

EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: v Community Standards and Neighbourhoods (City of Edmonton), 2025
ABECSLAC 10002

Date: March 31, 2025
Order Number: 553465841-001
CSLAC File Number: CSLAC-25-002

Between:

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Kathy Cherniawsky, Chair
Allan Bolstad
Skye Vermeulen

DECISION

[1] On March 18, 2025, the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an Order that was filed on February 14, 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 January 16, 2025 and was mailed on January 20, 2025 and required the following action:

Remove garbage bags, tote bags, cardboard, chairs, desks, shopping carts, storage containers, wood, metal, baskets, clothing, cushions, bicycle parts, propane tanks, household items, 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: February 14, 2025

- [2] The subject property is located at 3617 - 116 Avenue NW, Edmonton.
- [3] The hearing on March 18, 2025 was held through a combination of written submissions and in-person. 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 parties in attendance that there was no opposition to the composition of the panel.
- [5] The Chair outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The Chair referenced Section 547(1) of the *Municipal Government Act* which states:
- A person who receives a written order under Section 545 or 546 may by written notice request council to review the order within 14 days after the date the order is received, in the case of an order under Section 545.*
- [7] The Chair explained that if the Committee finds that the request for review was filed in time the hearing will proceed to the merits. However, the Committee does not have jurisdiction to proceed to hear the merits if it is determined that the request for review was not filed in time.
- [8] Based on a review of the evidence, the Order was issued by the City of Edmonton on January 16, 2025 and mailed on January 20, 2025. The request for review was filed by the Applicant on February 14, 2025.
- [9] Section 23 of the *Interpretation Act*, RSA 2000, c I-8 states:
- If an enactment authorizes or requires a document to be sent, given or served by mail and the document is properly addressed and sent by prepaid mail other than double registered or certified mail, unless the contrary is proved the service shall be presumed to be effected 7 days from the date of mailing if the document is mailed in Alberta to an address in Alberta.*
- [10] Therefore, the presumed date of receipt was January 27, 2025 and the deadline to file a request for review would be 14 days later on February 10, 2025. However, based on the

evidence provided, the request for review was not filed by the Applicant until February 14, 2025.

- [11] The Chair asked the Applicant to provide details regarding the date on which the Order was received so the Board could determine whether or not it had authority to proceed with the request for review.

Summary of Hearing on the Preliminary Matter:

i) Position of the Applicant

- [12] Some documents were taped to the front door of the house on the subject site. To the best of her recollection, the Order dated January 16, 2025 was found in the mailbox of the house located at 3617 - 116 Avenue NW 5 to 7 days after it was mailed by the City. The Order included a compliance date of February 14, 2025.

- [13] She does not live in the house on the subject site but someone else is staying in the house to take care of the property.

- [14] The following information was provided in response to questions from the Committee:

- a) The Order was issued on January 16, 2025 and, to the best of her recollection she retrieved it from the mailbox at 3167 - 116 Avenue NW 3 or 4 days after that. The Order did indicate that an appeal had to be filed within 14 days after the date on which the Order was received.
- b) She was speaking with a Bylaw Officer during this time who advised her to deal with the removal of the garbage and debris from the fire.
- c) It was her impression that she had to comply with the Order by February 14, 2025.

ii) Position of the Respondent

- [15] A representative from Complaints and Investigations did not attend the hearing but provided a detailed written submission that was considered by the Board.

Decision

- [16] **The Committee has no jurisdiction to conduct the review.**

Reasons for Decision

[17] This hearing was held to consider a request for review of an order issued under section 545 of the *Municipal Government Act* (“MGA”) (the “Order”).

[18] Section 547(1) of the *Municipal Government Act* states:

*A person who receives a written order under Section 545 or 546 may by written notice request council to review the order **within 14 days after the date the order is received**, in the case of an order under Section 545.*

[19] Based on the written and oral submissions the Committee finds:

- i) The Order was issued by the City of Edmonton on January 16, 2025 and mailed on January 20, 2025 to the address of registered owners on file at Land Titles.
- ii) The Applicant could not say when the Order was received at the listed address, she no longer lives there. Absent any contrary information from the Applicant, by operation of section 23 of the *Interpretation Act*, the Order was presumed to have been received 7 days after mailing or January 27, 2025.
- iii) The Order was also sent to the subject site and the Applicant indicated she was aware of a copy of the Order in the mailbox there 5-7 days after it was issued which would also be January 27, 2025 at the latest.
- iv) The statutory limit for requesting a review of the Order ended 14 days from January 27, 2025 on Monday, February 10, 2025.
- v) The request for review was received on February 14, 2025. Therefore it was out of time based on the City’s submissions and the Applicant’s oral submissions.

[20] The Committee has no authority to extend the statutory limit.

[21] For these reasons, the Committee finds the request for review was made out of time and the Committee has no jurisdiction to proceed with the matter.

Kathy Cherniawsky, Chair
Community Standards and Licence Appeal Committee

cc: Appellant
Community Standards and Neighbourhoods

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.