

EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: Applicant v Community Standards and Neighbourhoods (City of Edmonton), 2025
ABECSLAC 10008

Date:	June 24, 2025
Order Number:	560362465-001
CSLAC File Number:	CSLAC-25-008

Between:

Applicant

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Kathy Cherniawsky, Chair
Skye Vermeulen
Don Fleming

DECISION

- [1] On June 17, 2025, the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an Order that was filed on June 5, 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*”). The Order was dated May 23, 2025 and was mailed on May 26, 2025 and required the following action:

Remove all plastic bins, wood pieces/boards, metal pieces, furniture, mattresses, clothing, garbage/recycling bags, blankets, pillows, yard waste, cushions, 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. Cut all grass and weeds throughout the entire property to a measurement of under 10cm, including any boulevard or alley flankage areas.

- [2] The subject property is located at 9712 - 158 Street NW, Edmonton.
- [3] The hearing on June 17, 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 Applicant's written request for review; and
 - The Respondent's written submission, including a series of photographs.

Preliminary Matters

- [4] At the outset of the hearing, the Chair confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Chair outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 547 of the *Municipal Government Act*.

Summary of Hearing:

i) Position of the Applicant, Applicant:

- [7] The Applicant is the current owner of the property in question, which they purchased approximately 10-11 months prior to the request for review.
- [8] The cleanup of the property began in the spring 2025, after the snow melted. Despite cleaning five times, the site is repeatedly re-occupied by homeless people, who break the construction fence, leave garbage and erect tents or build shelters.
- [9] The lengthy administrative process for obtaining permits (demolition, development, building) is exacerbating the situation with the continued presence of homeless people.
- [10] Permits are pending, with one portion subject to a variance process that requires neighbour notification, causing further delays.
- [11] The Applicant wants enough time to demolish the current structures, dig a new basement, and proceed with his building project, which will have staff on-site daily, thereby resolving the ongoing issues.
- [12] The Applicant provided the following information in response to questions from the Committee:
- a. The total estimated timeline from the last meeting with the City is approximately 70 to 90 days from the current date, as the permit has not yet been approved.

- b. The Applicant has cleaned the property five times since they took possession. The property was initially so bad that no one trespassed, but once cleaned, people started staying there. The initial cleanup involved five 40 cubic yard dumpsters. The problem reoccurs every two to three months.
- c. The City now requires backfilling any basement hole left after demolition until building permits are issued, which is an additional expense and effort the Applicant wants to avoid. The development planner advised waiting until all permits are in place to do all work, including the ordered clean up, at one time.
- d. The hold-up is not the expense or ability to clean, but the recurring nature of the problem. Cleaning it up is a "band-aid" solution as waste and unauthorized occupants return quickly.
- e. The Applicant is actively dealing with the problem (boarding up windows, cleaning litter) but feels they are being penalized for a systemic issue (homelessness in Edmonton).
- f. The Applicant would use the extra time (60-day extension) to avoid paying multiple fines on top of existing expenses. They will continue to clean up the property as directed, but the extension would provide a grace period until the permits are issued, at which point continuous construction would deter further unauthorized re-occupations.
- g. The Applicant disputes the implication of "neglect" in the Order, arguing they have actively cleaned and secured the site multiple times. The Applicant acknowledged the property needs to be cleaned up constantly as it is in violation of the Community Standards Bylaw.

Decision

- [13] **The request for review is ALLOWED IN PART. The Order is AMENDED as follows (changes underlined):**

YOU ARE THEREFORE ORDERED TO: Remove all plastic bins, wood pieces/boards, metal pieces, furniture, mattresses, clothing, garbage/recycling bags, blankets, pillows, yard waste, cushions, 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. Cut all grass and weeds throughout the entire property to a measurement of under 10cm, including any boulevard or alley flankage areas.

YOU MUST COMPLY WITH THIS ORDER BEFORE: July 2, 2025

Reasons for Decision

- [14] The Applicant asked the Committee to review a written order (the “Order”) he received. The Order was dated May 23, 2025 and issued under the authority of section 545 of the *Municipal Government Act* (the “MGA”) which states:

(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.

- [15] The Order asserts that the Applicant is in contravention of section 6(1) of the *Community Standards Bylaw* (the “Bylaw”) which prohibits nuisance on land conditions based on observations made during an inspection of the property on May 21, 2025. It requires the Applicant to:

Remove all plastic bins, wood pieces/boards, metal pieces, furniture, mattresses, clothing, garbage/recycling bags, blankets, pillows, yard waste, cushions, 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.

