

**EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE**

Citation: v Fire Rescue Services (City of Edmonton), 2024 ABECSLAC
10004

Date: April 25, 2024
Order Number: 467210850-001
CSLAC File Number: CSLAC-24-004

Between:

and

The City of Edmonton, Fire Rescue Services

Committee Members

Kathy Cherniawsky, Chair
Allan Bolstad
Karen Munro

DECISION

[1] On April 11, 2024, the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an Order that was filed on March 14, 2024. The request for review concerned the decision of Fire Rescue Services to issue an Order pursuant to Section 546(1) of *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”). The Order was dated March 14, 2024 and was posted and mailed on March 14, 2024 and required the following action:

Secure your property against unauthorized entry by:

- Secure/board/Re-secure all points of entry on all structures on both the basement and main or first floor levels, including doors, windows and any holes or openings, as well as any point of entry on any upper levels that may be accessible from any potential climbing point in a manner sufficient to prevent unauthorized entry. Please refer to the

attached “Board Up Procedure Bulletin” for the detailed requirements that must be met for compliance. **Please refer to the attached “Board Up Procedure Bulletin” for the detailed requirements that must be met for compliance.**

YOU MUST COMPLY WITH THIS ORDER BEFORE: April 5, 2024

- [2] The subject property is located at 10630 - 95 Street NW, Edmonton.
- [3] The hearing on April 11, 2024 was held through a combination of written submissions, in person attendance and video conference. The following documents were received prior to the hearing and form part of the record:
- Copy of the Order issued pursuant to the *Municipal Government Act*;
 - The Appellant’s written request for review and submission; and
 - The Respondent’s written submissions, including a series of photographs and attachments.

Preliminary Matters

- [4] At the outset of the hearing, the Chair confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Chair outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 547 of the *Municipal Government Act*.

Summary of Hearing

i) Position of the Applicant,

- [7] After the property was purchased they applied to the City for all of the permits required to renovate the subject building. A development permit was issued during the winter and in March 2024 their contractor started work inside the building by reinforcing the roof and walls that had been damaged by fire. The contractor also removed a door that had been boarded up with a more secure metal door to protect tools that would be stored inside.
- [8] Photographs were referenced to illustrate the work that was done by the contractor which included the installation of a metal door. He and his wife visit the site every day to clean up garbage and deal with any individuals that may be loitering around the building.

- [9] On one of their daily visits to the building, just after work had started, they discovered the Order which contained personal information posted on the building. It was his opinion that the assessment of the building was not fair.
- [10] Photographs were referenced to illustrate that the “team” came in and boarded over plywood that they had already installed on the doors and windows which in his opinion was a waste of time because they had already secured the building. They also painted plywood that had been installed on one window at the front of the building to cover up some graffiti and put up more plywood. The “team” also installed metal screws into the metal door that they had installed and covered that door up with plywood.
- [11] At this point, the contractor advised them that he was not able to enter the building and questioned what was happening at the site. Since then, the contractor has not gone back into the building. In his opinion, the only issue was with one window. However, after they received the fine, the plywood covering that window was replaced. He questioned why a metal door would be boarded up with plywood.
- [12] Photographs of the work occurring inside the building were referenced to illustrate that the roof and exterior walls are being reinforced. They can no longer enter the building to continue with the renovations because it was boarded up by the City.
- [13] the following information in response to questions from the Committee:
- a) The renovations began in March 2024.
 - b) It was clarified that they have been attempting to secure funds to cover the cost of the entire renovation of the building without success. Therefore, they are proceeding with the planned renovation by paying the contractor out of pocket as projects are completed.
 - c) The windows and doors were covered with plywood when they purchased the building and they keep replacing them as necessary. The City has not communicated with them and they are not sure what they want them to do.
 - d) The building was vacant when they purchased it approximately two years ago and they are trying to make it usable.
 - e) There was a fire at the back of the building that the Fire Department responded to when they owned the building. They were not aware of fires that occurred prior to when they purchased the building. They do their best to make sure that the building is safe and secure. They visit the site every day to clean up and reinstall materials that have been removed from the building. However, this cannot be done immediately and sometimes takes a day or two

to complete the work.

