

**EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE**

Citation: J. A. v Community Standards and Neighbourhoods (City of Edmonton), 2020
ABECSLAC 002

Date:	January 30, 2020
Order Number:	346472697-001
CSLAC File Number:	CSLAC-20-002

Between:

J. A.

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Ian Wachowicz, Chair
Mark Young
Brian Gibson

DECISION

[1] On January 21, 2020, the Community Standards and Licence Appeal Committee (the “Committee”) heard an appeal that was filed on November 26, 2019. The appeal concerned the decision of Community Standards and Neighbourhoods to issue an Order pursuant to Section 545(1) of the *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”) on November 12, 2019 to:

Remove all furniture, appliances, electronics, wood, metal, 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.

[2] The subject property is located at 10313 – 147 Street NW, Edmonton.

[3] 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*; and
- The Appellant's written request for appeal and request for postponement.

[4] The following exhibit was presented during the hearing and forms part of the record:

- Exhibit A – Supporting documents and photographs from the Respondent.

Preliminary Matters

[5] At the outset of the appeal hearing, the Chair confirmed with the parties in attendance that there was no opposition to the composition of the panel.

[6] The Chair outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

[7] The appeal was filed on time, in accordance with Section 547 of the *Municipal Government Act*.

Summary of Postponement Request

i) Position of the Appellant, J. A.

[8] The Appellant was not in attendance and provided the following request via e-mail:

“Request for adjournment as I am out of the country. I respectfully request adjournment to the furthest date possible, as I'm unsure of my return date is until I deal with matters of a personal nature.” (unedited)

ii) Position of the Respondent, C. Perizzolo

[9] Ms. C. Perizzolo, Acting Coordinator, Complaints and Investigations, appeared on behalf of the City of Edmonton. She was accompanied by Ms. T. Sustrik, General Enforcement Supervisor, Complaints and Investigations.

[10] The Respondents are prepared to proceed today; however, they have no objection to a postponement to the February 2020 meeting. The property owner has complied with the Order but the Respondent would still like to proceed to determine the validity of the Order.

[11] The purpose for proceeding is to create a history of offences and establish a record for this owner. The Respondents do not wish to withdraw the Order as they would not be able to use the information for any future investigations.

Decision regarding the Postponement Request

[12] The adjournment request is denied and the hearing will proceed.

Reasons for Decision

[13] The request for an adjournment was denied because:

- a) The request was an indefinite request. Mr. A. indicated he was out of the country for an undetermined period of time.
- b) It was within Mr. A.'s ability to have an agent appear for him at this hearing.
- c) There was no urgency to the matter given that the evidence from the Municipal Enforcement Officers was that the Order has been complied with in any event.

Summary of Hearing*iii) Position of the Respondent, C. Perizzolo*

[14] On November 7, 2019, while on proactive patrol, a Municipal Enforcement Officer observed an untidy and unsightly condition as defined in the *Community Standards Bylaw (14600)*. There was an accumulation of furniture, wood, appliances, electronics, metal and other assorted material throughout the rear of the property,

[15] On November 12, 2019 the *Municipal Government Act* Order, which is the subject of today's appeal, was issued. A violation ticket was also issued to the property owner.

[16] On November 25, 2019 the Officer spoke with the property owner, Mr. J. A., to clarify the Order and the ticket. Mr. A. indicated he was willing to comply with the Order but requested that the ticket be cancelled. Because of recent violations, no warning was issued and the Officer had proceeded directly with a *Municipal Government Act* Order. The Officer provided Mr. A. with the process for appealing both the ticket and the Order.

[17] On January 13, 2020, the Officer conducted a follow-up inspection and noted that the nuisance items had been removed and the property was now compliant with the *Bylaw*.

[18] Seven photographs taken on the date of the initial inspection, November 7, 2019, are before the Committee today. (Exhibit A).

[19] Section 6 of the *Community Standards Bylaw* identifies nuisance on land as land, or any portion thereof, that shows signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area. For further clarification the Bylaw lists examples of nuisance conditions which include excessive accumulation of material, appliances, household goods, boxes, garbage or refuse whether of any apparent value or not.

- [20] Section 545(1) of the *Municipal Government Act* states that, if in the opinion of a designated officer a person has violated a bylaw or enactment that the officer is allowed to enforce, that person may be directed by written order to remedy the infraction.
- [21] Based on the above information and the photographs provided to the Committee, Administration is satisfied that the Appellant had contravened Section 6(1) of the *Community Standards Bylaw* and is asking that the Order be upheld.
- [22] Ms. Perizzolo provided the following responses to questions from the Committee:
- a) She confirmed that there is an extensive history with this property. Since January 2010, there have been 12 bylaw investigations. One 546 *Municipal Government Act* Order and three 545 *Municipal Government Act* Orders have previously been issued.
 - b) The \$250.00 ticket is still valid and the Appellant can choose to appeal this before the Courts.