Cut all grass and weeds throughout the entire property to a measurement of under 10cm, including any boulevard or alley flankage areas.

- [16] The Order states that the Applicant must comply before June 17, 2025.
- [17] The Committee's authority in this matter comes from section 547(2) of the *MGA* which states:

After reviewing the order, the council may confirm, vary, substitute or cancel the order.

- [18] The Committee considered both parties' submissions and noted the following points.
- [19] In his written request for review, the Applicant objected to the Order on the basis that it is heavy handed, lacking integrity, and ultimately unlawful based on the processes in place for this property.
- [20] At the Hearing, the Applicant explained how he came to own the property, the remedial actions he has taken to improve it, as well as his future plans. He stressed several points:
- a. He has acted responsibly since purchasing the property in the summer of 2024. He removed a hoard left by prior owners, cleaned up the property on five occasions and erected a security fence around the property.
 - b. He is in the process of redeveloping the property by building a multi-family residential building which will improve the neighbourhood.

- c. He obtained a demolition permit and is now awaiting development and building permits for the new multi-family residential building.
 - d. In the meantime, trespassers repeatedly continue to break through the perimeter fence. They occupy the property, build makeshift shelters and leave garbage.
 - e. In his experience, cleaning the property only makes it more attractive to trespassers who bring materials and garbage onto it. He likens this situation to an infestation.
 - f. He is in the process of improving the property, not neglecting it, and he should not be subject to this type of order.
 - g. While he is able to clean the property within a couple weeks, the Applicant believes this is pointless as the problems will only quickly recur and he will just have to clean it again at additional expense.
- [21] Given the ongoing illegal dumping and his past efforts, the Applicant asked the Committee to postpone the compliance date on the Order until his development is finally approved. Then the property can be cleaned once in conjunction with demolition and monitored in the course of construction.
- [22] In its written submission, City Administration argued that the Order was valid because the presented evidence shows that the property is in contravention of Section 6(1) of the *Community Standards Bylaw* which deals with nuisance on land. They asked the Committee to uphold the Order.
- [23] City Administration submitted detailed observations from four site visits prior to the issuance of the Order. They included a list of objects located on the property, photos taken at the time of each visit and copies of subsequent email communications with the Applicant after each visit. According to their submission:
- a. On January 21, 2025, on a proactive patrol complaint regarding untidy and unsightly conditions at an apparently vacant property, the officer observed nuisance conditions from the back alley and sidewalk in the front yard, rear yard and alley of the property as detailed in their written submission and shown in submitted photos.
 - b. On April 8, 2025, during follow up inspection, the officer observed that the property remained in a nuisance state in the front, rear and side yards as detailed in their written submission and shown in submitted photos.
 - c. On April 23, 2025 a visit showed that the property remained in a nuisance state in the front, rear and side yards as detailed in the written submission and shown in photos submitted to the Committee. At this time a person was observed smoking in the garage. Subsequent emails with the Applicant concerning the nuisance condition also identified concerns with unsecured garage and risk of fire at the property.
 - d. On May 21, 2025 the officer attended the property again. From public property they observed plastic bins, wood pieces/boards, metal pieces, furniture, mattresses,

clothing, garbage/recycling bags, blankets, pillows, yard waste, cushions, loose litter, and debris in the front yard, side yard, and back yard of the property. Long grass/weeds exceeding 10cm in height throughout the property. Photographs taken on this date depicting the nuisance on land condition were submitted to the Committee. Based on the May 21, 2025 inspection, the officer proceeded directly to issue a bylaw violation ticket and the Order dated May 23, 2025.

[24] Finally, on June 11, 2025 the officer returned to take additional investigative photos in preparation for the CSLAC review. The officer observed that there did not appear to have been any attempts made to remedy the nuisance conditions on the property. Most, if not all, items on the property from the original investigative photos appeared undisturbed. The officer also noted that there was a breach at the back of the house and passed that information on to the fire department as they believe this property continues to present a risk of fire and a threat to fire responders.

