

EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: Community Standards and Neighbourhoods (City of Edmonton), 2025 ABECSLAC 10018 and 10019

Date:	September 8, 2025
Order Number:	467424140-003 / 448510425-003
CSLAC File Number:	CSLAC-25-018 / CSLAC-25-019

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 requests for review of Orders that were filed on August 18, 2025. The requests for review concerned the decisions of Community Standards and Neighbourhoods to issue Orders pursuant to Section 546(1) of *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”). The Orders were dated June 24, 2025 and were mailed on June 24, 2025 and required the following action:

Secure your property against unauthorized entry by:

- 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.

- Provide and install/Re-secure security fencing along the property line, providing a continuous barrier around the property. The fencing shall not encroach on municipal or neighbouring properties. Please refer to the attached “Security Fencing Bulletin” for the detailed requirements that must be met for compliance.
- Providing security guard services to patrol the property no less than once every 6 hours. For each patrol, the security guard will be expected to walk the full perimeter of the property, checking the security fence, structure, and property in general for any signs of breaches. All patrols shall be photographed and documented. Ensure that photographs are taken using a “datestamper” on the photos so it is evident on the photo(s) the date and time of patrol. There shall be a total of 4 patrol package photos within a 24 hour period. Photo packages shall be emailed to the communitypropertysafetyteam@edmonton.ca once per day. A failure to comply will result in CPST to intervene and assign a security guard to patrol the property. Please refer to the attached “Security Guard 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 10, 2025

- [2] The subject properties are located at 9902 - 77 Avenue NW, Edmonton and at 9904 - 77 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 Orders issued pursuant to the *Municipal Government Act*;
 - The Appellant’s written request for review and submissions; and

- The Respondent's written submissions, 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 requests for review were 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 requests for review were not filed in time.
- [8] Based on a review of the evidence on file, the Orders were issued by the City of Edmonton on June 24, 2025 and mailed on June 24, 2025. The first request for review was filed by the Applicant on July 9, 2025.
- [9] On August 15, 2025, the following email exchange occurred.
- [10] A request was sent to CSLAC by the Applicant:

I would like to withdraw my review application before the tribunal and save time for all of us. However, the "Security Guard" provision of your order has been complied with all other parts of your order. If anything more needs to be done, please let us know. We would comply forthwith. Pls. acknowledge receipt of this email and confirm that the appeal has been withdrawn and that the hearing on August 19, 2025 at 1:30PM has been cancelled.

Sincerely yours, [The Applicant]

- [11] The Committee responded by email:

We have received your withdrawal request and confirm that the appeal has been withdrawn and the hearing that was scheduled on August 19, 2025 has been cancelled.

- [12] The Appellant responded by email:

Thank you Sir, it is much appreciated! [The Applicant]

- [13] The Committee subsequently advised the Respondent by email later on August 15, 2025 that the appeals had been withdrawn. The Respondent then sent an email to the Applicant to thank him for the withdrawal.
- [14] The CSLAC files were closed and the hearing scheduled for August 19, 2025 was cancelled on August 15, 2025.
- [15] On Saturday, August 16, 2025 an email was received from the Applicant revoking that withdrawal.
- [16] On Monday, August 18, 2025 Administration for the Committee responded to the Applicant to explain that the files had been closed and could not be re-opened but that new appeals could be filed.
- [17] On Monday August 18, 2025, an email was received from the Applicant to request a review of the Orders that were issued on June 24, 2025.
- [18] Based on all of this information, it appears that the request for reviews have been filed outside of the required time lines and is out of time.
- [19] The Chair asked the Applicant to provide details regarding this series of events so that the Committee could determine whether or not it had authority to proceed with the request for reviews.

Summary of Hearing on the Preliminary Matter:

i) Position of the Applicant in response to the preliminary issue:

- [20] The Applicant explained that his assistant mistakenly withdrew the appeal on August 15, 2025. He had only intended for her to send a letter that he had written to Officer Rybak about his willingness to comply with all aspects of the Orders except for the patrolling requirement.
- [21] His assistant confirmed that she misunderstood the Applicant's intent and sent the withdrawal email to CSLAC instead of to Officer Rybak.
- [22] He never intended to withdraw the appeal. He had been very busy that day with a visitor from India. It was his belief that if the patrolling requirement could be discussed and removed from the Orders, that the other issues would be resolved which would make the appeal unnecessary.
- [23] The following information was provided in response to questions from the Board:
 - a) The intent of the email was to discuss the possibility of removing the requirement to provide patrolling from the Orders with Officer Rybak. It was his hope that this could

be resolved before the hearing. If the patrolling requirement was removed from the Orders, the hearing would not be necessary because all of the other requirements of the Orders would have been met.

