

EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: Community Standards and Neighbourhoods (City of Edmonton), 2025
ABECSLAC 10020 and 10021

Date:	September 23, 2025
Order Numbers:	589344333-001 / 589344333-002
CSLAC File Numbers:	CSLAC-25-020 / CSLAC-25-021

Between:

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Joel McDonald, Presiding Officer
Karen Munro
Don Fleming

DECISION

- [1] On September 16, 2025, the Community Standards and Licence Appeal Committee (the “Committee” or “CSLAC”) heard requests for review of Orders that were filed on August 25, 2025. The requests for review concerned the decisions of Community Standards and Neighbourhoods to issue Orders pursuant to Section 545(1) of *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*” or “*MGA*”). The Orders were dated April 22, 2025 and were mailed on April 23, 2025 and required the following actions:

Reference/File No. 589344333-001

...

YOU ARE THEREFORE ORDERED TO:

Remove all tree clippings, old metal frame, wood, toilet seat, old umbrella, cardboard, waste bags, wood, yard tools, carpet, window screens, 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.

YOU MUST COMPLY WITH THIS ORDER BEFORE: May 15, 2025

...

Reference/File No. 589344333-002

...

YOU ARE THEREFORE ORDERED TO:

Repair/Replace/Secure/Board all open, broken, missing, rotten or deteriorated window and door components and cover any holes or openings on all buildings or structures to prevent inappropriate infiltration of air, water or moisture.

YOU MUST COMPLY WITH THIS ORDER BEFORE: May 15, 2025

...

- [2] The subject property is located at 12223 - 127 Street NW, Edmonton.
- [3] The hearing on September 16, 2025 was held through a combination of in-person and written submissions. The following documents were received prior to the hearing and form part of the record:
- Copy of the Orders issued pursuant to the *Municipal Government Act*;
 - The Appellant's written request for review and submissions; and
 - The Respondent's written submissions, including a series of photographs.

Preliminary Matters

- [4] At the outset of the hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The Presiding Officer 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 Presiding Officer explained that if the Committee finds that the requests for review were 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 requests for review were not filed in time.
- [8] Based on a review of the evidence on file, the Orders were issued by the City of Edmonton on April 22, 2025 and mailed on April 23, 2025. The requests for review were filed by the Applicant on August 25, 2025.
- [9] The Presiding Officer asked the Applicant to provide details regarding this series of events so that the Committee could determine whether or not it had authority to proceed with the request for reviews.

Summary of Hearing on the Preliminary Matter:

i) *Position of the Applicant,* *in response to the preliminary issue:*

- [10] Despite being a long-standing and responsive property owner, he never received the written Orders or Notice of Entry for the exterior remedial work at his property or at his residence address. The only City notifications he and his tenants received between April 2025 and July 2025, were related to interior inspections.
- [11] He received notices regarding interior related issues at both his residence address, 57, 2508 Hanna Crescent NW and the subject property address, 12223 - 127 Street NW. He and his tenants promptly addressed and corrected all the identified issues as confirmed by correspondence with the City and RISC teams.
- [12] It was noted that the first listed address on the exterior-related Orders and Notices, as shown in the City's submitted documents, was 5643 - 105 Street NW, the address for a property that he has not owned since 2019. His current and correct mailing address which the City uses for all tax and assessment notices was listed as a second address below the address of the property that he no longer owns. Copies of recent tax and assessment notices have been submitted.
- [13] He did not know why he did not receive these documents at his current and correct mailing address but it was his assumption that the Orders were only sent to the first listed address and not the second listed address which led to this error.
- [14] Because of this error, he was denied the opportunity to correct any alleged exterior issues, in direct contradiction to the City's established procedures and the requirements for procedural fairness under the *Municipal Government Act*.

