Guest rooms cannot include kitchens or allow in-room food preparation, and all facilities must comply with public health standards. Stays are limited to a maximum of 14 days per person. A single identification sign, no larger than 0.55 m<sup>2</sup>, may be installed at the property entrance, provided it remains on private land and outside the road right-of-way. All bed and breakfast operations must also meet applicable Building Code requirements.
- iii. The Development Authority confirmed its interpretation that the Land Use Bylaw contemplates this use when the owner or operator of the business resides in the principal dwelling where the Bed and Breakfast is operated and remains on the property during guest stays.
- iv. The Appellant, K. Larden submitted that this is not the first appeal against development permits issued for the subject property. He stressed that the Land Use Bylaw definition states that the owner/operator of the dwelling provides temporary lodging or sleeping accommodations; that the use shall be subordinate to the principal use of the dwelling as a residence; and accommodation shall be hosted where the dwelling owner/operator is on-site during the majority of the visitors stay. He noted the compound phrase owner/operator does not mean owner or operator, but instead creates a dual requirement, implying that the owner must also be the operator.
- v. The Appellant, K. Larden, submitted that as noted on page 79 of the agenda, section 10.4.1 of the Land Use Bylaw states that a Bed & Breakfast shall be operated by live-in owners as a secondary use only. This requirement is reinforced under condition #7 of the Development Authority's approval which states that the Bed & Breakfast facility shall be operated by the live-in owners, and Condition #8 which states that the guest rooms shall not be rented out if the live-in owners are not present on the subject property. These conditions can not be complied with as neither Mr. Osman or his family live on the property.

- vi. The Appellant submitted that a managing partner of a Bed and Breakfast is not the same as the owner of the property and characterized the proposed operators as a third set of caretakers or employees of the property.
- vii. The Appellant submitted that the County's letter of authorization did not, in his view, grant L. Neill and her husband authority to act on behalf of the owners in a manner sufficient to satisfy the Land Use Bylaw.
- viii. The Appellant submitted that because the Bed and Breakfast must operate as a secondary use only, the Board should consider what the primary use of the property is if the landowner is not residing there full-time.
- ix. The Appellant submitted that a lodging facility operated by persons other than the owner is more properly characterized as a hotel, lodge, or tourist home rather than a live-in owner Bed and Breakfast, and that the subject agricultural parcel is not zoned for that type of commercial use.

**3. OPERATIONS AND OCCUPANCY**

- i. The Development Authority submitted that guest occupancy would be limited to a maximum of eight guests at any one time, with a maximum stay of 14 days, and that vehicle generation was anticipated to average fewer than four guest vehicles arriving and departing per day.
- ii. The Development Authority submitted that guest check-in would occur between 3:00 p.m. and 7:00 p.m., with checkout at 11:00 am.
- iii. The Development Authority submitted that two additional caretakers reside on the property in a separate dwelling unit, previously approved through a site-specific amendment and Development Permit 07D 259.
- iv. The Applicant, L. Neill, submitted that she is the managing partner of the approved Bed and Breakfast, which had been approved by the Development Authority pending the outcome of the appeal process, and that she and her husband are permanent full-time residents of the property, having resided in the main residence since August 2025.
- v. The Applicant submitted that the proposal is for a small-scale, four-room Bed and Breakfast within the existing residence, with a maximum of eight guests, and that it is not intended to operate as a hotel, lodge, event centre, campground, or large-scale commercial tourism use.

