

**EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE**

Citation: v Community Standards and Neighbourhoods (City of Edmonton), 2026
ABECSLAC 10011

Date: May 25, 2026
Order Number: 448510425-004
CSLAC File Number: CSLAC-26-011

Between:

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Kathy Cherniawsky, Chair
Karen Munro
Skye Vermeulen

DECISION

[1] On May 12, 2026, the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an Order that was filed on April 3, 2026. The request for review concerned the decision of Community Standards and Neighbourhoods to issue an Order pursuant to Section 546(1) of *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”). The Order was dated March 26, 2026 and was mailed on March 26, 2026 and required the following action:

Secure your property against unauthorized entry by:

- Secure/board/Re-secure all points of entry on all structures on both the basement and main or first floor levels, including doors, windows and any holes or openings, as well as any point of entry on any upper levels that may be accessible from any potential

climbing point in a manner sufficient to prevent unauthorized entry.

Please refer to the attached “Board Up Procedure Bulletin” for the detailed requirements that must be met for compliance.

- Provide and install/Re-secure security fencing along the property line, providing a continuous barrier around the property. The fencing shall not encroach on municipal or neighbouring properties.
- Phase 4– provide a full-time (24 hours / 7 days a week) live on-site security guard(s). The security guard will be expected to maintain a visual presence and have eyes on the property at all times. No less than once every hour they shall walk the full perimeter of the property, checking the security fence, structure(s), and property in general for any signs of security breaches. Patrols shall be documented and emailed to communitypropertysafetyteam@edmonton.ca once every 24 hours. A failure to comply will result in CPST to intervene and assign a security guard to patrol the property.

Please refer to the attached “Security Guard Bulletin” for the detailed requirements that must be met for compliance.

- Maintain the securement/boarding/re-securement at all times to the standards set out in the Board Up Procedure Bulletin; and
- Immediately rectify any breaches to the securement/boarding/re-securement.

The City may issue a new Order in accordance with the Progressive Security Model (attached) if it is determined that the securement measures outlined above are insufficient or inadequate in preventing unauthorized entry.

YOU MUST COMPLY WITH THIS ORDER BEFORE: April 10, 2026

[2] The subject property is located at 9904 - 77 Avenue NW, Edmonton.

[3] The hearing on May 12, 2026 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 Appellant’s written request for review and submissions; and

- The Respondent's written submissions, including a series of photographs.
- [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 of the *Municipal Government Act* which provides that a person who receives a written Order under section 546 may by written notice request to have the Order reviewed within 7 days after the date the Order is received. The Chair explained that if the appeal was determined to be filed out of time, the Committee would have no jurisdiction, and the hearing would end.
- [7] Although there were some ambiguities in the more than 60 filed documents, based on the evidence provided, it appeared that the Order was issued on March 26, 2026 and was posted on the site and emailed to the property owner on March 26, 2026. The request for review was received by the Applicant on April 3, 2026, 8 days after the Order was issued.
- [8] The Chair asked the Applicant to provide evidence regarding the timing of the filing of the request for review in order for the Committee to determine whether or not it has jurisdiction to conduct a review of this Order given section 547(1) of the *MGA*.

Summary of Hearing - Preliminary Matter

- i) *Position of the Applicant:*
- [9] The Applicant advised in the request for review submitted on April 3, 2026, that stated that he received the Order by mail on April 2, 2026 at 3:00 p.m. As soon as the Order was received in his mailbox, the request for review was submitted. It was his opinion that while the Order may have been issued on March 26, 2026, it was not served to him until April 2, 2026. His assistant was in attendance and confirmed that the Order arrived in the mailbox at Applicant's house on April 2, 2026.
- [10] In response to a question, the Applicant advised that because of his age he is not able to personally inspect the property or check for posted notices on site on a daily basis. However, an individual was hired to inspect the property for him and report back but they had not done their job.
- [11] The Chair clarified that at this point the Committee was only assessing whether or not he was properly notified of the written Order which can be provided through many means including posting the Order on site or by mail. The Applicant questioned whether posting the Order at the property constituted sufficient notice.
- [12] In response to a question, the Applicant advised that a Security Guard was hired to monitor the site and report back to him about any activity at the site as required by the

City. However, the Applicant could not confirm whether or not the Order was posted at the site.

ii) Position of the Respondent, J. Sikorski:

[13] It was clarified that the discrepancy in the dates in the materials provided to the Committee regarding when the Order was mailed and posted was the result of an error in the system uploading process. It was confirmed that despite the label on some of the files and the summary of events submission, the Order was mailed and posted at the property on March 26, 2026 not on March 27, 2026.