- [15] He only learned of this matter on August 5, 2025 when he received invoices for the exterior work that was done months after the Orders were supposedly issued.
- [16] He acted immediately to appeal to the City on August 6, 2025. On August 13, 2025, the City (K. Martin) emailed him the two Orders and Notice of Entry to support the invoice.
- [17] He again acted immediately and disputed the billings to the City citing reasons on August 14, 2025. On August 18, 2025 he received notice from the City (A. Fried) that his appeal had been denied.
- [18] On August 25, 2025, within a week, he started an appeal with CSLAC. Sworn affidavits for himself and his tenants have been provided to confirm non-receipt of exterior Orders as well as proof that all property-related City correspondence has always come to his correct address. This further demonstrates that failure of notice was not the result of any fault of his own.
- [19] Given the City's mistake in serving these Orders, and his record of full and timely cooperation whenever notified, he asked the Committee to accept that his appeal is timely because he could not have appealed what he did not receive; grant the appeal on the merits due to denial of due process and cancel these charges so that he is not penalized for an alleged violation that he was never properly notified of nor allowed to address.
- [20] A tenant confirmed that he has worked with the Appellant to quickly address and remedy issues identified by the City at this property in the past. After receiving notice from the City he contacted the Appellant and asked him to purchase materials required to repair the steps and the floor to comply with the City's request.
- [21] The following information was provided in response to questions from the Board:
 - a) He could not explain why the Land Title Record is incorrect in that it does not reflect the fact that he is no longer the owner of the property located at 5643-105 Street NW and that his new address is #57, 2508 Hanna Crescent NW. He only became aware of this recently and has submitted copies of property tax notices and assessments received at his correct address as evidence. He has registered three property addresses online with the City as well as his email address. Email communication has occurred frequently with B. Bolstad in the past and he questioned why the correct contact information was not shared with other City employees.
 - b) His tenants did notify him when City employees arrived at the property to do the remedial work and that they were told that the proper documents had been shared with the property owner.
 - c) He did not receive notice of the date of the clean up or that he would be charged for the work done by the City. He received an invoice for the completed work on August 5, 2025.

- d) He sent an email to the City on August 6, 2025 but he did not talk to anyone on the telephone.
 - e) His tenants have always been very cooperative and helpful.
 - f) He received the invoices on August 5, 2025 and the actual Orders and Notice of Entry on August 13, 2025. He subsequently filed his appeal with CSLAC on August 25, 2025, 12 days later which is within the 14 day appeal period.
 - g) It was noted that after he sent his email to Community Standards on August 5, 2025, no one ever responded to advise him that he had the ability to file an appeal with CSLAC. In fact he was not even aware that this Committee existed until after he did his own research. Details of the timeline of events have been submitted as evidence.
 - h) He vaguely recalls a discussion with a Bylaw Officer on April 22, 2025 regarding the required clean up of the exterior of this property. However, he never received anything in writing to provide details about what the clean up entailed. It was his opinion that he should have been provided with a detailed list of items that needed to be removed from the site. He was not aware of the details of the cleanup until he received a copy of the Order. During this time, he was focussed on resolving the problems identified by the City inside the house and he did not know who to contact at the City to receive more information.
 - i) He was receiving mail at 57, 2508 Hanna Crescent NW, his correct and current address, between April 22, 2025 and August 6, 2015.
- [22] He asked the Committee to find that the appeal is valid because of the circumstances that have been reviewed in detail in his written submissions. He did not receive proper notice or Orders from the City. Sworn affidavits have been provided by three of his tenants to support the fact that City notices or Orders regarding problems with the exterior of the property were never received.
- [23] He has always brought his property into compliance very quickly when proper notice has been received from the City.
- [24] Several of his tenants have been helping him with some renovations inside the house in order to comply with changes required by the City.

ii) Position of the Respondent:

- [25] A representative for the Respondent did not attend the hearing but provided a detailed written summary of events that was considered by the Committee including supporting documents.
- [26] A comprehensive timeline was included in the written submission. A Bylaw Officer attended the residence on April 16, 2025 with a team of enforcement officials which dealt

with multiple issues found at the property and spoke with the Respondent as stated below:

The property owner was on site and granted the team access to the property for their inspection. The officer observed nuisance conditions throughout the property, which included a large amount of tree clippings, dilapidated metal framing, wood, toilet seat, old umbrella, cardboard, waste bags, wood, yard tools, carpet, window screens, metal and loose debris throughout the property. The officer also observed the windows of the garage were broken allowing the infiltration of air and water into the building. Photographs were taken on this date depicting the nuisance on land and building conditions and are included with this submission. At the inspection, the officer verbally explained to the property owner on-site that Municipal Government Act (MGA) Orders would be issued for the nuisance on land and building conditions present at the property.

