

EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: Community Standards and Neighbourhoods (City of Edmonton), 2025
ABECSLAC 10016

Date: September 8, 2025
Order Number: 595598060-002
CSLAC File Number: CSLAC-25-016

Between:

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Kathy Cherniawaky, Chair
Don Fleming
Joel McDonald

DECISION

[1] On August 26, 2025, the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an Order that was filed on August 5, 2025. The request for review concerned the decision of Community Standards and Neighbourhoods 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 June 24, 2025 and was mailed on June 24, 2025 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.

- Maintain the securement/boarding/re-securement at all times to the standards set out in the Board Up Procedure Bulletin; and
- Immediately rectify any breaches to the securement/boarding/re-securement.

The City may issue a new Order in accordance with the Progressive Security Model (attached) if it is determined that the securement measures outlined above are insufficient or inadequate in preventing unauthorized entry.

YOU MUST COMPLY WITH THIS ORDER BEFORE: July 17, 2025

- [2] The subject property is located at 9859 - 75 Avenue NW, Edmonton.
- [3] The hearing on August 26, 2025 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 Appellant’s written request for review and submission; 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 Chair referenced Section 547(1) of the *Municipal Government Act* which states:

A person who receives a written order under Section 545 or 546 may by written notice request council to review the order within 7 days after the date the order is received, in the case of an order under section 546

- [7] The Chair explained that if the Committee finds that the request for review was filed in time the hearing will proceed to the merits. However, the Committee does not have jurisdiction to proceed to hear the merits if it is determined that the request for review was not filed in time.

- [8] Based on a review of the evidence, the Order was issued by the City of Edmonton on June 24, 2025 and mailed on June 24, 2025. The request for review was filed by the Applicant on August 5, 2025.
- [9] The Chair asked the Applicant to provide details regarding the date on which the Order was received so the Board could determine whether or not it had authority to proceed with the request for review.

Summary of Hearing on the Preliminary Matter:

i) Position of the Applicant

- [10] The Applicant advised that while she owns the property she does not live in Edmonton, and therefore depends on mail, which is often delayed or stolen. Therefore, she argued that the appeal, filed on August 5, 2025, should be considered timely because she only received the Order via email July 31, after initial attempts to secure the property in June 2025 based on a verbal discussion with K. Hammer, and a subsequent call from a neighbour on July 31, 2025 regarding activity at the property
- [11] She had a verbal discussion with K. Hammer in late June or early July at which time she asked that Orders be sent to her via email because she does not live in Edmonton and has issues with mail delivery. She was advised that it was not their practice to send documents via email.
- [12] The Applicant stated she understood that the property had been secured from the initial Order that was issued in May 2025 but later learned that a new Order which she had not received had been issued.
- [13] Therefore, the appeal was filed on August 5, 2025 based on the email that she received because she did not have any knowledge of the specific requirements before that date. She asked that her case be treated as a special circumstance due to the fact that she does not reside in the City and that she never received the Order that was mailed.
- [14] The following information was provided in response to questions from the Board:
- a) She was contacted by a neighbour on July 18, 2025 who advised that there had been numerous individuals on site.
 - b) She communicated with K. Hammer and explained that she did not live at the property and asked for documents to be emailed to her. The Order issued in June 2025 was not clear about what exactly needed to occur at the site. They came to the conclusion that documents would be emailed going forward.
 - c) She received an email from K. Hammer in early June 2025 in regard to an earlier Order that was withdrawn. They discussed the situation and the fact that she did not

receive the Order that was issued in June 2025. She was advised that some of the doors needed to be secured.

