

EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: v Community Standards and Neighbourhoods (City of Edmonton),
2021 ABECSLAC 10033

Date: August 10, 2021

Order Number: 398846508-001

CSLAC File Number: CSLAC-21-033

Between:

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Kathy Cherniawsky, Chair
Don Fleming
Christopher Samuel

DECISION

[1] On July 27, 2021 the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an Order that was filed on June 22, 2021. The request for review concerned the decision of Community Standards and Neighbourhoods to issue an Order pursuant to Section 546(1)(c) of the *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”). The Order was dated June 9, 2021, was mailed on June 11, 2021 and required the following action:

Remove all blankets, cardboard, coolers, bins, wood, clothing, plastic, bags, assorted loose garbage, loose litter and 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.

YOU MUST COMPLY WITH THIS ORDER BEFORE: June 29, 2021

- [2] The subject property is located at 9648 - 109 Avenue NW, Edmonton.
- [3] The hearing on July 27, 2021 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 supporting documents including photographs; and
 - The Respondent's written submission and supporting documents, including two photographs taken on June 8, 2021.

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

Summary of Hearing

i) Position of the Applicants,

- [7] The Order was received by the Applicants on June 17, 2021, and it was complied with the next day.
- [8] The Applicants are responsible owners and keep the property well maintained. They had an on-site caretaker until a month ago and have since hired contractors to check the property regularly and remove excess garbage from around the dumpster. They also have a good tenant who monitors the situation and regularly sends them photographs of the garbage bin if it needs attention.
- [9] The problem they are having is with the adjacent property at 10907 - 97 Street. It appears to be a rooming/drug house with up to 20 people living in it. Every time the Applicants get their garbage area cleaned up, the tenants of this adjacent property put their garbage in and around the bin. Items such as mattresses, appliances, boxes and other garbage are left there. The Applicants often find used needles scattered around as well.

- [10] There have been issues with fires being set in the dumpster; one week the Fire Department had to attend the property on three different occasions.
- [11] No matter how often the property is cleaned up it immediately becomes a mess again. The neighbouring tenants have no respect - they just use the garbage bin as a public dumpster.
- [12] The Applicants cannot install a fence to block access because the garbage truck would not be able to lift the garbage bin. They have done everything possible including installing “no dumping” signs.
- [13] The Applicants feel helpless and there is nothing they can do to prevent getting further Orders and tickets. They know it is their responsibility to maintain the property, but they cannot handle the situation themselves and need help from the City. They have to keep spending money to take care of problems caused by the tenants next door.
- [14] A Peace Officer visited the property at 10907 - 97 Street approximately two years ago and that helped for a while. However, the ownership of that property has since changed and things have gotten worse. The owner of that property does not live on site.
- [15] They have no enforcement power to deal with the neighbours and there are also safety concerns in approaching them. They have good tenants who fear for their safety if they were to approach the neighbours causing the problems.
- [16] The situation has gotten worse this past year with so many large items such as BBQ’s, old bikes, tvs, mattresses, a range, etc. being dumped.
- [17] The Applicants provided the following responses to questions from the Committee:
- a) The onsite caretaker left approximately a month ago because he couldn’t handle the situation anymore. Until then he would clean up the garbage from around the bin several times a day.
 - b) The contractors they have hired currently drive to the property and check it approximately three times per week. They use their truck to remove large items from around the bin. The Applicants have to pay them \$200.00 per month plus extra if additional trips are required and for eco station costs.
 - c) There is no other place that the garbage bin can be located which would still allow the garbage truck access. For this same reason a fence cannot be put around the bin.
 - d) This problem started approximately two and a half years ago when ownership of the neighbouring property changed.
 - e) The garbage bin is emptied by the City every Wednesday morning.

- f) Their tenants take photographs and inform them when there are problems that need to be dealt with. It is very frustrating as the Applicants do not know what to expect from day to day.

ii) *Position of the Respondent, C. Perizzolo*

- [18] C. Perizzolo, Acting Coordinator, Complaints and Investigations, was not able to attend the hearing and requested the Committee proceed based on her written submission and submitted documents and photographs.

Decision

- [19] The Order is **CANCELLED**.