- f) They are not questioning the fact that the building needs to be safe and secure but they are questioning the steps taken by the City to install more plywood on top of plywood that they had already installed over the doors, including a metal door and windows as well as the posting of their personal information on the building. He questioned why they would board up a metal door that they installed and prevent them from entering the building. This makes it impossible to continue with the renovations because the contractor is refusing to enter the building.
- g) They owned the building when the Fire Department responded to a fire started by someone at the back of the building on November 10, 2023. D. Farquharson works out of town and was advised of the fire by a neighbour. When he returned he purchased materials to repair the damage. He contacted the Fire Department regarding the door that was broken and he was advised that they had already secured the building. However, it was his opinion that not enough had been done by the Fire Department and he installed additional plywood to secure the door.
- h) They did not own the building when someone died in a fire in the building in 2021.
- i) It was confirmed that they purchased the building in September 2022 and since that time the building has been boarded up and they have visited the site on a daily basis to clean up garbage and ensure that the building is secure.
- j) He was not aware of a fire that occurred on March 12, 2024 or that there were squatters inside the building. They were advised by a neighbour on March 13, 2024 that the back door was open and they saw someone going inside but that they were no longer there and the back door was left open.
- k) The contractor was paid on December 29, 2023 and purchased materials to start the renovation in January or February 2024.
- l) The open door illustrated in the inspection photographs leads to the garage and is the door that their neighbour reported being open on March 13, 2024. That door has since been boarded up with new plywood to prevent entry into the building.
- m) It was acknowledged that there have been a sequence of events occurring at this site. However, they continue to respond and manage the situation. Renovations have begun to make the building usable. Therefore, it was their opinion that the Order should not have been issued and should be rescinded. They responded to the fire that occurred on March 12, 2024 and took steps to

secure the building. They need permission to continue the renovation process because their contractor currently refuses to remove the boards that have been installed by the City to enter the building.

ii) Position of the Respondent, represented by J. LaChappelle and P. Young:

- [14] The Community Property Safety Team did not install any of the boarding to secure this building. It could have been installed by Bylaw Enforcement following the most recent fire at the site. Their team issued the Order but has not done any work on the building.
- [15] The role of their team is to identify unsecured vacant properties in the City that create a fire risk and hold property owners accountable for securing them by using an escalating security approach that includes; Board-Up, Security Fencing and Security Guard Patrol.
- [16] There has been a history of fire activity at this vacant property since 2020. After they were notified of the most recent fire at this site on March 12, 2024, an inspection was conducted. That is when the open door was identified and it was determined that the boarding that had been done was not satisfactory to prevent unauthorized entry into the building.
- [17] Upon inspection a north facing door was open/unsecure. Additionally, based on the fire history, it was determined that the existing board up has proven to be ineffective at preventing unauthorized entry, and the standard board up is required to mitigate the risk of unauthorized entry and future fires.
- [18] On March 14, 2024 a Phase 1 Community Property Safety Team *Municipal Government Act* Order was issued to the owners of the property. The Order was posted at the property and mailed to the owners mailing address. The Order stated that the owner is required to board up the structure to the requirements outlined in the Board Up Bulletin provided with the Order.
- [19] J. LaChappelle spoke to _____ after the review of the Order was requested and advised her that the building still has to be secure even if it is being renovated. He told her that the installation of the metal door complied with their standards but that the other plywood barriers needed to be brought to the standards outlined in their Board Up Procedures.
- [20] At this point, the Chair asked for clarification about which branch of the City boarded up this building based on the evidence provided that it was not done by the Community Property Safety Team.
- [21] The Committee took a short recess to allow P. Young to contact Investigations in an attempt to obtain this information.
- [22] When the Committee reconvened, P. Young advised that based on a review of some photographs that were taken on the evening of the fire it appears that the silver door had

damage to the jam. Chances are that Corporate Security installed the two by fours over the metal door. However, it could not be confirmed at this time if the door had been pried open by the Fire Department or an unauthorized individual.