- d) Her contractor was on site on June 11, 2025. She received a call from her neighbour on July 18, 2025 to advise her about the activity occurring on her property.

ii) Position of the Respondent,

k:

- [15] While it is not their practice, email addresses will be used in some situations. However, she does not recall that happening in this case. People are always advised that emailing documents is not a requirement but sending Orders by mail and posting them on site is required. There is no documentation on file regarding a decision to email documents to the Applicant.
- [16] She spoke to the Applicant on June 3, 2025 and again on June 19, 2025 to advise that a Phase 1 Order would be issued if compliance was not achieved. That Order was written, mailed and posted on the site on June 24, 2025.
- [17] It is the responsibility of the owner to change their address at Land Titles in order to have mail redirected. It was noted that the Order was also mailed to an address in Surrey that was previously provided by the owner.
- [18] The Applicant indicated that she had spoken to her in June or early July 2025. However, that was not possible because she was on vacation at that time. The last time she spoke to the owner was on June 19, 2025 to advise her that an Order would be issued on June 24, 2025 if compliance was not achieved. Remedial action was undertaken on July 31, 2025. It was noted that the owner advised that her neighbour called her on July 18, 2025 to advise that the individuals were on site.
- [19] It was clarified that Advanced Board Up Procedures were included in the mail out with the Order.
- [20] The owner's contractor contacted the issuing Officer on June 3, 2025 and it was clarified that he knew what was expected.
- [21] In response to a question, it was clarified that the requirements of the previous Order were the same as this Order that was issued on June 24, 2025.

iii) Rebuttal of the Applicant

- [22] The Applicant reiterated that she never received the Order that was issued on June 24, 2025.
- [23] She confirmed that the address included on the Order dated June 24, 2025 is her address in Surrey and that she has been receiving mail at that address through the summer as normal.

Decision

[24] The Committee has no jurisdiction to conduct the review.

Reasons for Decision

[25] This is an application for a review of a written Order issued by the City of Edmonton pursuant to section 546(1) of the *Municipal Government Act*.

[26] Section 546 deals with urgent situations. The relevant portions of Section 546(1) provide:

If, in the opinion of a designated officer, a structure... is dangerous to public safety... the designated officer made by written order (a) require the owner of the structure to (i) eliminate the danger to public safety in the manner specified...

[27] The Phase 1 board up Order is dated June 24, 2025 and states in part:

An inspection of the property on June 24, 2025 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.
- Maintain the securement/boarding/re-securement at all times to the standards set out in the Board Up Procedure Bulletin; and

- Immediately rectify any breaches to the securement/boarding/re-securement.

The City may issue a new Order in accordance with the Progressive Security Model (attached) if it is determined that the securement measures outlined above are insufficient or inadequate in preventing unauthorized entry.

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- [28] The Order was the second section 546 Order to be sent to the Applicant. An earlier similar Phase 1 order was issued May 8, 2025. The Applicant requested a review of that order and subsequently withdrew the request.
- [29] Section 547 of the *MGA* provides a brief window within which a request to review a Section 546 Order may be made to CSLAC:
- (1) A person who receives a written order under section ... 546 may by written notice request council to review the order within...
- (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.
- [30] The Committee received a request for review from the Applicant in writing by email on August 5, 2025. On its face, the request appeared to have been filed out of time.
- [31] The Committee heard that two methods were undertaken to notify the Applicant of the Order:
- a) On June 24, 2025, the Order was posted at the subject property. A photograph time and date stamped June 24, 2025 was submitted showing a copy of the Order posted on the front door of the house at the subject property.
- b) On June 24, a copy of the Order was mailed. The Order has two addresses: one is the address of the registered owner on file at land titles, a copy of which was submitted; and the other was an address in Surrey BC provided to a City official earlier by the Applicant.
- [32] The Committee heard that the mail containing a copy of the Order and the previous order sent in May 2025 both included a copy the "Board Up Procedure Bulletin" with detailed requirements that must be met for compliance.
- [33] The Applicant argued that the request for review was made in time because:
- a) She lives in another province and had asked to be notified by email and had been told that she would be notified of any orders by email.

- b) She did not receive the June 24, 2025 Order by mail at her address in Surrey, BC.
- c) She first saw a copy of the Order in an email attachment she received from CPST on July 31, 2025 and then made the request for review within 7 days on August 5, 2025.

