

**EDMONTON**  
**COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE**

Citation: v Community Standards and Neighbourhoods (City of Edmonton), 2024  
ABECSLAC 10016

Date: November 26, 2024  
Order Number: 519697559-002  
CSLAC File Number: CSLAC-24-016

Between:

and

The City of Edmonton, Community Standards and Neighbourhoods

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Committee Members

Kathy Cherniawsky, Chair  
Joel McDonald  
Karen Munro

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DECISION

[1] On November 19, 2024, the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an Order that was filed on October 16, 2024. 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 “Act”). The Order was dated October 4, 2024 and was mailed on October 4, 2024 and required the following action:

Remove all waste bags, bricks, wood, shopping carts, clothing, rugs, bike parts, tarps, metal, siding, pallet, clothing racks, concrete bags, plastic totes, animal carriers, coolers, tool boxes, luggage, milk crates, electronics, vehicle parts, tires, household appliances, furniture, waste cans, shopping bags, clothing, jerry cans, carpets, household appliances, damaged/dismantled/derelict vehicles, loose litter, debris, 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.

And thereafter maintain the property to prevent the reoccurrence of any unsightly condition detrimental to the surrounding area.

YOU MUST COMPLY WITH THIS ORDER BEFORE: October 31, 2024

- [2] The subject property is located at 10903 - 62 Avenue NW, Edmonton.
- [3] The hearing on November 19, 2024 was held through a combination of written submissions 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 Applicant's written request for review and submission; and
  - The Respondent's submissions.

### **Preliminary Matters**

- [4] At the outset of the hearing, the Chair indicated that neither the Applicant, speaking on behalf of the Applicant, was in attendance at the hearing.
- [5] CSLAC Administration made numerous attempts to contact but were unsuccessful.
- [6] The appeal was filed on time, in accordance with Section 547 of the *Municipal Government Act*.

### **Decision**

- [7] The Order is **CONFIRMED**.

### **Reasons for Decision**

- [8] This is a review of an Order dated October 4, 2024 and issued to the Applicant property owner pursuant to section 545 of the *Municipal Government Act* (the "Act").
- [9] The Order states that based on observations made during an inspection of the property on October 4, 2024, the Applicant property owner is in contravention of section 6(1) of the *Community Standards Bylaw 14600* which states "A person shall not cause or permit a nuisance to exist on land they own or occupy." The Order requires the Applicant to remove several items from the property before October 31, 2024.
- [10] The Committee received a copy of a hand written request for review of the Order signed by the Applicant property owner. The request for review also indicated that the Applicant gave permission to act on his behalf in this matter. The request for review does not specify any grounds of objection.

[11] The Committee received no additional submissions from the Applicant nor from his agent explaining the reasons for the request or the relief that was being sought.

[12] No parties or agents attended the hearing. After waiting for more than 30 minutes, the Committee decided to proceed with the review on the merits based on the written submissions in the absence of the parties and their agents for the following reasons:

- i) The submitted materials show that the Applicant and his agent have been very aware of concerns about the state of the property and the allegations of nuisance conditions and other contraventions of local and provincial laws for many months.
- ii) They were also both aware of the Order under review and the attached information about the processes available to request a review hearing. While neither the Applicant nor his agent attended the scheduled oral hearing, the Committee was satisfied they both had full notice of it.
- iii) The Committee Officer confirmed that hearing notices were mailed to the Applicant property owner in accordance with the Committee's practice and also sent to the agent named in the Applicant's request for review. An email on file from the named agent acknowledged the date and time of the hearing and indicated that he would attend personally.
- iv) According to the submitted materials, prior to the hearing a Municipal Enforcement Officer also discussed the contents of the Order, the request for review and an overview of the Committee hearing process with the Applicant property owner.
- v) When no one appeared on the day of hearing additional phone calls were made and emails were sent to contact the Applicant's agent, but he was unable to be reached.
- vi) The City provided a written submission in lieu of attendance.
- vii) This is a serious matter involving the state of the property, specifically potential eyesore and nuisance conditions. The materials indicate the property has been the subject of numerous ongoing citizen complaints over the past three years.
- viii) The *Act* contemplates prompt resolution of all requests for review of Section 545 Orders to serve the interests of the property owners, the neighbours, other affected persons and the public interest generally. This intention is clearly demonstrated by the very short appeal timelines in section 547 of the *Act*.

[13] The Committee is authorized per section 547(2) of the *Act* and the *Community Standards Licence Appeal Committee Bylaw 19003* to conduct a review of the Order and to then confirm, vary, substitute or cancel it.

- [14] Accordingly, the Committee reviewed the written submissions and in particular the 36 submitted photos taken during the October 4, 2024 inspection which formed the basis for the issuance of the Order currently under review.
- [15] The Committee finds those photos demonstrate conclusively that a nuisance in respect of land condition was occurring on the property contrary to section 6 of the *Community Standards Bylaw 14600* at the time the Order under review was issued.
- [16] Therefore, the Committee finds the Order valid.
- [17] For the sake of clarity, the Committee also specifically finds that the recreational vehicle (the camper) shown in several photos is a derelict vehicle within the meaning of section 6(2)(b) of the *Community Standards Bylaw 14600* and falls within the list of items which must be removed from the property. Additional submitted evidence of photos from October 4, 2024 established that this vehicle has been on the property in a damaged and derelict condition for over a year.
- [18] For all of the above reasons, the Committee confirms the Order as issued.

Kathy Cherniawsky, Chair  
Community Standards and Licence Appeal Committee

**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.