- [27] The Orders issued as relating to this review were mailed on April 23, 2025 at 8:15 am. Both Orders were mailed to two different addresses being one found on the Tax Roll and another that was the Registered address found on the Land Titles Certificate
- [28] On April 24, 2025, the team at Residential Inspection Safety Compliance (RISC) sent another letter advising of more inspections to take place that included phone numbers for a number of Enforcement Agencies that take part in RISC inspections.
- [29] On June 4, 2025, the Bylaw Officer completed another inspection at the property and was allowed onto the property by a tenant and noted that the property was not in compliance with the Orders issued on April 23, 2025.
- [30] On June 10, 2025 a Notice of Entry was mailed to two separate addresses as noted above advising that remedial action would take place on July 3 or 4th, 2025.
- [31] On July 4, 2025, remedial action was taken at the property and the Bylaw Officer noted that tenants at the property were advised of the reason for the remedial action.
- [32] The Respondent's position on the late filing is that the notices were properly mailed to two different addresses listed for the Applicant and that combined with other notifications and communications relating to the property were sufficient and within the timelines legislated by the MGA and that the request for review is beyond those timelines.

Decision

- [33] **The Committee has no jurisdiction to conduct the reviews.**

Reasons for Decision

- [34] The Committee considered the position of both the Applicant and the Respondent and considered whether mailing of the Orders is considered sufficient to establish receipt of the Orders by the Applicant.
- [35] Section 545(1) of the *MGA* states that 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.
- [36] Section 545(2) of the *MGA* states that 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
- [37] Section 547(1) of the *MGA* states that 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 from when the order was received.
- [38] The Applicant provided affidavits and oral submissions that he did not receive the Orders relating to the exterior of the property at the review.
- [39] The Applicant argued that he became aware of the Orders on August 13, 2025 when they were e-mailed to him by a City Official relating to the invoices for the remedial action. Further, he requested the review on August 25, 2025 which is within the 14 days required by the *MGA*.
- [40] The Respondent argued that the Orders were mailed to the Applicant on April 23, 2025 with a presumption that the Orders were received by 7 days as provided for by Section 23(1)(a) of the *Interpretation Act*, RSA 2000, c I-8 (the "*Interpretation Act*"), for mailing documents within Alberta which means that the 14 days for a request expired on May 14, 2025.
- [41] The Committee considered the two methods that the Orders were issued to the Applicant.

Method #1: The Orders were mailed to the Applicant at the registered address found on record at Land Titles Office as of April 23, 2025.

Method #2: The Orders were mailed to the Applicant at the address found on the Tax Roll for the City of Edmonton as of April 23, 2025.

- [42] The Committee finds that the phrase “receives a written order” in Section 547 does not require the Respondent to positively prove that either physical personal service of a copy of a Section 545 Order has occurred or that an email copy of the Order has been successfully received and read by the owner recipient for the following reasons.
- [43] There is no requirement for personal service or service by registered mail, nor any other directions within the *MGA* concerning the meaning of “receives a written order under section 545.” No City of Edmonton Bylaw specifies a longer period of time to initiate a request for review.
- [44] The Committee first considered **Method #1** as to whether it was sufficient to establish receipt of the orders when they were mailed to the registered address found on record at the Land Titles Office.
- i) The Applicant has been the registered owner of the subject property for several years including the time when the Order was issued.
 - ii) As of April 23, 2025 the Applicant's full name was listed as the owner on the Certificate of Title at the Land Titles Office and address for the Applicant was 5643-105 Street NW, Edmonton, AB T6H 2N2.
- [45] In the Committee’s view, mailing the Order to the stated address on the Certificate of Title at the Land Titles Office is a sufficient means of notification for the following reasons:
- i) The address listed on the Land Title Certificate is often the address for service of property owners for important notices.
 - ii) The address listed on the Certificate of Title is provided by the property owner, at the property owner’s option, the address may be the address of the subject property or it may be another address.
 - iii) It is a practical, definitive and timely means to notify property owners which aligns with the objective of Section 545 to remedy situations of nuisance properties that require remediation.
- [46] The Applicant stated that they spoke with the Bylaw Officer in relation to the exterior of the property on April 16, 2025 but had waited for a written notification advising them of what was specifically needed to be completed to comply with the Community Standards Bylaw.
- [47] In the Committees view, property owners are responsible to ensure they are aware of the condition of their property and of structures on their property and that they are not creating a nuisance to the public. Owners ignore this responsibility and the consequences at their own peril.
- [48] A letter containing a copy of the Order was mailed to the registered address as listed on the Land Title for this property on April 23, 2025.