[34] The Respondents argued that the Applicant's request was filed out of time as:

- a) Posting the Order at the subject property and mailing a copy of it to her sufficed to start the appeal period in section 547(1) of the *MGA*.
- b) While a comment concerning email notifications may have been made at some point, they had no record of a conversation with the Applicant confirming formal notification would be made by email and documentation of that type of representation would normally be detailed on the file. Further, the City employee alleged to have made the representation was away during some of the alleged telephone interactions.

Analysis:

- [35] The Committee reviewed the wording of sections 546 and 547 of the *MGA* in a purposive and contextual manner to determine when an applicant has "received the Order."
- [36] There is no requirement for personal service or service by registered mail, nor any other directions for service of the Order within the *MGA*.
- [37] No City of Edmonton Bylaw provides for a longer period of time to initiate a request for review.
- [38] The purpose of section 546 Orders is to ensure dangerous situations are promptly remedied - if not by the owner, then by public authorities. In Sections 546 and 547, the public interest in rapidly resolving dangerous situations are balanced against the rights of property owners given that the *MGA* authorizes entry onto private property to conduct remedial action and places the financial cost of remediation on the owner.
- [39] The relevant sections of the *MGA* contemplate action will occur as soon as practical and accordingly, a very brief 7 day window is allowed to object to a Section 546 Order. This is understandable given Section 546 Orders are often issued in urgent situations to remedy imminent danger.
- [40] In this case, the record shows that due to the prior order and ongoing communications with City officials and her contractor, the Applicant was aware that Applicant's vacant house was not secure and that people were regularly breaching the board up and breaking into the house creating an ongoing, dangerous situation for the illegal occupants, for the first responders and for the community. Photos submitted from May, June and July confirm exposed openings and unsecured entry points into the house and garage.

- [41] The Committee first considered whether the Applicant had received the Order when it was posted on the front door of the house on June 24, 2025.
- [42] The Committee determined posting at the subject premises was a sufficient means of giving the Applicant notice of the Order under Section 547(1) of the *MGA* for the following reasons:
- a) The Committee finds that once the written Order was posted at the subject premises, it has been “received by the owner.”
 - b) In the Committee’s view, all property owners are responsible to be aware of the state of properties that they own regardless of whether or not they reside on those properties or in the same city, province or country.
 - c) Owners have a responsibility to ensure that their vacant properties are secure. The duty may be exercised personally or through agents or third parties. Being absent does not absolve the Applicant.
 - d) Furthermore, in this instance the Applicant was well aware of security issues at the vacant house and that trespassers were breaking in. The property was subject to an earlier order issued in May, 2025. The Applicant had received the earlier order and had appealed it. The Applicant later withdrew that request for review.
- [43] As the Committee found that the Applicant received the Order when it was posted at the property, the time to file a request for review expired 7 days after the notice was posted on the front door on July 1, 2025. As July 1, 2025 was a statutory holiday, the appeal window was extended by one additional day to July 2, 2025. The Applicant’s request for review was received August 5, 2025 and is out of time. The Committee has no jurisdiction to hear the request for review.
- [44] In the event that the Committee wrongly concluded that posting at the property was sufficient to be considered receipt of the Order by the Applicant, the Committee considered whether the Applicant had received notice as required in section 547(1) by mail and if so whether the request for review had been made within the statutory time limit.
- [45] Based on the provided evidence, the Committee finds:
- a) The Applicant has been the registered owner of the subject property for over two years.
 - b) On June 24, 2025 when the Order was issued. The Applicant's full name was listed as the owner on the Certificate of Title at the Land Titles Office and address for the Applicant was the subject property.

- c) The Order contained two addresses: address of the subject property and the address provided by the Applicant and acknowledged by her as current address in Surrey, BC.