Decision

- [23] The Order is confirmed.

Reasons for Decision

- [24] The Committee reviewed the photographs of the property taken on November 7, 2019, which were provided by the Municipal Enforcement Officer. The photographs reveal loose debris, derelict appliances and various forms of loose litter on the property.
- [25] Section 6(1) and (2) of the *Community Standards Bylaw* states:
- 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:
 - (a) excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;
 - (a.1) any loose litter, garbage or refuse whether located in a storage area, collection area or elsewhere on the land;

(a.2) any loose building or construction materials, any accumulation of construction-related garbage or refuse, or any untidy work or storage areas on the land;

[26] Based on the photographic evidence provided, the Committee is satisfied that there has been a contravention of Section 6(1) of the *Bylaw*.

[27] Section 545 of the *Municipal Government Act* states:

545(1) If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require.

(2) The order may

(a) direct a person to stop doing something, or to change the way in which the person is doing it;

(b) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;

(c) state a time within which the person must comply with the directions;

(d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

[28] Given the Committee's finding that Section 6(1) of the *Community Standards Bylaw* has been contravened, the Board finds that the *Municipal Government Act* Order issued under Section 545 has been validly issued. After conducting a Section 547 review, the Committee has decided to confirm the Order.



Mr. I. Wachowicz, Chair
Community Standards and Licence Appeal Committee

CC: Community Standards and Neighbourhoods – J. Lallemand, C. Perizzolo

Important Information for the Appellant

1. A person affected by this decision may appeal to the Alberta Court of Queen'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.

**EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE**

Citation: P.G. v Community Standards and Neighbourhoods (City of Edmonton), 2020
ABECSLAC 003

Date:	January 30, 2020
Order Number:	344680781-001
CSLAC File Number:	CSLAC-20-003

Between:

P. G.

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Ian Wachowicz, Chair
Mark Young
Brian Gibson

DECISION

- [1] On January 21, 2020, the Community Standards and Licence Appeal Committee (the “Committee”) heard an appeal that was filed on December 5, 2019. The appeal concerned the decision of Community Standards and Neighbourhoods to issue an Order pursuant to Section 545(1) of the *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”) on November 14, 2019 to:

Remove all Furniture (brown couch), mattresses, box springs, tree clippings/branches, 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.

- [2] The subject property is located at 13443 – 59 Street NW, Edmonton.
- [3] 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*; and
- The Appellant's reasons for appeal.

[4] The following exhibit was presented during the hearing and forms part of the record:

- Exhibit A – The Respondent's supporting documents and photographs.

Preliminary Matters

[5] At the outset of the appeal hearing, the Chair confirmed with the parties in attendance that there was no opposition to the composition of the panel.

[6] The Chair outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

[7] The appeal was filed on time, in accordance with Section 547 of the *Municipal Government Act*.

Summary of Hearing

i) Position of the Appellant, P. G.

[8] Ms. P. G. was represented by Mr. W. S.

[9] Mr. S. saw a person (who he recognized) dumping materials on the subject property and was able to get this person's full name and phone number through his ex-girlfriend. This information was passed on to the police, various City departments as well as his City Counsellor and the Mayor.

[10] Mr. S. feels that the entire City has put down what happened and has just bounced him back and forth from one department to another. The City is in neglect. Since he provided a full name and phone number, the City should have been able to follow up.

[11] Mr. S. acknowledged that the material identified on the Order is there but neither he nor the home owner put it there.

[12] Ms. Sustrik with Community Standards has offered to waive the Eco Centre fees but Mr. S. has not been able to afford to have someone move the material there.

[13] Mr. S. provided the following responses to questions from the Committee:

- a) He confirmed that he is Ms. G.'s tenant.
- b) Mr. S. does all of the outside work as Ms. G. has medical issues. He represents her any time there is a problem.