[25] City Administration argued:

- a. Section 6 of the *Bylaw* requires that property owners maintain their property free of nuisance conditions.
- b. The officer first observed nuisance conditions in January, 2025. Noting that the materials were covered in snow and potentially frozen to the ground, the officer chose to monitor the property, despite it being in direct violation of Section 6 of the *Bylaw*, providing additional time for cleanup and compliance.
- c. The officer additionally reached out via email on multiple occasions to the property owner to advise him of the nuisance conditions, safety concerns of illegal trespassing and risk of fire at the property and worked with the owner to resolve the outstanding safety issues within an extended timeline.
- d. The officer's proactive efforts to achieve voluntary compliance, including extended timelines and warnings, demonstrate empathy for the situation, as evidenced in the email exchanges with the property owner and extensions provided to address the nuisance conditions noted on multiple occasions. At no point during the investigation did the officer observe attempts by the property owner to fully remedy the unsightly state of the property. Furthermore, the property was repeatedly found to be unsecured against unauthorized entry, continuously posing a fire risk.
- e. The officer attempted to balance the owner's challenges and demolition plans with community concerns about problematic properties attracting illegal behavior and posing fire risks. When this balance could not be achieved and the owner failed to maintain the property free of nuisance conditions as per bylaw requirements, the Order and ticket were issued to achieve compliance.
- f. Despite the issuance of a demolition permit for a single detached house and detached garage on April 28, 2025, the property has remained in a state of nuisance since it was

first observed by a bylaw officer in January 2025, as evidenced by photographs taken on June 11, 2025.

[26] After considering the written and oral submissions of both parties, the Committee confirms the direction in the Order, but varies the date for compliance for the following reasons.

[27] The Order alleges a violation of section 6 of the *Community Standards Bylaw 14600* (the “Bylaw”).

[28] Section 6 deals with nuisance on land. The relevant portions of section 6 state:

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 or construction-related garbage or refuse, or any untidy work or storage areas on the land;...

(d) unkempt grass or weeds higher than 10 centimetres; [Empasis added]

[29] The Applicant stated that he is not the person responsible for dumping many of the items on the property. The Committee accepts the Applicant’s statement that he is not responsible for bringing the additional construction materials and garbage onto the property that appear in the photos taken in March, April, May and June of this year. The Committee finds that those items were illegally dumped on his property.

[30] The Committee acknowledges the challenges created by illegal trespassers for the Applicant and is not unsympathetic to them. However, section 6 of the *Bylaw* places an ongoing responsibility on land owners to maintain their properties regardless of who brings the items onto the property.

[31] The Committee agrees with the Officer that most, if not all, items on the property shown in the original investigative photos in January 2025 appear in the May 2025 photos taken when the Order was issued. The submitted photos taken together show that significant portions of the material identified in the Order such as a large pile of yard refuse and

wood, a frame, sections of fencing, garbage and other items appear to have been left on the property untouched up to the date of the hearing from at least January, 2025

- [32] In addition to the items shown in the January 2025 photos, substantial additional piles of construction materials and garbage have been in place on the property since at least April, 2025 contributing to the overall nuisance state of the property. These additional construction materials and garbage were in place on the property at the time the Order was issued.
- [33] The photos taken May 23, 2025 during the inspection which prompted the issuance of the Order also show unkempt grass or weeds higher than 10 centimetres in the front and rear yards. This is contrary to the express wording of section 6(2)(d) of the *Bylaw*.
- [34] The Committee finds the photos demonstrate signs of a serious disregard for general maintenance and upkeep the property in contravention of Section 6 at the time the Order was issued.
- [35] On this basis, the Committee concluded that the Order asserting a contravention of the *Bylaw* was properly issued and valid.
- [36] Next the Committee considered the Applicant's request that due to recurring trespassing dumping by third parties the date for compliance be extended until a development permit is issued for the new building to enable the demolition, an effective clean up and new construction to commence contemporaneously.
- [37] In the Committee's view, the obligation to maintain property and the prohibition on causing a nuisance on land or permitting a nuisance on land to exist by section 6 of the *Bylaw* is a continuous one that is part of the normal ongoing responsibilities of ownership, even during construction.
- [38] The Committee is not persuaded that this responsibility should be suspended until the date that Applicant chooses to demolish the property because illegal dumping (and consequently, the obligation to clean up the property) may recur in the interim.
- [39] No provision in the *Bylaw* exempts a property owner from this obligation during any planning or construction process or at any other time. To the contrary, in section (2)(a.2) the *Bylaw* identifies construction materials (specifically "any loose building or construction materials, any accumulation or construction-related garbage or refuse, or any untidy work or storage areas") as an example of nuisance on land.
- [40] However, given that the date for compliance is the date of the hearing and that the Applicant has indicated he can clean up the property within a couple weeks, the Committee is varying the Order to extend the date for compliance to July 2, 2025.

Kathy Cherniawsky, Chair
Community Standards and Licence Appeal Committee

Important Information for the Applicant

1. A person affected by this decision may appeal to the Alberta Court of King's Bench under Section 548 of the *Municipal Government Act*, RSA 2000, c M-26 if the procedure required to be followed by this Act is not followed, or the decision is patently unreasonable.