- vi. The Applicant submitted that she and her husband would actively manage the Bed and Breakfast on site on a full-time basis. As of June 1, 2026, two caretakers will reside elsewhere on the property.
- vii. The Applicant verbally reviewed the floor plan and room sizes within the residence and confirmed that guests would not be using the kitchen and that she would not be cooking for guests.
- viii. The Applicant reiterated that she has part ownership in the Bed and Breakfast business, but not ownership of the subject property.
- ix. The Appellant submitted that information on a third-party website indicated that the residence contains seven bedrooms. He raised concerns regarding how the number of rented rooms would be monitored and what would prevent rental of the caretaker residence, art studio area, or RV.
- x. The Applicant confirmed that the principal dwelling contains five bedrooms, not seven, and submitted that she is not an employee but rather part of the Landowner's extended family. She viewed the proposed Bed and Breakfast as a retirement venture for her and her husband.
- xi. The Applicant clarified that the RV located on the property is privately owned by her and her husband. It is used solely for personal camping and travel, and that they would only travel when no guests were registered at the Bed and Breakfast.
- xii. The Appellant submitted that he is concerned that the occupant load of 10 will be exceeded. With four rooms occupied, each with two people, and the four resident employees, a total of 12 occupants is possible.
- xiii. The Development Authority submitted that the proposed occupancy would have been reviewed through municipal fire inspection processes as part of the approval.

#### **4. TRAFFIC AND NEIGHBOURHOOD IMPACTS**

- i. The Development Authority submitted that the calculation of business visits pertains to visitors utilizing the business and does not include employees or residents on site.
- ii. The Applicant submitted that the residence was originally designed and constructed to accommodate large residential occupancies and family gatherings, and that ordinary family use could generate traffic equal to or greater than the traffic anticipated from the proposed Bed and Breakfast.

- iii. The Applicant submitted that the approved occupancy would remain modest and controlled, and that the surrounding area already accommodates a range of residential, agricultural, recreational, and tourism-related traffic. The Applicant also referred to an existing nearby tourism and horseback riding operation that, in her view, generates significantly greater traffic than the proposed Bed and Breakfast.
- iv. The Appellant submitted that traffic would likely exceed the approved trip assumptions, given the number of residents and guests and the fact that meals would not be provided on site, requiring guests to travel for dining and sightseeing. He stated that this raised safety concerns on the road, which he uses daily as a pedestrian.
- v. The Affected Party, Z. Diuga, submitted concerns regarding traffic volumes, compliance with the posted speed limit, occupancy limits, septic capacity, fire safety implementation and maintenance, potential noise, and the presence of unfamiliar visitors in the neighbourhood.
- vi. The Affected Party, Z. Diuga, submitted that previous filming activities had already increased traffic and heavy truck use in the area, and noted that the roads do not have sidewalks, creating safety concerns for pedestrians.
- vii. The Affected Party, R. Lavallie, submitted that he had lived in Pine Ridge Estates for more than 30 years and that his concerns were consistent with those raised by other neighbouring residents, including concerns about traffic, filming activity, and other ongoing activity on the property.
- viii. The Appellant and affected parties were in agreement that continued activity on the property was diminishing the previously quiet character of the neighbourhood.
- ix. The Landowner submitted that local residents do not always adhere to the posted 40 km/h speed limit.
- x. The Applicant submitted that guest dogs would not be permitted on the property and that children under the age of 12 would not be accommodated, which she believed would contribute to a safer and more responsible operation.

## **5. SEPTIC AND SERVICING**

- i. The Appellant, K. Larden, submitted concerns regarding the capacity of the septic system and that it was approved for residential occupancy levels.

- ii. The Applicant submitted that the septic system that services the residence was approved for occupancy levels greater than those proposed under the application, and that the caretaker residence is serviced by a separate septic system.
- iii. The Development Authority submitted that a permit condition requires the Landowner to work with the County's Building and Safety Codes department to ensure appropriate septic servicing for the application.
- iv. The Affected party, R. Lavallie, similarly questioned whether the septic system could adequately handle additional demand.

## **6. FIRE SAFETY**

- i. The Applicant submitted that, with respect to fire safety concerns, the property includes a sprinkler system drawing from on-site ponds, guests would not be permitted to have wood-burning fires anywhere on the property, and the outdoor fire feature is a controlled natural gas fireplace.
- ii. The Applicant further submitted that the home contains limited carpeting, extensive non-combustible stone and concrete surfaces, and heavy timber and log construction, which she stated has been studied for its ability to char slowly and maintain structural integrity in a fire event.
- iii. The Appellant submitted concerns regarding fire safety, while acknowledging during the hearing that he had not previously been aware of the sprinkler system supplied by the pond.
- iv. The Affected Party, R. Lavallie, further submitted concerns regarding ponds that had appeared on the property and whether provincial approvals may have been required.