[23] J. LaChappelle provided the following information in response to questions from the Committee:

- a) A solid metal door that can be locked is acceptable. They encourage the renovation of vacant buildings because it is their ultimate goal to have buildings that are occupied and not sitting vacant. He did speak to the owners about this a few weeks ago.
- b) Based on the fire history at this site, it was their goal to have the doors and windows that were not required for access to be boarded up to their standards to prevent future incidents at this location.
- c) The Community Property Safety Team was launched in April 2022 with a mandate to respond to properties like this that have sat vacant for extended periods of time. The Team is now catching up to all of the vacant properties in the City and this building is currently being dealt with through Phase 1 of their Progressive Security.
- d) P. Young advised that this property came onto their radar in 2023. The Team has conducted numerous monitoring inspections of the site in late 2023 and in January 2024 and have always found the building to be secure. Fire Response has often been to outside fires started by homeless individuals getting close to the building reported by neighbours. However, the most recent response was to a fire inside the building.
- e) The Team works with a progressive model and if it is determined that the building is secure that is where the process starts. Their mandate does not include removing unauthorized individuals who are sitting or squatting on the property. However, when a building is referred to the Team because individuals are inside the building that does meet their mandate because the building is obviously unsecure. It was noted that since the Applicants purchased the property in 2022 that they are making every effort to ensure that the site is secure. However, it was determined that the building was not secure when the most recent fire occurred on March 12, 2024 and that resulted in the issuance of the Order. The Community Property Safety Team is very receptive to contact with property owners so that they can work together to resolve the issue and secure the building to prevent future problems.
- f) This building is located in an area of the city where there are similar properties that have been boarded up. The process is progressive and the next step would be the installation of fencing to secure the site. If it was

determined that fencing was not addressing the situation then security patrols would be implemented. It is a progressive model but when they determine that the building is secure they cannot deal with an unsightly problem or illegal trespassing. There have been properties where fencing has been installed but that occurs after the building has been boarded up.

- g) J. LaChappelle had a phone conversation about two weeks ago regarding the current boarding up and what was required to bring it up to their standards. It is not their intent to restrict entry into the building.
- h) P. Young clarified that their checks to determine whether or not a building is secure are conducted from public property. In this case, Fire Services crews informed them that there appeared to be unauthorized access into the building. The Team then did their own investigation from public property and could see that a door was wide open and the Order was issued to secure the property.
- i) They do not have a problem with the solid metal door that can be locked but there is another door that is not very secure. They have never been inside the building and could not confirm how the garage is accessed. If the owners need access to both doors in order to complete renovations, it would not be problematic to require them to board up all of the windows according to the Enhanced Board Up Procedure with two metal doors that lock. The City is asking the Committee to require the windows to be covered with plywood and braced. However, they would not oppose the installation of new windows as part of the renovation because it would be an improvement and make the building more secure.
- j) It is their process to issue an Order as soon as the Team has evidence that a building is not secure but they make every attempt to work with the property owners to resolve the situation. The Order is posted at the site and mailed to the address on file in the hope that the property owner will reach out for clarification. In this case, they did not have an opportunity to speak directly to the owner until after the review was requested. They support building renovations and are able to modify the requirements and help property owners through the process if they reach out to them.
- k) Based on the information provided by the owners during this process, they would like to see the windows boarded up to their standards and two metal doors installed which would still allow them to access the building to complete the renovations. It is unfortunate that the owners did not call them to get clarification before a review was requested. They want to work with the owners and part of that is allowing access to the building to complete renovations.

- l) A death has occurred in this building in the past and the Team considers the issues associated with this and all vacant buildings to be very serious. If they cannot determine that a property is secure they issue a Notice of Entry so that they are not the trespassers.
- m) The Corporate Security process could not be confirmed.
- n) Section 4 of the Enhanced Board Up Procedures addresses building access. It is their position that this property was unsecured and dangerous to the public. Therefore the Order is valid.
- o) If they had to make the decision today, based on the evidence provided, the Order would still have been issued in order to keep the property secure until the renovations are complete.

iii) Rebuttal of the Applicant

- [24] The Fire Department or another City department pried open the door that leads to the garage when the fire occurred at the back of the building in March and left the door wide open which allowed unauthorized access.
- [25] They are not responsible for what happened at this site under previous ownership. They have taken steps to secure the building. The Fire Department pried the door open and they should not be penalized for that.
- [26] the following information in response to questions from the Committee:
 - a) They acknowledge the City standards that require buildings to be secure and they have made every attempt to secure this building since it was purchased. The building was secure until the Fire Department pried a door open, entered the building and then left the door open after responding to a fire outside at the back of the building. This resulted in the issuance of the Order without any contact to determine what happened.
 - b) The Fire Department pried open a door to enter the building and then a carpenter boarded up the wrong door. As evidenced by the inspections conducted by the Community Property Safety Team, they have made sure that the building has been secure. The Order was issued as a result of this one incident, is unwarranted and should be rescinded.