- c) Ms. G. does not have the financial resources to pay someone to remove the material. She lives on a limited income.
- d) The City should have been able to step in and do something instead of just passing it along from one department to another with no results.
- e) Mr. S. confirmed that someone else has dropped off additional material since the original inspection date.

iii) *Position of the Respondent*

- [14] Ms. C. Perizzolo, Acting Coordinator, Complaints and Investigations, appeared on behalf of the City of Edmonton. She was accompanied by Ms. T. Sustrik, General Enforcement Supervisor, Complaints and Investigations.
- [15] On October 25, 2019, a Municipal Enforcement Officer attended the subject property in response to a citizen's complaint. The Officer noted an accumulation of mattresses, furniture, tree branches and other debris in contravention of the *Community Standards Bylaw (14600)*.
- [16] A Notice to Comply was issued to the property owner.
- [17] On November 12 and 13, 2019, the Municipal Enforcement Officer spoke with the tenant at the property regarding the nuisance condition who told him that the items had been illegally dumped. The Officer advised that if there was a witness, enforcement action could be taken against that person; however, the nuisance items on the property remain the responsibility of the property owner as defined in Section 6 of the *Community Standards Bylaw*.
- [18] A follow-up inspection was conducted on November 13, 2019, which showed that voluntary compliance had not been achieved and the officer took five photographs on that date.
- [19] As a result of the follow-up inspection the Section 545 *Municipal Government Act* Order, which is the subject of today's appeal, was issued on November 14, 2019.
- [20] After the Order was issued, the Municipal Enforcement Officer as well as Ms. Sustrik, were in contact with the property owner and the tenant on numerous occasions. Information has been provided on how to report illegal dumping and the City has offered to waive the Eco Station fees. To date, neither the tenant nor the owner has been able to make arrangements to transport the items.
- [21] Two sets of photographs (taken on November 13, 2019, and January 20, 2020) are before the Committee today.
- [22] Section 6 of the *Community Standards Bylaw* identifies nuisance on land as land, or any portion thereof, that shows signs of serious disregard for general maintenance and

upkeep, whether or not it is detrimental to the surrounding area. For further clarification the Bylaw lists examples of a nuisance condition which include excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, garbage or refuse whether of any apparent value or not.

[23] Section 545(1) of the *Municipal Government Act* states that, if in the opinion of a designated officer a person has violated a bylaw or enactment that the officer is allowed to enforce, that person may be directed by written order to remedy the infraction.

[24] Based on the above information and the photographs provided to the Committee, Administration is satisfied that the Appellant had contravened Section 6(1) of the Community Standards Bylaw and is asking that the Section 545 Order issued on November 14, 2019, be upheld.

[25] Ms. Perizzolo provided the following responses to questions from the Committee:

a) There are several programs that are available to assist people in these circumstances. SAGE offers funding to senior citizens who qualify. Alberta Health Services also offers grant money to senior citizens who qualify to help with disposal of items or upkeep of property.

b) In addition, the City would be willing to waive the disposal fees if the owner is able to get the items to the Eco Station.

vi) Rebuttal of the Appellant

[26] Mr. S. has been in contact with SAGE and was informed they could not help. He has called many other organizations with the same result.

[27] He was not aware that Alberta Health Services may be able to offer assistance.

[28] While the City is willing to waive the Eco fees he is not able to come up with several hundred dollars to pay someone to haul the items.

[29] The items cannot be put inside the garage temporarily as it is full.

Decision

[30] The Order is confirmed.

Reasons for Decision

- [31] On November 14, 2019, an Order pursuant to section 545(1) of the *Municipal Government Act* was issued by a Municipal Enforcement Officer with the City of Edmonton to P. G. P. G. is the registered owner of land legally described as Plan 2676MC Blk 8 Lot 10 which is municipally known as 13443 – 59 Street NW “the property”. The Order was issued based on an inspection that occurred on November 13, 2019.
- [32] The inspection of the property revealed the existence of garbage and debris, including derelict furniture and old mattresses and box springs. The Municipal Enforcement Officer took photographs of the property evidencing the existence of this debris and those photographs were provided as evidence to the Committee. By way of an update, the Municipal Enforcement Officer re-visited the premises on January 20, 2020. This inspection revealed the debris that was located on the property on November 13, 2019 is still there and in fact there was more debris on January 20, 2020 than there had been on November 13, 2019.
- [33] The owner of the property was represented by an agent who is also a tenant of the property. During his submissions, it was not denied that the debris, which included the old furniture, mattresses and box springs, were located on the property. The submissions made by the Appellant’s agent were simply that the debris had been placed there by someone other than the tenant and that the owner is financially unable to remove the debris.
- [34] Section 6(1) and (2) of the *Community Standards Bylaw* states:
- 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:
 - (a) excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;
 - (a.1) any loose litter, garbage or refuse whether located in a storage area, collection area or elsewhere on the land;
 - (a.2) any loose building or construction materials, any accumulation of construction-related garbage or refuse, or any untidy work or storage areas on the land;

...