## **7. LIGHTING AND COMPLIANCE HISTORY**

- i. The Appellant submitted that the advisory requirement for lighting to comply with the Dark Sky Bylaw had not been respected, alleging that a floodlight was installed shortly after approval and illuminated the subject property, the roadway, and a neighbouring driveway.
- ii. The Affected Party, Z. Diuga, residing across the road, submitted that she had lost trust in the Landowner due to prior issues on the property, including building without a permit, filming activities, room rentals, and construction of a riding arena, and expressed concern that a responsible landowner should understand the obligations of operating a business in a residential area.

- iii. The Affected Party, Z. Diuga, further submitted that the Landowner is effectively an absentee owner seeking additional revenue from the property and urged that no further expansion of commercial activity be approved on the site.
- iv. The Appellant reiterated concerns that the absentee Landowner had caused disturbance in the community over a number of years and did not appreciate the effect on the neighbourhood.
- v. The Affected Party, R. Lavallie, submitted that, while the application appeared on its face to be for a modest Bed and Breakfast, concerns remained regarding the legality of the Landowner's absence and the authorization of managers to operate the business, and that approval would diminish the previously quiet character of the neighbourhood.
- vi. The Affected Party, R. Lavallie submitted that, given the level of activity already occurring on the property, he did not believe the Landowner was operating in a transparent or compliant manner.
- vii. The Landowner submitted that there is no definition of "absentee owner" in the Land Use Bylaw, that he attends the property approximately monthly or every two weeks, and that he had attempted to foster better relations with neighbours.
- viii. The Landowner further submitted that previous appeals had delayed prior projects resulting in substantial expense, and stated that filming activities were unrelated to the present application.
- ix. The Landowner submitted that he is meeting County requirements and wishes to be part of the community.

### **REASONS FOR DECISION**

The Board is ALLOWING the appeal and OVERTURNING the Development Authority's decision to approve Development Permit 26D 077 for a Bed & Breakfast (4 Rooms) on Plan 8311642, Block 1, Lot 5; Ptn. S 08-22-04 W5M.

In reaching its decision, the Board considered the application materials, the Development Authority's decision, the applicable provisions of Land Use Bylaw 60/2014, and the oral and written submissions of the Development Authority, the Applicant, the Landowner, the Appellant, and the affected parties.

The issue before the Board was whether the proposed use met the Land Use Bylaw requirements for a Bed and Breakfast, including the requirement that the use remain secondary to the residential use of the dwelling and be operated in the manner contemplated by the Bylaw. In particular, the Board carefully considered the provisions

referring to operation by a live-in owner and the requirement that the owner or operator be on site during the majority of guests' stays.

In addition, the Board was not satisfied, based on the evidence presented at the hearing, that the proposed operation was compatible with the intended rural character and general purpose of the Agricultural District. The Board also considered the concerns raised regarding the scale of the operation, the number of occupants residing on the property, and the potential traffic generation associated with guest accommodations. The Board was not satisfied that these impacts had been sufficiently addressed through the evidence presented.

The Board accepts that the Applicant and her spouse reside on the subject property and intended to actively manage the proposed Bed and Breakfast. The Board reviewed both the definition of "Bed and Breakfast" found in Section 2.5 of Land Use Bylaw 60/2014 and the requirements of Section 10.4.1(a). In particular, the Board considered the requirement within the definition that a Bed and Breakfast shall be "subordinate to the principal use of the dwelling as a residence" and that the accommodation shall be hosted where the dwelling owner/operator is on site during the majority of the visitor's stay. Based upon the evidence presented, the Board was not satisfied that the proposed operation met the mandatory requirements and intent of the Land Use Bylaw governing Bed and Breakfast uses, including the requirement that the use remain secondary to the principal residential use of the dwelling.