Decision

- [27] The Order is varied as follows to add clarification concerning doorways and the compliance date is changed:

YOU ARE THEREFORE ORDERED TO:

Secure your property against unauthorized entry by:

- Secure/board/Re-secure all points of entry on all structures on both the basement and main or first floor levels, including doors, windows and any holes or openings, as well as any point of entry on any upper levels that may be accessible from any potential climbing point in a manner sufficient to prevent unauthorized entry. Please refer to the attached “Board Up Procedure Bulletin” for the detailed requirements that must be met for compliance.

For greater clarity, doorway barriers must be constructed in compliance with Section 3 of the attached CPST Enhanced Board Up Procedure document unless access is required in which case Section 4 shall apply:

4. Building Access

4.1. If the property owner or authorized personnel requires access to the building, the Contractor will supply and install a solid core wood or steel door that is size appropriate to the door opening and visible from the street as an acceptable form of securement.

4.2. There shall be no windows or other openings in the door. The door shall be securely locked using a padlock and hasp assembly that is bolted through the door. The lock loop portion of the hasp is attached to the door frame using a minimum of 6” wood or deck screws.

YOU MUST COMPLY WITH THIS ORDER BEFORE: MAY 9, 2024

Reasons for Decision

[28] The Order under review (the Order) was issued pursuant to section 546 of the Municipal Government Act (the “MGA”).

[29] Section 546 of the MGA authorizes municipal officials to issue orders concerning properties found to be “dangerous to public safety”:

(1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order

- (a) require the owner of the structure to
 - (i) eliminate the danger to public safety in the manner specified, or
 - (ii) remove or demolish the structure and level the site;
- (b) require the owner of the land that contains the excavation or hole to
 - (i) eliminate the danger to public safety in the manner specified, or
 - (ii) fill in the excavation or hole and level the site;
- (c) require the owner of the property that is in an unsightly condition to
 - (i) improve the appearance of the property in the manner specified, or
 - (ii) if the property is a structure, remove or demolish the structure and level the site.

(2) The order may

- (a) state a time within which the person must comply with the order;
- (b) state that if the person does not comply with the order within a specified time, the municipality will take the action or measure at the expense of the person.

[30] Section 547 of the MGA gives any recipients of a section 546 Order the right to have that Order reviewed by Council.

547(1) A person who receives a written order under section 545 or 546 may by written notice request council to review the order within

- (a) 14 days after the date the order is received, in the case of an order under section 545, and
 - (b) 7 days after the date the order is received, in the case of an order under section 546,
- or any longer period as specified by bylaw.

(2) After reviewing the order, the council may confirm, vary, substitute or cancel the order.

- [31] In the Community Standard and Licence Appeal Committee Bylaw (Bylaw 19003), Edmonton City Council delegated to this Committee the authority to review section 546 Orders and the authority to then confirm, vary, substitute or cancel them.
- [32] The Order under review is Dated March 14, 2024. It identifies the property owners and the property and states:

An inspection of the property on March 12, 2024 revealed the property to be dangerous to public safety in that the structure on the land is vacant and not secured to prevent unauthorized entry.

I specifically noted the following:

- Exposed opening(s) throughout the structure(s).
- Entry points into the structure(s) are not adequately secured.

As an employee of the City of Edmonton having the delegated powers, duties, and functions of a designated officer for the purposes of section 546(1) of the Municipal Government Act, it is my opinion that the structure on the land is at risk of unauthorized entry which poses a fire risk. This is a danger to first responders, the community as well as the unauthorized entrants in the structure.