[35] Based upon photographic evidence supplied, the Committee finds that there was indeed a nuisance existing on the property.

[36] The Committee recognizes the evidence provided by Appellant's agent that the materials were illegally dumped by a person other than the owner or occupier of the property. This, however, is not relevant to the Committee's considerations.

[37] Section 2(g) and 2(h) of *Community Standards Bylaw* provide the following definitions:

(g) "**occupy**" or "**occupies**" means residing on or to be in apparent possession or control of property;

(h) "**own**" or "**owns**" means:

(i) in the case of land, to be registered under the Land Titles Act as the owner of the fee simple estate in a parcel of land; or

(ii) in the case of personal property, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it;

[38] As per Section 6(1), "A person shall not cause or permit a nuisance to exist on land they own or occupy." Responsibility is placed on owners and occupiers to ensure nuisances do not exist on land they own or occupy regardless of how that nuisance came into existence.

[39] Section 545 of the *Municipal Government Act* states:

545(1) If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require.

(2) The order may

(a) direct a person to stop doing something, or to change the way in which the person is doing it;

(b) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;

(c) state a time within which the person must comply with the directions;

(d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

[40] Given that the Committee finds Section 6 of *Community Standards Bylaw* was and is being contravened by the Owner of the property, this Committee upholds the Order as issued by the Designated Officer and thereby confirms the Order in accordance with Section 545(2) of the *Municipal Government Act*. After conducting a Section 547 review, the Committee has decided to confirm the Order.

A handwritten signature in blue ink, appearing to read "I. Wachowicz". The signature is fluid and cursive, with a large initial "I" and a long, sweeping underline.

Mr. I. Wachowicz, Chair
Community Standards and Licence Appeal Committee

CC: Community Standards and Neighbourhoods – J. Lallemand, C. Perizzolo

Important Information for the Appellant

1. A person affected by this decision may appeal to the Alberta Court of Queen'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.

**EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE**

Citation: B. C. v Community Standards and Neighbourhoods (City of Edmonton), 2020
ABECSLAC 005

Date:	January 30, 2020
Order Number:	288282560-002
CSLAC File Number:	CSLAC-20-002

Between:

B. C.

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Ian Wachowicz
Mark Young
Brian Gibson

DECISION

- [1] On January 21, 2020, the Community Standards and Licence Appeal Committee (the “Committee”) heard an appeal that was filed on December 6, 2019. The appeal concerned the decision of Community Standards and Neighbourhoods to issue an Order pursuant to Section 545(1) of the *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”) on November 22, 2019 to:

Remove all derelict/dismantled/damaged 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.

- [2] The subject property is located at 11915 – 69 Street NW, Edmonton.
- [3] 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*; and
- The Appellant's request for appeal.

[4] The following exhibit was presented during the hearing and forms part of the record:

- Exhibit A – Supporting documents and photographs from the Respondent

Preliminary Matters

[5] At the outset of the appeal hearing, the Chair confirmed with the parties in attendance that there was no opposition to the composition of the panel.

[6] The Chair outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

[7] The appeal was filed on time, in accordance with Section 547 of the *Municipal Government Act*.

Summary of Hearing

i) Position of the Appellant, B. C.

[8] The Appellant did not appear at the designated time of 9:30 a.m. The Committee proceeded with the hearing at 10:15 a.m.

iv) Position of the Respondent, C. Perizzolo

[9] Ms. C. Perizzolo, Acting Coordinator, Complaints and Investigations, appeared on behalf of the City of Edmonton. She was accompanied by Ms. T. Sustrik, General Enforcement Supervisor, Complaints and Investigations.

[10] On November 21, 2019, while conducting a follow-up inspection to a citizen's complaint a Municipal Enforcement Officer observed damaged and derelict vehicles at the property. The investigation at this property began in July 2018, after receiving a complaint from a citizen regarding the untidy and unsightly yard.

[11] A *Municipal Government Act* Order was issued to address the items in the yard; however, at that time it did not include the derelict vehicles.

[12] After a year of observation, the Municipal Enforcement Officer determined that there were two derelict vehicles at the property – one inside the rear yard and the other parked on the rear driveway. Evidence from the Officer's notes and photographs confirm:

- a) That at minimum the vehicles had been in the same location for over a year.
- b) The vehicles were being used for storage of materials instead of as a transport vehicle.

