

EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: v Community Standards and Neighbourhoods (City of Edmonton), 2025
ABECSLAC 10027

Date: December 10, 2025
Order Number: 625712373-001
CSLAC File Number: CSLAC-25-027

Between:

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Kathy Cherniawsky, Chair
Karen Munro
Don Fleming

DECISION

[1] On December 2, 2025, the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an Order that was filed on October 22, 2025. 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*” or “*MGA*”). The Order was dated October 16, 2025 and was mailed on October 16, 2025 and required the following action:

Cut all long grass and weeds to below 10 centimeters in height.

Remove loose litter, 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: November 8, 2025

- [2] The subject property is located at 11904 - 34 Street NW, Edmonton.
- [3] The hearing on December 2, 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 party 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] The Applicant indicated that he is speaking on behalf of his elderly mother who is the property owner who received the Order.
- [8] The City of Edmonton had a substantial increase in taxes in the Beverly area through high-density housing developments. These property taxes cover maintenance, including maintenance of the very large boulevard on 34 Street.
- [9] His parents owned the property for decades and the City had always maintained the large boulevard on 34 Street. They have kept the property in a very orderly and neat condition and addressed the garbage that blows onto the property from nearby commercial developments. During Covid, the City adopted a practice of cutting the perimeter only. They expected the City to resume full responsibility for the boulevard, but instead the City stopped cutting it altogether a few years ago.
- [10] He spoke to two different City employees who gave different responses. Once he was told that the City had never maintained the boulevard, but this is not true. He asked if he could turn the boulevard into a maintenance free area but was informed the City owns it and would not allow such a change.

- [11] In his opinion, the City should resume cutting the grass on the boulevard as it is covered by property taxes. He proposed that if his family is expected to maintain the boulevard due to its large size, they should receive a reduction in taxes or compensation.
- [12] He already maintains the regular-sized boulevard on 119 Avenue NW, complying with *Bylaws* for regular boulevards.
- [13] He would like the ticket and the Order to be rescinded and have the City start cutting the boulevard grass again.

The Chair of the committee reviewed the following sections of the *Community Standards Bylaw* 14600 and asked for the Appellant to comment upon them in their presentation:

5. For the purposes of this Part, a person who owns or occupies land shall be considered to occupy that portion of any highway between the property line and the centre line of the highway.
 6. (1) A person shall not cause or permit a nuisance to exist on land they own or occupy.

(2) For the purpose of greater certainty a nuisance, in respect of land, means land, or any portion thereof, that shows signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:

...

(d) unkempt grass or weeds higher than 10 centimetres;

...

8. A person shall maintain any boulevard adjacent to land they own or occupy by:
 - a. keeping any grass on the boulevard cut to a reasonable length; and
 - b. removing any accumulation of fallen leaves or other debris.
- [14] The Applicant provided the following information in response to questions from the Committee.
- a) The Applicant acknowledges that the *Bylaw* requires maintenance of adjacent boulevards and he was in compliance by maintaining the 119 Avenue NW boulevard. The City has always maintained the much larger 34 Street NW boulevard and this service is covered through property taxes.
 - b) The order is unfair.
 - c) He would like the City to make the boulevard maintenance free; however, he was told that would not happen.

- d) The area to be cut is extremely large and he should not have to do it. Furthermore, the City is able to cut the area in three passes in very little time with little effort.
- e) If the City will not cut it, they should make it maintenance free.
- f) He reviewed the 2020 letter submitted by the City indicating that the City would no longer be maintaining the boulevard in question. However, his mother did not recall ever receiving any letter from the City indicating they would no longer maintain the boulevard.
- g) The public throws garbage on the subject site and the boulevard which makes it hard to maintain.
- h) He has a letter of support from his Councillor who has indicated that they will advocate for a reinstatement of the previously provided maintenance service on the boulevard.
- i) In his opinion, they are in compliance with the *Bylaw*.
- j) The main boulevard is adjacent to the subject site and the wording in the *Bylaw* says “boulevard” not “boulevards” and they are willing to continue to maintain normal-sized boulevard along the front of their property, but not the second larger boulevard.

ii) Position of the Respondent

- [15] Officers from Complaints and Investigation did not attend the hearing and the Committee relied on their written submission which included: an investigation timeline and report, inspection photos, a letter from 2020 addressed to the property owner and arguments to support their position that the Order be confirmed.