YOU ARE THEREFORE ORDERED TO: Secure your property against unauthorized entry by:

- Secure/board/Re-secure all points of entry on all structures on both the basement and main or first floor levels, including doors, windows and any holes or openings, as well as any point of entry on any upper levels that may be accessible from any potential climbing point in a manner sufficient to prevent unauthorized entry. Please refer to the attached “Board Up Procedure Bulletin” for the detailed requirements that must be met for compliance.

YOU MUST COMPLY WITH THIS ORDER BEFORE: April 5, 2024

- [33] The Applicant is one of the property owners. She requested this review via an email in which she asked for financial help to complete ongoing renovations of the property. At the oral hearing, the Applicant was joined by the other recipient and co-owner. Together, they presented further submissions and a series of photos showing the state of the structure after most recent fire and City repairs taken from around the property and within the structure.

[34] The Applicants asked the Committee to rescind the Order on the following basis:

- i)* The assessment of the property as dangerous to public safety was untrue and unfair. The structure was already safe and secure based on the Applicants' ongoing efforts. The Applicants had already covered the window openings, they visit the property every day to clean up dumped garbage and reinstall materials that have been removed from the building to keep it secure. The Applicants' opinion that the property was secure was affirmed by the statements made by the City Officials during the hearing.
- ii)* They acknowledge prior incidents occurred at the property, but argue the Order unfairly penalizes them for fires that occurred prior to the date they took ownership of the property and were beyond their control.
- iii)* The Applicants are renovating the structure and object to the treatment they received from City officials. Specifically, they object that the Order was posted at the subject property and displayed their personal information; and, no one contacted them to resolve the matter prior to the issuance of the Order.
- iv)* City officials acted inappropriately. The officials took ineffective steps to secure the structure on the day after the fire before the Applicants could react. These remedial efforts left one door open and sealed another metal door which was already securely locked by strapping it. The later action prompted their contractor to refuse to enter the structure and continue with renovations leaving the Applicants in limbo.
- v)* The City has not communicated with them and they are not sure what the City wants them to do to comply with the Order.

[35] The City asked the Committee to uphold the Order arguing that a danger to the public exists because the structure on the property is vacant and it is not secured against unauthorized entry due to exposed openings and inadequately boarded up entry points.

[36] In support of the Order, the City submitted a Response History documenting the actions of the Edmonton Fire and Rescue Services who responded to four fires (one involving a fatality) at or in the structure on the property between 12 May 2020 and 12 March 2024. The document also summarizes the consequential actions taken by that department to secure the property after the extinguishment of each of the fires.

[37] The City also submitted a timeline of the actions taken by the Community Property Safety Team after they received notification of the latest fire on 12 March 2024 from Inspectors with Edmonton Fire and Rescue Services. The timeline states:

- i)* Members of the Community Property Safety Team conducted a follow up inspection from adjacent public lands on March 12, 2024 to determine if the property was secure or if it was an unsecured vacant property.
- ii)* They found a north facing door was open/unsecure and given the fire history, they determined that the existing board up had proven ineffective at preventing unauthorized

entry and that the CPST standard board up would be required to mitigate the risk of unauthorized entry and future fires.

iii) Accordingly, a member of the Community Property Safety Team issued the Order on 14 March 2024, posted a copy at the property and mailed a copy to the Applicants at their mailing address registered to the property.

[38] The City provided the inspection photos showing the state of the structure taken on March 12, 2024 from surrounding public land.

[39] The Committee considered the oral and written submissions and the photographs provided by both parties and made the following findings.

[40] The Committee has legal authority under section 547 of the MGA to review the Order and determine whether to confirm, vary, substitute or cancel it.

[41] The Committee has no power whatsoever to provide funds or grants to facilitate the redevelopment of this property. The Committee cannot provide the Applicants any financial assistance.

[42] The key issue in this review is whether a danger to public safety exists that would trigger the authority to issue the Order.

[43] In the Committee's view it does. The structure is a danger to public safety for the following reasons:

- i)* The history of illegal occupation and four fires in and around the structure (including one fatality and two fires in the past five months);
- ii)* The Applicants' own evidence is that they regularly remove garbage and replace existing barricading that is illegally removed by trespassers; and,
- iii)* The photos showing the state of the structure, including a gaping doorway also demonstrate an ongoing potential public danger given the two prior points.