- c) The truck in the rear yard had no plates.
 - d) The vehicle tires were sunk into the yard or deflated.
 - e) The vehicles were surrounded and /or covered by other debris.
- [13] Section 6 of the *Community Standards Bylaw (14600)* states that a person shall not cause or permit a nuisance to exist on land they own or occupy and for greater certainty identifies nuisance on land as land, or any portion thereof, that shows signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area. Some examples of a nuisance condition included in the Bylaw are damaged, dismantled or derelict vehicles or motor vehicles whether insured or registered or not.
- [14] A Section 545 *Municipal Government Act* Order was issued on November 22, 2019 which is the subject of today's appeal.
- [15] Two sets of photographs are before the committee today. Twelve photographs were taken on November 21, 2019 and nine photographs were taken on January 20, 2020.
- [16] Section 545(1) of the *Municipal Government Act* states that, if in the opinion of a designated officer a person has violated a bylaw or enactment that the officer is allowed to enforce, that person may be directed by written order to remedy the infraction.
- [17] Based on the above information and the photographs provided to the Committee, Administration is satisfied that the Appellant had contravened Section 6(1) of the *Community Standards Bylaw* and is asking that the Section 545 *Municipal Government Act* Order issued on November 22, 2019 be upheld.
- [18] Ms. Perizzolo provided the following responses to questions from the Committee:
- a) There has been an extensive history with this property and there are currently two outstanding Orders including the one before us today.
 - b) Her department has investigated 30 files at this property and there have been 8 previous Section 545 *Municipal Government Act* Orders for nuisance on land. Some of these were complied with; however, they had to conduct remedial action on three properties.

Decision

- [19] The Order is confirmed.

Reasons for Decision

[20] In its submissions to the Committee, the Municipal Enforcement Officers presented photographic evidence of two inspections conducted at the property:

- (1) November 21, 2019 – the inspection which led to the issuance of the Order; and
- (2) January 20, 2020.

Both sets of photographs reveal a significant amount of garbage, litter and loose debris on property.

[21] The Order also requires the removal of derelict, dismantled or damaged vehicles. Photographic evidence shows two vehicles on the property that the Municipal Enforcement Officer found to be derelict. The Committee, after reviewing the photographs (in particular the set dated January 20, 2020), agrees that the two vehicles photographed are indeed derelict.

[22] The first vehicle at issue is a blue Ford truck. The truck is located inside the yard. The evidence provided by the Municipal Enforcement Officer is that it has not been moved in over a year and that it is in a visible state of disrepair, has extensive amounts of debris both leaning against and on top of the vehicle, its tires appear to be deflated and sunken into the ground, and the vehicle has no licence plate on its back bumper. The Committee has no hesitation in finding that the blue Ford truck is indeed a derelict vehicle.

[23] There is a second vehicle located behind the garage on the property facing the back alley. This vehicle is a four door Ford sedan. The evidence provided by the Municipal Enforcement Officer is that after extensive observation of the premises this vehicle also has not moved for over a year. The photographs taken on January 20, 2020 are particularly probative. The car is covered not only in snow but has had branches and other vegetative debris piled beside and even on top of the vehicle. The vehicle is not being used for transportation. One of the photographs dated January 20, 2020 shows that the vehicle appears to be used for storage. The Committee also finds that this vehicle is a derelict vehicle.

[24] Section 6(1) and (2) of the *Community Standards Bylaw* states:

- 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:
 - (a) excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;

- (a.1) any loose litter, garbage or refuse whether located in a storage area, collection area or elsewhere on the land;
- (a.2) any loose building or construction materials, any accumulation of construction-related garbage or refuse, or any untidy work or storage areas on the land;
- (b) damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not;
- (b.1) any vehicle displaying graffiti that is visible from any surrounding property;

- [25] Based on the photographic evidence provided, the Committee is satisfied that there has been a contravention of Section 6(1) of the *Bylaw*.
- [26] Section 545 of the *Municipal Government Act* authorizes this Order to be issued upon contravention of a bylaw provision such as Section 6(1) of the *Community Standards Bylaw*. The Committee agrees that the Order was validly issued and has decided to confirm the Order.
- [27] The Committee notes it proceeded in the absence of the Appellant who sought the review of the Section 545 *Municipal Government Act* Order. The Committee notes that the Appellant had notification of the time and location of the hearing, did not seek an adjournment, did not send an agent to ask for an adjournment and in no way contacted this Committee or the City to seek an adjournment.
- [28] As such, the Committee proceeded based upon the evidence provided by the Municipal Enforcement Officer.



Ian Wachowiz, Chair
Community Standards and Licence Appeal Committee

CC: Community Standards and Neighbourhoods – J. Lallemand / C. Perizzolo

Important Information for the Appellant

1. A person affected by this decision may appeal to the Alberta Court of Queen'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.