Reasons for Decision

- [20] This is a review of an order requested by the Applicants under section 547(1) of the *Municipal Government Act* (the *Act*).

- [21] The Order was issued to them by a designated officer with the City of Edmonton on June 9, 2021 pursuant to section 546(1)(c) of the *Act*. The Order states in part:

As a result of an inspection of the property on June 08, 2021.

In my opinion, being an employee of the City of Edmonton having the delegated power, duties and functions of a designated officer for the purposes of section 546, the property, because of its unsightly condition, is detrimental to the surrounding area.

YOU ARE THEREFORE ORDERED TO:

Remove all blankets, cardboard, coolers, bins, wood, clothing, plastic, bags, assorted loose garbage, loose litter and 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.

YOU MUST COMPLY WITH THIS ORDER BEFORE: June 29, 2021

- [22] In support of the Order, the Respondent submitted two photographs taken by the Bylaw Officer who reported observing an untidy & unsightly condition at the subject property while on proactive patrol on June 8, 2021.

- [23] The Applicants agree that the pictures are an accurate representation of the state of the property on that date and that the state of the property is not acceptable.

- [24] However, they object to the issuance of the Order because, despite extensive efforts, they are overwhelmed by a chronic problem – that their neighbours constantly vandalize their property and use it as a public dump, depositing garbage in and around their garbage bins.
- [25] The Applicants informed the Committee that they have been struggling to keep the property in a proper condition for over two years.
- [26] They submitted photographic evidence showing that they hired a contractor to clean up the area on June 18, 2021 and by June 20, 2021 the garbage bin was once again full and overflowing with a bed mattress and other items strewn about around it. Later, items in the bin were set on fire and cleaned up by the Applicants. Then by June 23, 2021 the bin once again was overflowing with garbage and household items
- [27] The Applicants have expended considerable ongoing efforts and resources to maintain the property and stop the illegal dumping. Their efforts include:
- a) posting no dumping signs;
 - b) implementing inspection and clean ups three times a day by the caretaker who has now become fearful of the people who rummage through the bins and dump items;
 - c) asking their tenants to email directly with concerns and monitoring those emails daily;
 - d) paying the City to empty the bin weekly;
 - e) hiring a contractor to come three times a week or more to haul away the garbage to the dump and eco station.

These efforts have become more complicated as finding a contractor or individual to manage the situation has become increasingly difficult due to the hazardous waste (including used needles) and the animosity expressed by the people dumping the unwanted items and the people rummaging through the garbage for recyclables.

- [28] The Applicants also proposed to put up a fence to limit access to the bin area, but the City indicated that a fence would impede garbage collection and would not be approved.
- [29] The Committee considered that the Order under review was issued under Section 546 of the *Act* which deals with orders to remedy dangerous or unsightly properties:

(0.1) In this section,

- (a) “detrimental to the surrounding area” includes causing the decline of the market value of property in the surrounding area;
- (b) “unsightly condition”,
 - (i) in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, and

(ii) in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.

(1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order

(a) require the owner of the structure to

(i) eliminate the danger to public safety in the manner specified, or

(ii) remove or demolish the structure and level the site;

(b) require the owner of the land that contains the excavation or hole to

(i) eliminate the danger to public safety in the manner specified, or

(ii) fill in the excavation or hole and level the site;

(c) require the owner of the property that is in an unsightly condition to

(i) improve the appearance of the property in the manner specified,
or

(ii) if the property is a structure, remove or demolish the structure
and level the site.

(2) The order may

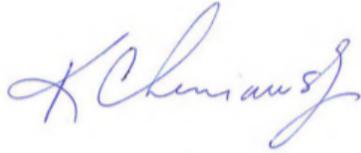
(a) state a time within which the person must comply with the order;

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

[30] Given the uncontroverted evidence of the Applicants' ongoing and extensive efforts to maintain the property before and after the Order was issued, the Committee is not persuaded that the land owners have shown signs of a serious disregard for the general maintenance or upkeep of the property.

[31] Therefore, while a single photo provided by the City shows a snapshot in time establishing that the rear of the property was not in an acceptable state and that may constitute a nuisance condition as defined in City Bylaws, the Committee finds the property does not fall within the meaning of an unsightly property that is detrimental to surrounding properties as defined in section 546 of the *Act*.