- b) The Applicant confirmed that he responded to the email from CSLAC sent on August 15, 2025 confirming that the request for review had been withdrawn and the August 19, 2025 had been cancelled.

ii) Position of the Respondent:

- [24] The written summary of events that has been submitted explains their position thoroughly.
- [25] The email withdrawal sent to CSLAC on August 15, 2025 was signed electronically by the Applicant.
- [26] The Respondent received notice from CSLAC on August 15, 2025 that the owner had withdrawn the appeals.

iii) Rebuttal of the Applicant

- [27] He did not want confrontation with the Fire Department or the City. He wanted to cooperate and comply with their requests to ensure the safety of the public. His second concern was that he did not want to waste a lot of time.
- [28] This resulted in confusion and the error made by his assistant by sending the letter that he had drafted to the Officer to CSLAC.

Decision

- [29] The Committee has no jurisdiction to conduct the reviews.

Reasons for Decision

- [30] The Committee heard two requests to review two separate written Orders.
- [31] The Committee heard the matters contemporaneously because the Orders were issued on the same day to the same owner pursuant to section 546 of the *Municipal Government Act*. The subject properties are adjacent properties. The Orders are identical in substance and require identical remedial action to secure the properties. The reasons in this decision apply equally to both files.
- [32] The Orders state that inspections have revealed the properties to be dangerous to public safety in that the structure on the land is vacant and not secured to prevent unauthorized entry, specifically given that there are exposed openings throughout the structures, and entry points into the structures that are not secured.

[33] According to the written materials sent to the Committee:

- a) The Orders were dated June 24, 2025.
- b) The Orders were posted at each of the subject properties on June 24, 2025 and mailed on June 24, 2025 to an address listed on the registered Land Title Certificate for the properties. The Committee received an email from the Applicant requesting reviews of the Orders on August 18 2025 more than 50 days after the Orders were issued.

[34] Section 547(1)(b) of the *Municipal Government Act* states in part:

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, or any longer period as specified by bylaw.

[35] There are no Bylaws extending the 7 day appeal period set in section 547(1)(b) of the *Act*.

[36] The Orders were posted at the property on June 24, 2025. In an email, the Appellant stated he had received the Orders by normal mail on July 9, 2025.

[37] The earliest date the Committee could conclude that the Applicant received the order is June 24, 2025. The latest date that the Committee could possibly conclude that the Applicant had received the order is July 9, 2025. Seven days after that is July 16, 2025. The Committee finds that the requests for review received on August 18, 2025 are out of time.

[38] Usually that would end the matter. However, in this case the Committee also considered the Applicant's request that it "reschedule" his earlier requests for review for the following reasons:

- a) He had originally filed requests for review of the June 24, 2025 Orders on July 9, 2025 in CLSAC-25-013 and CSLAC-25-014.
- b) The request to withdraw the reviews and the scheduled hearings had been sent by his assistant in error by email under his signature.
- c) He was occupied with visitors from India so he did not realize an error had been made.
- d) On August 16, 2025, he emailed the Committee explaining the error and asking for the withdrawal to be reversed.

- e) The Committee staff informed him the files had been closed and could not be reopened, but indicated he could file new requests for review and they would be subject to the time limits in the *MGA*.
- f) He filed two new requests for review of the Orders on August 18, 2025 CSLAC-25-018 and CSLAC-25-019.

[39] At the hearing, the Applicant and his assistant explained a mistake had been made. As the Applicant had been busy with a visitor from India, he instructed his assistant to send emails on his behalf. The assistant misunderstood and made two errors: the email in question was intended for the Enforcement Officer, not the Committee, and it was to say he did not agree to a term in the Orders requiring a security guard to patrol the houses every six hours. His assistant sent it to the wrong addressee and deleted the word not.

[40] The Committee carefully reviewed the email chain between the Applicant and the Committee:

- a) On August 15, 2025 at 1:37 pm the Committee received an email from the Applicant's usual address and signed by the Applicant in the same manner as earlier emails on file.