Decision

- [16] The Order is Confirmed.

Reasons for Decision

- [17] This is an application for a review of a written Order issued by the City of Edmonton pursuant to section 545 of the *Municipal Government Act* which indicated that the property was in violation of section 6(1) of the *Community Standards Bylaw* due to the existence of a nuisance on land condition. The Order required the recipient to

Cut all long grass and weeds to below 10 centimeters in height.

Remove loose litter, 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.

- [18] The Applicant argued that the Order was unfair for several reasons including: the excessive burden due to unusual size of the boulevard, the past practices of the City show it is the City's obligation and part and parcel of the services for which the Applicant's pays taxes, the City's refusal to either resume prior practices or to allow changes to landscaping on the boulevard to decrease the work.
- [19] The Committee's authority in this review is determined by the *Municipal Government Act* and City of Edmonton Bylaws. The Committee has no authority to consider any municipal tickets and makes no further comment with respect to the Applicant's request to reverse a ticket or fine.
- [20] Per section 547(2) of the *MGA*, the Committee has the authority to review the Order in question and to confirm, vary, substitute or cancel that Order. The Committee considered the written submissions from both parties and the Applicant's oral submissions.
- [21] The Committee finds that the boulevard area adjacent to the Applicant's property was in a state of nuisance on land contrary to section 6(1) of the *Bylaw* for the following reasons:
- i) Nuisance on land is defined in the *Bylaw* as areas of land which show signs of a serious disregard for general maintenance and upkeep. Section 6(2)(d) specifies that unkempt grass or weeds higher than 10 centimetres is a specific example of nuisance on land.
 - ii) The property, including the boulevard in dispute, was visited on August 14, 2025 by City employees in response to a complaint filed about the state of the boulevard. The inspection photo from September 9, 2025 and the eight follow up inspection photos which formed the basis of the Order taken on October 15, 2025 show unkempt grass in excess of 10 centimeters as well as some debris on the boulevard area. This is directly in contravention of the *Community Standards Bylaw*.
 - iii) The Applicant did not argue that the photos were inaccurate concerning the state of the boulevard or that maintenance and garbage removal was not required; they argued that the Order was unfair and it was the City's responsibility to deal with the boulevard.
- [22] The Committee finds that that the Order was validly issued to the Applicant for the following reasons:
- i) The Applicant is the registered owner of property that abuts the boulevard area owned by the City.
 - ii) Section 5 of the *Community Standards Bylaw* states: For the purposes of this Part, a person who owns or occupies land shall be considered **to occupy** that portion of any highway between the property line and the centre line of the highway. [Emphasis added]

iii) Section 6(1) of the *Community Standard Bylaw* states in part that a person shall not cause or permit a nuisance to exist on land they **own or occupy**. [Emphasis added]

iv) Section 8 of the *Community Standards Bylaw* states:

A person shall maintain **any** boulevard adjacent to land they own or occupy by:

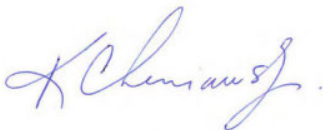
- a. keeping any grass on the boulevard cut to a reasonable length; and
- b. removing any accumulation of fallen leaves or other debris. [Emphasis added]

[23] In the Committee's view, the Applicant's responsibility is not limited to a single boulevard based on the clear wording of section 8. The words "any boulevard" includes the boulevard along 119 Avenue NW and the boulevard along 34 Street NW.

[24] In the Committee's view, neither past practice, nor the delivery of a notification of a change to the past practice, exempts the Applicant from responsibility under the *Bylaw* to maintain any boulevard adjacent to land they own or occupy.

[25] There may well be other avenues for the Applicant to pursue in order to have the City change its policy, but this Committee is obliged to follow the city bylaws and provisions of the *MGA* as they are written at the date of the hearing. Matters of policy concerning the deployment of City resources are well beyond the authority of this Committee.

[26] For all of the above reasons, based on the current and clear provisions of the *Community Standards Bylaw* and following the limits of its authority under section 547(2) of the *MGA*, the Committee confirms the Order as issued.



Kathy Cherniawsky, Chair
Community Standards and Licence Appeal Committee

cc: Community Standards and Neighbourhoods, Attn: C. Perizzolo / C. Holstead / J. Schulz

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.