[32] Accordingly, pursuant to section 547(2) of the *Act*, the decision of the Committee is to cancel the Order.

A handwritten signature in blue ink, appearing to read "K. Cherniawsky". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

K. Cherniawsky, Chair
Community Standards and Licence Appeal Committee

cc:

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

Important Information for the Applicant

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: v Community Standards and Neighbourhoods (City of Edmonton), 2021
ABECSLAC 10037

Date: August 10, 2021
Order Number: 400284072-001
CSLAC File Number: CSLAC-21-037

Between:

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Kathy Cherniawsky, Chair
Don Fleming
Christopher Samuel

DECISION

[1] On July 27, 2021 the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an Order that was filed on July 9, 2021. The request for review 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*”). The Order was dated June 22, 2021 and was mailed on June 23, 2021 and required the following action:

Cut all long grass and weeds over 10 cm from the entire property.

YOU MUST COMPLY WITH THIS ORDER BEFORE: July 16, 2021

[2] The subject property is located at 15206 - 76 Avenue NW, Edmonton.

- [3] The hearing on July 27, 2021 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 supporting documents, emails and photographs; and
 - The Respondent's written submission and supporting documents, including a series of photographs taken on June 21, 2021 and July 22, 2021.

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 appeal was filed on time, in accordance with Section 547 of the *Municipal Government Act*.
- [7] A short recess was taken to allow Mr. _____ to provide documentation that he has authority to act on behalf of _____ the person named on the Order. _____ provided a copy of the Will naming him as her personal representative and trustee which the Committee accepted.

Summary of Hearing

i) Position of the Applicant,

- [8] He referred to the submissions he had made to the Committee prior to this hearing. The Committee confirmed they had received and reviewed all of the documents and photographs.
- [9] _____ disagrees that his yard is unsightly and not aesthetically pleasing and believes he is being bullied by a neighbour.
- [10] The Bylaw is not clear and does not stipulate if the grass cannot be higher than 10 centimetres or deeper than 10 centimetres. He has been pursuing a naturalized yard and has found it difficult to obtain relevant information. He has taken directions from the David Suzuki Foundation.
- [11] He has been a social activist his entire life and has been fighting for the good of the community. The reason he has started growing his grass long is because he disagrees with bags of compost going to the dump and the resulting problems.

[12] He has a right to his religion and being forced to cut the grass in his backyard would be a violation of these rights.

[13] The cremation markers of his parents are located in his yard. Their spirit is there with their ashes. Forcing him to cut his lawn would constitute a hate crime as per the Canadian Charter of Freedoms and Rights.

[14] He keeps his boulevard cut and it is the best kept in the neighbourhood.

[15] provided the following responses to questions from the Committee:

- a) The spirits of his mother, father and step-father all live in the grass and he communicates with them. If he is forced to cut the grass in his backyard it would be like burning down his church.
- b) He confirmed that he has cut the grass in the front yard during the last few days.
- c) He disagrees that the grass in the backyard is an unsightly eyesore because there are no weeds.
- d) The front yard is a work of art and is kept to a high standard of aesthetics.

ii) *Position of the Respondent, C. Perizzolo*

[16] C. Perizzolo, Acting Coordinator, Complaints and Investigations, was not able to attend the hearing and requested the Committee proceed based on her written submission, submitted documents and photographs.

Decision

[17] The Order is **UPHELD**.

Reasons for Decision

[18] This is a review of an Order dated June 22, 2021 and issued under section 545(1) of the *Municipal Government Act* (the *Act*) to _____, the registered property owner of the subject property, which states:

As a result of an inspection of the property on June 21, 2021.

Being an employee of the City of Edmonton having the delegated power, duties, and functions of a designated officer for the purposes of section 545, I find that you are in contravention of the City of Edmonton Community Standards Bylaw 14600 Section 6(1)

YOU ARE THEREFORE ORDERED TO:

Cut all long grass and weeds over 10 cm from the entire property.

YOU MUST COMPLY WITH THIS ORDER BEFORE: July 16, 2021

[19] Section 545 of the Act states:

Order to remedy contraventions

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.