[14] Emails were received from the individual that the Applicant hired to monitor the property just to advise that workers were on site completing site clean up. Ongoing discussions were occurring at this time with the Applicant about the requirement to hire a certified Security Company to monitor the site because that was their expertise.

[15] She was advised that no trespassing was occurring on the site when in fact multiple breaches were identified. She could not confirm if this was individuals trying to access the site or the result of the Applicant's employees not securing the property at the end of the day.

[16] The following information was provided in response to questions from the Board:

- a) No emails regarding attendance at the site were received on March 26 or March 27, 2026 as required under the existing Phase 3 order.
- b) She did not have any conversations with the Applicant between March 25 and March 30, 2026.
- c) On December 16, 2025, the City hired a Security Guard to conduct the required 6 hour patrols of the site because it was evident that the Applicant was not going to hire security. Phase 3 Security was requested by the City and they have been monitoring the site every 6 hours and providing photographs as required under the terms of the Phase 3 Order. This information is not relayed to the property owner.

iii) Rebuttal of the Applicant

[17] The Applicant did not receive the Order until it was received by post in his mailbox and he immediately responded with the request for a review. He could not confirm when the notice was posted on the site.

[18] The criteria for providing notice was questioned. The request for a review was filed immediately after the notice was retrieved from his mailbox. If posting notice on the site is sufficient, that is an entirely different matter. He had a paid employee who was hired to monitor the site. It was his understanding that he had to be personally served with the Order. Therefore, it was his opinion that the request for a review was not filed late.

Decision

- [19] The request for review is out of time and therefore the Committee has no jurisdiction to conduct the review.

Reasons for Decision**Legislative Background**

- [20] The Committee held a contemporaneous hearing for two abutting properties to consider applications for review of written Orders issued together on the same day by the City of Edmonton pursuant to section 546 the *Municipal Government Act* (the “MGA”).

- [21] These reasons apply equally to both requests for review unless otherwise stated.

- [22] The relevant portions of section 546(1) states:

If, in the opinion of a designated officer, a structure... is dangerous to public safety... 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...

- [23] Section 547 of the *MGA* creates the window of opportunity within which anyone who receives such an order may request a review of it. The relevant portion of section 547(1) states:

(1) A person who receives a written order under section 545 or 546 may by written notice request council to review the order within...

(b) 7 days after the date the order is received, in the case of an order under section 546,

or any longer period as specified by bylaw.

- [24] No City of Edmonton Bylaw specifies a longer period of time to initiate a request for review of an order issued under section 546 for dangerous or unsightly properties.

- [25] There is no authority in the *MGA* or the *Bylaw* to extend the 7 day period.

- [26] In the *Community Standards and Licence Appeal Committee Bylaw 19003*, the Edmonton City Council delegated the responsibility to hear reviews of section 546 orders to this Committee.

Background - Prior Section 546 Orders, Security Issues and Compliance

- [27] There were significant communications between the parties regarding the state of the properties and security concerns over break ins and fires going back several years:

- i)* The buildings on the two properties have been abandoned for over 4 years.
- ii)* Due to repeated break-ins and fires, the properties have been subject to a series of Orders issued under section 546 of the *MGA*. Phase 1, Phase 2 Orders and Phase 3 Orders have been issued for both properties, each phase explicitly outlines the specific steps that the recipient must take to secure the property and address the danger to public safety.
- iii)* The first recorded fire and subsequently unsuccessful attempt to reach the Applicant to address the abandoned properties documented in the submitted materials occurred just over two years ago in April, 2024. At that time it was noted that the properties had been abandoned for over two years.
- iv)* Successive orders were issued in response to unaddressed security measures, ongoing break ins and fires. Over time, these orders increased the levels of required security measures to address the concerns over danger.
- v)* Phase 3 Orders were issued for the properties due to danger caused by security breaches and fire on June 24, 2025. The Phase 3 Orders have never been withdrawn.
- vi)* The Phase 3 Orders were superseded by the Phase 4 Orders on March 26, 2026 due to the ongoing issues and after repeated warnings and communications between the parties.
- vii)* The Phase 3 Orders stated:

An inspection of the property on June 20, 2025 revealed the property to be dangerous to public safety in that the structure on the land is vacant and not secured to prevent unauthorized entry.

I specifically noted the following:

- Exposed opening(s) throughout the structure(s).
- Entry points into the structure(s) are not secured.

Phase 1 and Phase 2 of the Progressive Security Model on its own has proven ineffective at preventing unauthorized entry. Therefore additional measures are required and Phase 3 of the model will be implemented. Please refer to the attached “Progressive SecurityModel Bulletin”.

As an employee of the City of Edmonton having the delegated powers, duties, and functions of a designated officer for the purposes of section 546(1) of the Municipal Government Act, it is my opinion that the structure on the land is at risk of unauthorized entry which poses a fire risk. This is a danger to first

responders, the community as well as the unauthorized entrants in the structure.