**CLOSING:**

This decision can be appealed to the Court of Appeal on a question of law or jurisdiction. If you wish to appeal this decision you must follow the procedure found in Section 688 of the Municipal Government Act, R.S.A. 2000 Chapter M-26 which requires an application for leave to appeal to be filed and served within 30 days of this decision.

Dated at the Town of High River, in the Province of Alberta, this 5th Day of June 2026 and signed by the Chairman of the Subdivision and Development Appeal Board, who agrees that the content of this document adequately reflects the appeal hearing, deliberations and decision of the Subdivision and Development Appeal Board.



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Mr. Brad Robson, Chairman

**RELEVANT LEGISLATION**

**FOOTHILLS COUNTY LAND USE BYLAW 60/2014**

**2.5 DEFINITIONS**

BED AND BREAKFAST means the secondary use of a principal dwelling unit where the owner/operator of the dwelling provide temporary lodging or sleeping accommodation (maximum 14 day stay) of no more than four (4) guest rooms and the guests may be provided with meals. This use shall be subordinate to the principal use of the dwelling as a residence and the accommodation shall be hosted (where the dwelling owner/operator are on site during the majority of the visitor's stay)  
 More information on bed and breakfast can be referenced in Section 10.4 of this bylaw.

**9.19.C Parking Requirements for residential and residential related land use:**

TYPE OF DEVELOPMENT	MINIMUM PARKING REQUIREMENT
Dwelling Detached Single Family	2 per dwelling unit
Dwelling, Duplex	
Dwelling, Semi-detached	
Dwelling, Manufactured/Mobile	
Dwelling, Moved On	
Dwelling, Temporary	
Dwelling, Secondary Suite <ul style="list-style-type: none"> <li>• Up to a max. 1000 sq. ft. in size</li> <li>• Over 1000 sq. ft. in size</li> </ul>	1 parking stall 2 parking stalls
Dwelling, Four plex Dwelling, Townhouse	1 parking stall per 1 bedroom Dwelling Unit 2 parking stalls per 2+ bedroom Dwelling Unit 1 guest parking stall per 7 Dwelling Units
Manufactured Home Park	2 parking stalls per manufactured/mobile home parcel 1 guest parking stall per 4 manufactured/mobile home parcels
Mixed Use	Must combine residential requirement with the proposed commercial use for total parking and loading requirements
<b>Bed and Breakfast</b>	<b>1 per each guest room</b> <b>plus, spaces required for the corresponding base dwelling unit,</b> <b>plus, spaces required for each employee</b>
Family Day Home	1 parking stall per employee; and 1 pick-up and drop-off stall per 3 children, unless lawful on-street parking is available.  <i>** Parking requirements for a Family Day Home may be altered at the discretion of the Approving Authority as part of the conditional approval of the Development Permit based on the maximum number of children in attendance, proposed special events/activities held in conjunction with use, and location.</i>
Home Based Business,	1 parking stall per non-resident employee on the property, plus, a minimum of 1 additional parking space for each business visitor on the property at the same time, all in addition to the required residential parking.  OR  as determined by the Development Authority as a condition of Development Permit;

**10.4 BED AND BREAKFASTS**

10.4.1 Bed and breakfast homes shall comply with the following:

- a) A bed and breakfast shall be operated by a live-in owner(s) as a secondary use only, in the existing dwelling only, with a maximum of four (4) commercial accommodation units in each development and shall not change the residential character and external appearance of the dwelling involved.
- b) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. All facilities shall meet public health regulations and be kept in a manner satisfactory to the health regulatory authority.
- c) No accommodations unit shall include a kitchen.
- d) Maximum stay of 14 days per person is permitted.
- e) A Sign no larger than 0.55 sq. m. (5.92 ft.) in area may be erected to identify a bed and breakfast facility. This sign is permitted to be placed at the entry of the property, provided it is solely on the landowner's property and not in the road right of way; and
- f) Bed and breakfasts shall meet the minimum requirements of the applicable Building Code.

