

**EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE**

Citation: v Community Standards and Neighbourhoods (City of Edmonton), 2023
ABECSLAC 10014

Date: September 20, 2023

Order Number: 473191392-001

CSLAC File Number: CSLAC-23-014

Between:

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Joel McDonald, Chair
Rohit Handa
Chris Samuel

DECISION

[1] On September 19, 2023 the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an Order that was filed on August 8, 2023. The request for review concerned the decision of Community Standards and Neighbourhoods to issue an Order pursuant to Section 545(1) of *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”). The Order was dated July 28, 2023 and mailed on July 31, 2023 and required the following action:

Cut all long grass and weeds to below 10 centimeters in height. Remove or cut any tree, shrub, or other type of vegetation that obstructs any sidewalk or alleyway that is adjacent to the land. Remove garbage bags, storage totes, containers, furniture, wood, metal, glass, clothing, household items, and other assorted materials from the entire property, and take any actions or remove any other items that are contributing to the unsightly condition of the property.

YOU MUST COMPLY WITH THIS ORDER BEFORE: August 23, 2023

- [2] The subject property is located at 11915 - 69 Street NW, Edmonton.
- [3] The hearing on September 19, 2023 was held through a combination of in person, video/audio conference and written submissions. 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 Applicant's written request for review; and
 - The Respondent's written submission, including a series of photographs.

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*.
- [7] The Appellant requested to postpone the hearing so that photographs and text messages that were sent to the investigating Bylaw Enforcement Officer could be adduced as evidence in the hearing.

Summary of Preliminary Matter Hearing

- i) *Position of the Applicant,*
 - [8] asked the Committee to postpone the hearing because text messages and photographs forwarded to the Bylaw Enforcement Officer, [REDACTED] were not provided to the Committee. It was his assumption that these would be provided to the Committee by the Bylaw Officer because he has dealt with him from the outset and it is very important for the Committee to have this information.
 - [9] In response to a question, [REDACTED] indicated that while he does have copies on his phone it would be best for the Bylaw Officer to provide the information. He would have to go through an elaborate process to have them sent to an email address and then printed out. It would not be easy for him to do. Screenshots would have to be sent via email and then printed off at the Library in order to provide the Committee with hard copies. It would be a very time consuming process. He did clarify that they could be sent digitally as attachments to an email but it would take some time to complete that process.
 - [10] It was his opinion that describing the photographs or reading the text messages would not be as effective as looking at the actual photographs. It would be better for everyone if he was given time to email copies to the Committee. The photographs are of City of

Edmonton properties and other privately owned properties which support his opinion that he is being unfairly targeted. One of the photographs is of a neighbouring property where a pile of cinder blocks were kept in the rear yard for at least 25 years and not removed until the property was sold. This property owner was never bothered by the City. Another neighbour in the rear lane has had kitchen materials in their rear yard for more than a year and no one has bothered them.

- [11] His property is completely fenced with a 6 foot high fence and a 4 foot high fence and mature shrubbery. His gates are always locked and the material is securely stored and not easily visible from the outside.
- [12] He felt that he is being targeted because his property has been targeted with graffiti.
- [13] He advised the Bylaw Officer, [REDACTED], via text messages and photographs that he is renovating his property but due to financial constraints it has to be done in a limited manner. He is disabled and on AISH which does not cover the high cost of inflation that has occurred which means that the renovations have to be done in stages.

ii) Position of the Respondent, K. Lehman, Community Standards and Neighbourhoods:

- [14] The Respondent did not attend the hearing but provided email confirmation that the request for a postponement was not supported because all of the relevant evidence had been uploaded and shared with the Appellant.

Decision on Preliminary Matter

- [15] The hearing of the review of the Order is postponed to October 17, 2023 with the condition that the Appellant submit either digitally or otherwise all text messages and photographs that the Appellant wishes the Committee to consider on or before NOON on October 13, 2023.

Reasons for Decision

- [16] The Committee considered the CSLAC Procedures and Guidelines Manual (Adopted: December 13, 2022) (the “Manual”) during its deliberation regarding the request for postponement of this review. Specifically, Section 6, subsection II. which sets out what factors ought to be considered when deciding on whether to grant the postponement.
- [17] The Committee also considered the principles of natural justice specifically the right of the Appellant to present all relevant evidence at a hearing.
- [18] Although the Committee does not make any findings in relation to the relevance of this evidence, the Appellant should be given the opportunity to present it at a hearing.

- [19] The Committee puts weight on the fact that this was the first postponement request heard for this review and, as soon as the Appellant realized that the photographs and text messages were absent from the hearing materials, the Appellant notified the Committee and the Respondent.
- [20] The Committee heard little evidence from the Respondent to establish that any of the factors listed in the Manual, that would support denial of this request, are relevant to this Order.
- [21] The Committee has decided to grant the request for postponement of this review until October 17, 2023. The Appellant has until NOON on October 13, 2023 to provide any photographs and/or text messages to the Committee in person, through regular mail or e-mail at:

*Main Floor Churchill Building
10019 – 103rd Avenue NW
Edmonton, Alberta, T5J 0G9*

and/or

cslac@edmonton.ca



Joel McDonald, Chair
Community Standards and Licence Appeal Committee

cc: Community Standards and Neighbourhoods - C. Perizzolo, T. MacGillivray, K. Lehman

Important Information for the Appellant

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.