[20] Section 6(1) of the *Community Standards Bylaw* states:

Land

6(1) A person shall not cause or permit a nuisance to exist on land they own or occupy.

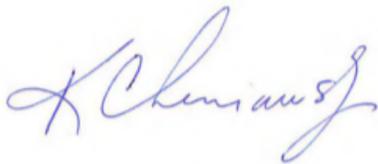
[21] Section 6(2) of the *Community Standards Bylaw* specifies examples of nuisance. The relevant portion of section 6(2) states:

6(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 centimeters.

- [22] According to the City's written submissions, a citizen complaint was received on June 4, 2021 concerning long grass and weeds at the subject property. In response to the complaint, on June 9, 2021 the Weed Inspector inspected the subject property and found no regulated weeds, although the inspection did reveal long grass throughout. On June 21, 2021, the Weed Inspector re-inspected the property and found no regulated weeds, but did find that the grass appeared to be 30 cm in length as it was laying over in some areas.
- [23] The Weed Inspector took one photograph from the city sidewalk and sent his investigation to a Bylaw Officer who reviewed inspection notes and the photo taken by Weed Inspector. The Bylaw Officer then issued the Order quoted above instructing the property owner to cut all long grass and weeds to a height of no more than 10 centimetres by July 16, 2021.
- [24] The Committee received a written request for review of the Order from _____ per section 547 of the *Act*. To establish his agency, _____ submitted a copy of an excerpt of a document naming him as power of attorney for _____. However, later in his written submissions, _____ indicated that _____ his mother, is now deceased.
- [25] At the outset of the hearing, _____ stated that he is also the legal representative of _____ estate and provided the Committee with a copy of an excerpt of _____. _____ will naming him as executor. The Committee accepted his submissions and evidence as proof that he is a duly authorized agent entitled to bring the request for review under section 547 of the *Act*.
- [26] In support of the review, _____ provided oral submissions and written submissions contained in a series of detailed emails. These submissions included extensive personal information and family history as well as several reasons why the Committee ought to cancel the Order, including but not limited to:
- a) The Order was a form of bullying at the behest of a neighbour and was traumatizing for Mr. _____ due to past experiences;
 - b) No noxious or regulated weeds were found on the property;
 - c) The Bylaw does not prohibit grass in excess of 10 centimeters;
 - d) The property was being naturalized in accordance with City policy;
 - e) The lawn is a work of art and a form of social activism against problems with the City's compost program including a facility in disrepair;
 - f) The Bylaw is unreasonable; and,
 - g) The Order constituted a breach of his Charter Rights, including his freedom of religion and in fact constituted a hate crime against him personally.

- [27] The Committee also noted _____ submissions with respect to certain portions of the subject property. He indicated that he already maintains the boulevard. Also, after the Order was issued, he stated that he took out his whippersnipper and cut off all the grass over 10 cm high in the front yard to fulfill the Bylaw. With respect to his rear yard, he argued there should be no charge for messy unsightly overgrown grass as it is his private yard, behind a hedge unseen by the public and that removal of his Tibetan Prayer Flags or concrete cremation markers in the rear yard along with the tall grass would be a hate crime and violation of his section 2a Charter Rights.
- [28] Based on the submissions of both parties and the submitted photo dated June 21, 2021, the Committee finds that the grass on the subject property was in excess of 10 centimeters on the date of issuance and therefore the subject property was in a condition contrary to section 6 of the *Community Standards Bylaw*. On the evidence before it, the Committee concludes that the Order was validly issued and on the face of it should be confirmed.
- [29] The Committee also considered arguments raised by _____ that the Order should nonetheless be cancelled. The Committee was not persuaded by these arguments. In the Committee's view, the matters raised by the Applicant were not relevant to the issue before it or were beyond its jurisdiction.
- [30] The Board notes that, consistent with the *Community Standards Bylaw*, the online information concerning natural private property specifically addresses turf and states: "Turf grass and weeds cannot be more than 10 cm high."
- [31] The Committee's authority comes from section 547 of the *Municipal Government Act*. It has no authority to rule on the validity of a City Bylaw. Nor does it have the authority to consider constitutional issues raised by _____ per the *Administrative Procedures and Jurisdiction Act* RSA 200 A-3.
- [32] For the above reasons, the decision of the Committee is to confirm the Order.