**12.1 AGRICULTURAL DISTRICT**

**12.1.1 PURPOSE AND INTENT**

To promote a wide range of agricultural land uses that encourage growth, diversification and development of the agricultural industry while having regard for the agricultural value and rural character of the area consistent with the policies outlined in the Municipal Development Plan.

**12.1.2 SUB-DISTRICT**

12.1.2.1 Parcels may include the following sub-districts in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district:

- a. Sub-district "A" is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district "A".

**12.1.3 GENERAL REQUIREMENTS**

12.1.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.

12.1.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

12.1.4 PERMITTED USES	12.1.5 DISCRETIONARY USES
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<p>Accessory buildings not requiring a development permit</p> <p>Accessory uses</p> <p>Agricultural, general</p> <p>Agricultural specialty</p> <p>Dwelling, single family *no more than 1 such dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size. *no more than 2 such dwellings are permitted on a single lot 32.4 ha (80 ac) or greater in size.</p> <p>Dwelling, Mobile Home *permitted use only on lots 32.4 ha (80 acres) or greater in size.</p> <p>Home Based Business Type I</p> <p>Home Based Business Type II</p> <p>Home Office</p> <p>Public Works</p> <p>Secondary Suite, detached</p> <p>Secondary suite, principal</p> <p>Signs not requiring a Development Permit</p> <p>Solar Power System, Private (Not requiring a Development Permit)</p> <p>Temporary storage of up to 5 unoccupied recreation vehicles</p>	<p>Abattoir, Minor</p> <p>Accessory buildings requiring a development permit</p> <p>Aerodrome/airstrip (private use)</p> <p>Agricultural intensive use</p> <p>Agricultural processing and distribution *does not includes retail sales on the site.</p> <p>Agricultural support services *does not includes retail sales on the site.</p> <p>Animal boarding services</p> <p>Antenna structures, private</p> <p>Arena, private</p> <p>Bed and Breakfast</p> <p>Day home services</p> <p>Dwelling, Mobile Home *discretionary use on lots less than 80 acres in size.</p> <p>Dwelling, moved on</p> <p>Dwelling, temporary</p> <p>Home based business Type III</p> <p>Intensive vegetation operation</p> <p>Kennel, private</p> <p>Lot Grading</p> <p>Manmade water bodies requiring a permit</p> <p>Signs requiring a development permit</p> <p>Solar Power System, Private (Requiring a Development Permit)</p> <p>Special Event</p> <p>Temporary storage of between 6 and 10 unoccupied recreation vehicles</p> <p>Utility service, minor</p>
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**MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, CHAPTER M-26**

**Hearing and Decision**

**687(3)** In determining an appeal, the subdivision and development appeal board

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

**APPENDIX "A"**

PERSONS WHO WERE IN ATTENDANCE, MADE SUBMISSIONS OR GAVE EVIDENCE AT THE HEARING:

<u>NAME</u>	<u>CAPACITY</u>
1. B. Smith	Foothills County - Development Officer
2. K. Larden	Appellant
3. L. Neill	Applicant
4. S. Osman	Landowner
5. Z. Diuga	Affected Party
6. R. Lavallie	Affected Party

**APPENDIX "B"**

I. DOCUMENTS RECEIVED PRIOR TO THE HEARING AND MADE AVAILABLE AT THE HEARING:

**NO. ITEM**


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1.	Decision from the Foothills County Development Officer 26D 077
2.	Notice of Appeal submitted by K. Larden
3.	Notice of Appeal Submitted by E. and J. Hartman
4.	Development Permit 26D 077 File Documents
5.	Written Submission by L. Neill
6.	Written Submission by E. and J. Hartman
7.	Written Submission by P. Miles
8.	Written Submission by G. Buhler

**APPENDIX "C"**

EXHIBITS MADE AVAILABLE AT THE HEARING

**NO. ITEM**


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1.	Presentation by the Foothills County Development Officer, S. Kotlar
2.	Presentation by Appellant, K. Larden
3.	Presentation by Affected Party, Z. Diuga