[46] The *Interpretation Act* RSA 2000 c. I-8 includes default rules for presumption of service by mail:

23(1) If an enactment authorizes or requires a document to be sent, given or served by mail and the document is properly addressed and sent by prepaid mail other than double registered or certified mail, unless the contrary is proved the service shall be presumed to be effected

(a) 7 days from the date of mailing if the document is mailed in Alberta to an address in Alberta, or

(b) subject to clause (a), 14 days from the date of mailing if the document is mailed in Canada to an address in Canada.

(2) Subsection (1) does not apply if

(a) the document is returned to the sender other than by the addressee, or

(b) the document was not received by the addressee, the proof of which lies on the addressee.

[47] The City indicated that the Order was sent to the address in Surrey BC provided by the Applicant. It is unclear from the submissions whether the Order was also sent to the registered owner's address (the subject property). However, this does not change the result as in the Committee's view, mailing to either address would be sufficient notification.

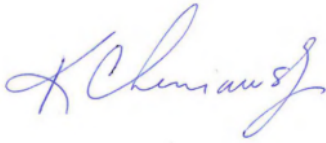
[48] The Committee finds that mailing the Order to the stated address on the Certificate of Title at the Land Titles Office is a sufficient means of notification for the following reasons:

- a) Unlike Section 545 Orders, Section 546 Orders may only be issued to the "owners" of the property, structure or property that is the subject of the Order.
- b) The address listed on the Land Title Certificate is often the legal address for service of property owners for important notices.
- c) The address listed on the Certificate of Title is provided by the property owner, at the property owner's option, the address may be the address of the subject property or it may be another address.
- d) Mailing to the registered owner is a practical, definitive and timely means to notify property owners which aligns with the objective of Section 546 to rapidly remedy situations which create dangers to public safety.

- e) The Applicant could have arranged mail forwarding or changed the address listed on the Certificate of Title to ensure she would receive important notices.
- f) This method prevents absentee owners from evading responsibility.

- [49] As the Committee found regular mail sent to the registered owner's registered address was an effective method of notification, it is reasonable and common sense to apply the timing suggested in the *Interpretation Act* and assume the letter mailed to the subject property arrived within 7 days of mailing. There was no evidence to the contrary as the Order has the proper address for the subject site and there was no evidence the letter containing the Order was returned or lost.
- [50] Based on this method of notification, the Committee finds that the letter was likely delivered to the subject property and therefore received by the owner at the latest on July 2, 2025 (seven days from June 24, 2025 was July 1, 2025 and so the 7 days period was extended by one additional day to July 2, 2025). The window to request a review expired 7 days after that on July 9, 2025. The request was received August 5, 2025 and is out of time.
- [51] The Committee finds that mailing the Order to the second listed address in Surrey BC could also constitute a sufficient means of notification because this address was provided by the Applicant to the City and was confirmed by the Applicant at the hearing to be her current address and the address where she regularly receives mail.
- [52] Again, it is reasonable and common sense to apply the timing suggested in the *Interpretation Act* and assume the letter was mailed to the Applicant's current address in Surrey BC and arrived within 14 days of mailing unless that presumption could be refuted by the Applicant. On this issue, the Committee considered three points:
- a) The Applicant indicated she did not receive the letter containing the Order at her address in Surrey.
 - b) The Applicant admitted she had received the earlier letter containing the May Order with identical addresses at her residence in Surrey.
 - c) The Applicant indicated that she was not having any other difficulty with mail generally and had received other correspondence at her residence as usual during the summer of 2025. This was the only letter that she is aware of which did not arrive.
- [53] The Committee finds that the Applicant failed on balance to refute the presumption that she, the addressee, did not receive the letter containing the Order. Therefore, based on this method of notification, the Committee finds that the letter was likely delivered to the subject property and therefore received by the Applicant at the latest on July 8, 2025, fourteen days after June 24, 2025. The last day to request a review was 7 days after that on July 14, 2025. The request was received August 5, 2025 and is out of time.

[54] For all these reasons, the Committee finds that the Applicant's request for review was received outside of the time allowed in section 547(1) of the *MGA*. The Committee has no authority to extend the time period. The Committee has no authority to conduct the review.

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

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.