K. Cherniawsky, Chair
Community Standards and Licence Appeal Committee

cc:

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

Important Information for the Applicant

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: v Community Standards and Neighbourhoods (City of Edmonton), 2021
ABECSLAC 10040.

Date: August 10, 2021
Order Number: 387344167-001
CSLAC File Number: CSLAC-21-040

Between:

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Kathy Cherniawsky, Chair
Don Fleming
Christopher Samuel

DECISION

[1] On July 27, 2021 the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an order that was filed on July 15, 2021. The request for review 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*”). The Order was dated June 25, 2021 and was mailed on June 29, 2021 and required the following action:

Remove all rotten wood, tarps, garbage bags, tree branches, plastic, hoses, paper, blankets, bins, carpet, laundry baskets, furniture, chairs, soiled mops/brooms, metal, cookware, damaged/dismantled yellow shed, cardboard, broken flower pots, broken household appliances (BBQ & vacuum), auto parts, tires, 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.

All yard tools that are not broken please organize and store in shed, garage or house

Overgrown trees and shrubs have been found (Front Sidewalk & Alley), making it difficult for drivers to see, interfering with power and lighting services, and affecting people's safety. Please cut back the overgrown trees and shrubs.

YOU MUST COMPLY WITH THIS ORDER BEFORE: August 7, 2021

- [2] The subject property is located at 7320 - 98 Avenue NW, Edmonton.
- [3] The hearing on July 27, 2021 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
 - The Respondent's written submission and supporting documents, including a series of photographs dated February 24, 2021, May 6, 2021 and June 23, 2021.

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 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 was represented by _____ is elderly and requested _____ to assist her in dealing with this matter. _____ has lived at this property for over 60 years and has limited financial capability to hire contractors to get the work done.
- [8] Most of _____ submissions are contained in his letter dated July 14, 2021. He believes the initial visit from the Municipal Enforcement Officer was as a result of a neighbour's complaint.

- [9] quickly realized that it would be a daunting task to meet the requirements of the Order. He has limited time due to personal obligations and has had to call in various contractors for assistance.
- [10] There was a tree that fell on the roof that had to be attended to and he had to call in an arborist to deal with it. This resulted in, several of the initial requirements of the Order, being taken care of to allow for the mechanical lift devices to gain access:
- a) The dilapidated fencing and gates at the North East of the property were removed.
 - b) All of the items from the east side of the house were removed. Items to be kept were placed into a weather proof shelter that he had arranged to be built by a contractor.
 - c) The arborists trimmed all of the overhanging tree branches while they were there.
 - d) The heap of wood that had been in the centre of the backyard was neatly stacked under the awning of the metal shed.
- [11] Items in plastic bags are being disposed of using the new bins provided by the City for garbage collection.
- [12] A contractor was hired to remove general surplus items as well as the old fencing / gates. He has also hired this same contractor to rebuild the shed that collapsed under the weight of snow and ice.
- [13] He has spent a lot of time on the patio area making it usable, practical and clean.
- [14] Various delays are making it difficult to complete the work within the stipulated time frame:
- a) When the initial complaint came in it was winter and many items could not be removed as they were frozen to the ground. In the spring there was mud to contend with.
 - b) The fallen tree complicated the cleaning process.
 - c) Three wasps' nests were found during the clean up process so work was delayed until he could arrange for a pest removal contractor.
 - d) As a result of the Pandemic many contractors were not available or had gone out of business.
 - e) Waiting for utilities to be flagged out also caused delays.
 - f) His own time is limited as he is a caregiver to his partner.