[49] Per section 23(1) of the *Interpretation Act*:

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.

- [50] As noted above, in this case there was no explicit authorization or requirement in an enactment to mail the Order. However, as the Committee determined regular mail to the registered owner's registered address was an effective method, the Committee concluded that it is reasonable and common sense to apply the timing suggested in the *Interpretation Act* and assume the letter mailed to the subject property arrived within 7 days of mailing.
- [51] The Order has the proper address as per the Land Titles Office and there was no evidence the letter containing the Order was returned or lost by someone other than the Applicant.
- [52] The Committee was not persuaded by the Applicant that waiting for written orders and ignoring other methods of communication, along with a denial that they did not receive the Orders subject to this review, was sufficient to establish that they did not receive the Orders.
- [53] In addition, the Committee was not persuaded that a property owner can deny that they were served properly when they do not provide correct addresses for service of important documents relating to property they own, and the obligations of maintaining those same properties.
- [54] Based on this method of notification, the Committee finds that the letter was delivered to the address, and therefore, received by the Applicant on April 30, 2025. Therefore, the time to request a review expired on May 14, 2025.
- [55] On this method of notification, the Committee finds that the Applicant is out of time by over 100 days.
- [56] The Committee next considered **Method #2** as to whether the Orders being sent to the address listed on the Tax Roll as 57, 2508 Hanna Crescent NW, Edmonton, Alberta T6R 3N7 is sufficient to establish notification to the Applicant.
- [57] The Committee considered the Applicant's written and oral submission as well as the Respondent's written submissions on this topic.
- [58] The Respondents evidence is that both Orders and Notices of Entry were mailed to the address listed on the Tax Roll as above.
- [59] The Applicant stated that this was the correct address for them but that it was possible that both Orders were mailed to the address listed by the Land Titles Office instead of to the address listed on the Tax Roll.

- [60] The Committee was not persuaded by the Applicant that the mistake noted above occurred. No evidence that the Orders were returned by someone other than the Applicant was provided by either the Respondent or the Applicant. The denial from the Applicant that they did not receive the Orders was not sufficient evidence to prove that the Orders were not properly mailed and received as per the *Interpretation Act*.
- [61] The Applicant also stated that they were receiving other mail at this address and that no other issues with mail service were occurring during the relevant timelines for this review as they received all other Orders and letters relating to the interior inspections at the subject property.
- [62] The Committee finds that it is not convinced that specific mail (the Orders and Notices of Entry regarding the exterior property) would not have been received by the Applicant when all other correspondence with the City of Edmonton relating to the property sent to the address on the Tax Roll was admitted to being received by the Applicant.
- [63] As a result, the Committee finds that the Applicant was properly notified on April 30, 2025 based on mailing of the Orders on April 23, 2025 with the deadline for a request for review by May 14, 2025.
- [64] Based on the facts set out above, and for the reasons above, the committee finds that it was sufficient for the City of Edmonton to establish receipt of Order(s) to mail the Order(s) through regular mail to the property owner's address listed by the Land Titles Office and/or the City of Edmonton's Tax Roll and presume receipt under the timelines established by the *Interpretation Act*. The Committee was not provided with sufficient information to rebut that presumption, and holds specifically that a bare denial of receipt is not sufficient for such a rebuttal.
- [65] For all of the reasons, above this Committee finds that the requests for review were filed outside the required 14 days from receipt of the subject Orders. As a result, the Committee has no jurisdiction to hear this review.



Joel McDonald, Presiding Officer
Community Standards and Licence Appeal Committee

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.