[44] Based on this evidence, the Committee also agrees with the City that the structure is vacant and the current level of boarding up is insufficient to prevent unauthorized entry and future fires. In other words, the higher level barricading identified in the Order is justified. The Committee concludes that the March 14, 2024 Order was properly issued on its face.

[45] This conclusion is not a reflection on the conduct of the Applicants. The uncontroverted evidence before the Committee is that the Applicants have been diligent in ongoing efforts to secure and resecure the property, to keep it clear of dumped garbage and they are attempting to renovate the structure and make it occupiable. Nonetheless, it is clear that the property continues to attract trespassers and would-be squatters.

- [46] The Committee also considered whether it should vary, substitute or cancel the Order based on the Applicants' objections concerning notice, vagueness or improper bracing of the metal door that the Applicants had installed prior to the fire to facilitate renovations.
- [47] The Order was issued per section 546 of the MGA based on a determination that the vacant structure was dangerous to public safety given four prior fires and its condition. The Committee finds notice of the Order was provided in accordance with the Bylaws and with prudent practice for a vacant property. The City has discretion with regard to issuing Orders and no Bylaw requires the City Officials to track down and contact the property owners prior to the issuance of a section 546 Order. Further, delay in this case would seem inappropriate given the immediate danger to public safety created in the aftermath of a fire by an inadequately secured structure.
- [48] The Applicants argued that the Order was unclear and they were not sure what it required them to do. The Committee reviewed the directions in the Order as well as the CPST Enhanced Board Up Procedure which was referenced in the Order and appended to it. In the Committee's opinion, the 7 page instructional document is unambiguous and sufficiently details the actions that the Applicants must take to increase the security of the structure and prevent unauthorized entry via doorways, windows or other openings.
- [49] The submitted photographs show three doorways: one with a closed and strapped metal door, one at the front covered in plywood, one at the rear of the structure with a wooden door hanging ajar leaving that doorway unsecured at the time the Order was issued. The evidence was conflicting concerning the state of the metal door installed by the Applicants and the need for strapping that City added to it. However, the Applicants were able to observe it up close as the City officials did not enter the property.
- [50] The Applicants objected that the City officials installed additional plywood over covered openings as well as strappings over a locked metal door making it impossible to continue with the renovations.
- [51] The addition of potentially unnecessary strapping is not a reason to cancel the Order.
- [52] All parties agreed, and the Committee concurs, that going forward the structure should be safe and secure, that is the purpose behind section 546 of the MGA. In the Committee's view, actions taken by the Fire Department to secure the scene immediately after the most recent fire do not negate the need for the Order, nor change the Committee's conclusion that structure is dangerous to public safety and that bracing or reinforcement as detailed in the CPST Enhanced Board Up Procedure is needed.
- [53] All potential means of entry (windows and doorways) must be secure. The open rear doorway needs to be secured. If the closed metal door is secure and locks properly, then the additional strapping is unnecessary - it may be removed in accordance with section 4 of the Procedure. Removal will not contravene the Order because the CPST Enhanced Board Up Procedures provides two options regarding doorways:

- i) Section 3 provides details for barrier assembly; and,
- ii) Section 4 deals with minimum security requirements when access to the Building is required such as for renovations.

- [54] For greater certainty and to facilitate the Applicants' renovations, the Committee has added this clarification and quoted Section 4 of the CPST Enhanced Board up Procedures in the body of the Order in addition to incorporating it by reference and attaching the full 7 page document to the Order.
- [55] Finally, given the date for compliance has passed the Committee is altering it to **May 9, 2024** which is two weeks from the issuance of this decision to afford the Applicants a fair opportunity to raise the boarding up to the level stated in the Order.
- [56] For the above reasons the review is allowed in part, the Order is confirmed and varied as specified above.

A handwritten signature in blue ink, appearing to read "K. Cherniawsky".

Kathy Cherniawsky, Chair
Community Standards and Licence Appeal Committee

cc: Fire Rescue Services – J. Lallemant / C. Perizzolo / R. Dumas / J. La Chappelle / P. Young

Important Information for the Applicant

1. A person affected by this decision may appeal to the Alberta Court of King's Bench under Section 548 of the *Municipal Government Act*, RSA 2000, c M-26 if the procedure required to be followed by this Act is not followed, or the decision is patently unreasonable.