- [15] The letter of June 25, 2021, from Officer Alicia moved the “goal posts” by adding a whole list of additional items that were not on the original Order. Many of these items are frivolous and should not be included as a requirement such as a lawn mower, a hose, a BBQ set, outdoor furniture, plant pots and planters, yard broom, leaf rake, garden tools, bins, clothes basket, etc. These are natural possessions that people have. It appears that the officer would like everything cleared to the ground - this is not normal or natural.
- [16] He is asking the Committee to consider the property owner, who is a senior citizen, and to give her some consideration and respect. He finds the rather aggressive, demanding letter totally unnecessary and threatening.
- [17] While there is still work to be done, a lot has been accomplished and he has a plan in place to bring the property up to the standard requested by the City. He is just asking the Committee to allow him to carry on with his plan and would ask that no definite date be set for compliance.
- [18] provided the following responses to questions from the Committee:
- a) He disputes the “frivolous” list of items that were included in the June 25, 2021 letter.
 - b) He opposes the bad treatment and lack of empathy for a senior citizen who has paid taxes to the city for over 60 years - well over \$100,000. The threatening letter is not good for her health and adds to the stress.
 - c) Much of the work has already been done and the deadline date should be removed. He agrees that the property needs work but he needs time flexibility to get the job done.
 - d) The steps identified to complete the clean-up are not the most efficient way of getting things done. He is trying to complete all the work at the least possible expense. While the Seniors Association of Greater Edmonton (SAGE) will provide references of contractors, they all demand full rates of payment.
 - e) There have been lots of armchair critics, but he is the only person who has stepped up to the plate to get things done. He feels that all of the required work can be completed by the end of August, 2021.
- ii) *Position of the Respondent, C. Perizzolo*
- [19] C. Perizzolo, Acting Coordinator, Complaints and Investigations, was not able to attend the hearing and requested the Committee proceed based on her written submission and submitted documents and photographs.

Decision

[20] The Order is **UPHELD** and the compliance date is **VARIED** to August 31, 2021.

Reasons for Decision

[21] This is an application for a review of a written order dated June 25, 2021 and issued by the City of Edmonton pursuant to section 545(1) of the *Municipal Government Act* alleging the property is in contravention of section 6(1) of the Edmonton *Community Standards Bylaw* 14600 which prohibits nuisance on land requiring the Applicant to:

Remove all rotten wood, tarps, garbage bags, tree branches, plastic, hoses, paper, blankets, bins, carpet, laundry baskets, furniture, chairs, soiled mops/brooms, metal, cookware, damaged/dismantled yellow shed, cardboard, broken flower pots, broken household appliances (BBQ & vacuum), auto parts, tires, 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.

All yard tools that are not broken please organize and store in shed, garage or house

Overgrown trees and shrubs have been found (Front Sidewalk & Alley), making it difficult for drivers to see, interfering with power and lighting services, and affecting people's safety. Please cut back the overgrown trees and shrubs.

[22] The Order requires compliance by August 7, 2021.

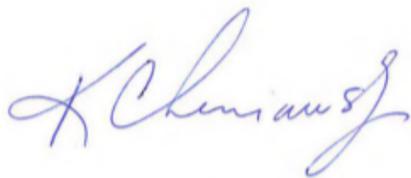
[23] The facts concerning the state of the property are not in issue in this case.

[24] After a citizen complaint in February, 2021, the property was inspected multiple times. These inspections resulted in the issuance of Notices to Comply and Notices of Entry, ongoing discussions and reinspections. These inspections ultimately culminated in the issuance of the Order under review. Twenty five photos were taken on June 23, 2021 to document the nuisance condition. The City indicated that at the request of the Applicant, the Officer agreed to send a letter with additional information to support compliance.

[25] appeared as agent for the Applicant and indicated that they are not disputing that work must be done on the property. Their objection is to the way that the property owner has been treated and the surveillance and additional demands and timelines. They believe that an order is disrespectful and unnecessary. The Applicant and her agent have made significant progress and they should be left alone to deal with the clean up.

[26] The Board notes that the June 25, 2021 letter was not part of the Order and does not have the same legal effect as an order issued under section 545 of the *Act*.

- [27] Based on the submissions of the parties and the twenty five photos, the Committee finds that a nuisance condition contrary to section 6 of the *Community Standards Bylaw* had been in existence on the property for a very lengthy period of time and existed as documented at the time of issuance of the Order under review. Accordingly, in the Committee's view, the Order was validly issued.
- [28] The Board notes the uncontroverted evidence that the Applicant and her agent have made substantial progress and that they believe that the clean up can be completed by the end of August. Accordingly, the decision of the Committee is to confirm the Order but to substitute August 30, 2021 as the date of compliance.

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

K. Cherniawsky, 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.