To: Community Standards and Licence Appeal Committee
and ~~[Parties]~~ Re: ~~Withdrawal of the Review of Orders~~ 467424140-003, 9902 -
77 AVENUE NW AND 448510425-003, 9904 - 77 AVENUE NW; Orders
Pursuant to Section 546(1) of the Municipal Government Act; CSLAC-25-013 &
CSLAC-25-014 Attention: Community Standards and Neighbourhoods - C.
Perizzolo / C. Holstead; Community Property Safety Team - R. Radek / J.
Sikorski / M. McDonnell; K. Martin; K. Hammer; M. McDonnell

I would like to withdraw my review application before the tribunal and save time for all of us. However, the "Security Guard" provision of your order has been complied with all other parts of your order. If anything more needs to be done, please let us know. We would comply forthwith.

Pls. acknowledge receipt of this email and confirm that the appeal has been withdrawn and that the hearing on August 19, 2025 at 1:30PM has been cancelled.

Sincerely yours,

The Applicant [Emphasis added]

- b) Committee staff processed the request to withdraw and to cancel the hearing, notifying the Committee members, the Respondent and the other city officials scheduled to attend.
- c) At 1:58 pm the Committee staff sent an email to the Applicant because his email had requested written acknowledgement of receipt and confirmation that the appeal had been withdrawn and the hearing for August 19, 2025 had been cancelled.
- d) The email from the Committee states:
Hello!
We have received your withdrawal request and confirm that the appeal has been withdrawn and the hearing that was scheduled on August 19, 2025 has been cancelled.
Thank you [Emphasis added]
- e) A response was sent to the Committee at 2:00 pm from the Applicant's usual email address and signed by the Applicant in the usual manner. It stated:
To: Community Standards and Licence Appeal Committee
Cc: [The Parties]
Thank you Sir, it is much appreciated!
[The Applicant]

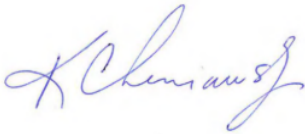
[41] Based on its review, the Committee finds:

- a) The first email expresses clear intention to withdraw the request for review and cancel the hearing and asks for an acknowledgment of receipt and confirmation that "the appeal has been withdrawn and that the hearing on August 19, 2025 at 1:30 PM has been cancelled".
- b) The second email from the Committee contains unmistakable confirmation of receipt of a request for withdrawal of the appeals and confirmation of cancellation of the hearing, in writing as requested by the Applicant.
- c) The third email response from the Applicant is a clear acknowledgement of the second email and was received by the Committee.
- d) All three emails were sent from the addresses used by the parties and with the usual signatures.

- [42] There is no provision in the *Act* concerning withdrawals or revocations of withdrawals of requests for review. The Committee's practice is that the file is closed once a written request for revocation is received and has been processed.
- [43] In the Committee's view, the email interchange constituted an unconditional withdrawal and the Committee rightly closed the files in response to the request.
- [44] This practice aligns with the purpose of section 546 Orders which is to ensure dangerous situations are promptly remedied - if not by the owner then by public authorities. 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.
- [45] The Committee acknowledges it might be possible, in a very narrow range of circumstances, that the interests of fairness would require the Committee to go behind the evidence of a clear withdrawal and reinstate an appeal in the event of a mistake. This is not such a case for the following reasons:
- a) Sections 546 and 547 balance the public interest in rapidly resolving dangerous situations 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. The Committee must consider the impact of reinstatement on both sides of this balance.
 - b) The two subject properties have been vacant for several years and security is a known issue. The Applicant was aware that there have been trespassers and fires at the properties representing a danger to those trespassers, and to neighbours and to first responders. This is the third set of Orders issued against the subject properties in the past 18 months. The Applicant withdrew requests to review two earlier Phase 2 Orders concerning the same properties in May of 2025.
 - c) The submissions show that the Applicant was well aware of the review processes and the consequences of requesting a review and of withdrawing a request for review. He had done both in the months before this appeal.
 - d) It is the Applicant's responsibility to provide reasonable instructions to his agents and to review his communications concerning his properties.
 - e) Being busy with a visitor is not a matter out of his control which would relieve him of this obligation or present extraordinary circumstances upon which an exception might possibly be considered.
- [46] The Committee concluded that the Applicant has not raised a circumstance or mistake beyond his control which led to an erroneous withdrawal of the requests for review.

[47] The Committee notes that the Respondents raised a question about the timeliness of the earlier requests for review received on July 9, 2025 suggesting that the Applicant was out of time in any event. Given the above conclusions, the Committee did not hear any submissions on this issue, nor has it made any findings about whether or not the requests for review received on July 9, 2025 were also out of time and therefore beyond the authority of the Committee to review.

[48] For the above reasons, the Committee has no authority to hear the matters.

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

Kathy Cherniawsky, Chair
Community Standards and Licence Appeal Committee

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.