YOU ARE THEREFORE ORDERED TO:

Secure your property against unauthorized entry by:

- Re-secure all points of entry on all structures on both the basement and main or first floor levels, including doors, windows and any holes or openings, as well as any point of entry on any upper levels that may be accessible from any potential climbing point in a manner sufficient to prevent unauthorized entry. Please refer to the attached “Board Up Procedure Bulletin” for the detailed requirements that must be met for compliance.
- Provide and install/Re-secure security fencing along the property line, providing a continuous barrier around the property. The fencing shall not encroach on municipal or neighbouring properties. Please refer to the attached “Security Fencing Bulletin” for the detailed requirements that must be met for compliance.
- Providing security guard services to patrol the property no less than once every 6hours. For each patrol, the security guard will be expected to walk the full perimeter of the property, checking the security fence, structure, and property in general for any signs of breaches. All patrols shall be photographed and documented. Ensure that photographs are taken using a “datestamper” on the photos so it is evident on the photo(s) the date and time of patrol. There shall be a total of 4 patrol package photos within a 24 hour period. Photo packages shall be emailed to the communitypropertysafetyteam@edmonton.ca once per day. A failure to comply will result in CPST to intervene and assign a security guard to patrol the property. Please refer to the attached “Security Guard Bulletin” for the detailed requirements that must be met for compliance.
- Maintain the securement/boarding/re-securement at all times to the standards set out in the Board Up Procedure Bulletin; and
- Immediately rectify any breaches to the securement/boarding/re-securement.

viii) The Phase 3 Orders also advised the Applicant of the potential for Phase 4 Orders including the specific additional security requirements that could be ordered in the following terms:

The City may issue a new Order **in accordance with the Progressive Security Model (attached)** if it is determined that the securement measures

outlined above are insufficient or inadequate in preventing unauthorized entry.
[Emphasis added]

[28] Since the summer of 2025, the Applicant has been in regular contact with the City concerning break ins, its responsibility to provide a true security company, and the difference between the functions of a restoration company and a security company including the obligations of each, the adequacy of oversight over the abandoned property and the documented ongoing breaches at the properties.

[29] In November 2025, the Applicant acknowledged this obligation in an email:

HELLO OFFICER,

THANKS FOR RESENDING THE LETTER TO ME. I AM KEEPING VERY CLOSE WATCH ON MY PROPERTIES. THE MERIT OF THE COMPLAINTS NEED TO BE INVESTIGATED BECAUSE EVERY DAY ALL THE OPENINGS AFTER THE WORK ARE FULLY CLOSED. BESIDES, THERE IS A PETROL OF YOUR CHOOSING. THEY CAN LET ME KNOW IFT [sic] THERE IS ANY OPENING ANYWHERE IN THE TWO HOUSES. I CAN PERSONALLY VISIT THE SITE. .

S. P.SINGH

[30] At times the City stepped in to take the required remedial steps that the Applicant failed to provide. Most recently, the Committee heard that the City hired a Security Guard as of December 16, 2025 to conduct the required 6 hour patrols of the site because they believed it was evident that the Applicant was not going to hire security.

[31] The City told the Committee that the security firm it hired has been monitoring the properties every 6 hours and providing photographs as required under the terms of the Phase 3 Order.

[32] The Applicant told the Committee that he currently employs individuals to help with repairs at the properties. He indicated that they attend the property daily and he has had ongoing discussions with the City concerning the practicality of conducting remediation and repairs while simultaneously complying with the obligations under the Phase 3 Orders to ensure the safety of the property for all parties.

Timeline with Respect to Issuance of the Orders and the Requests for Review

[33] Based on the written and oral submissions the Committee finds the following events occurred on the stated dates:

- i) On March 19, 2026 a monitoring inspection took place and a new breach was noted, this time at a second floor window and rear door of 9704.

- ii) On March 26, 2026 Phase 4 Orders were issued for both properties given their proximity.
- iii) On March 26, 2026 (based on the Respondents oral explanation and the contents of the submitted files, including the date stamped photographic files) a copy of each of the Phase 4 Orders was posted at the applicable subject property and a copy of each of the Phase 4 Orders was mailed to the Applicant.
- iv) On April 2, 2026 the mailed copies of the Phase 4 Orders reached the mailbox at the Applicant's address at 3:00 p.m.
- v) On April 3, 2026 the Applicant filed written notices of his requests for review of the two Phase 4 Orders by email with the Committee.

Analysis

- [34] For the reasons which follow, the Committee concludes that the Applicant received written notice of the two Phase 4 Orders as of March 26, 2026 when they were posted at the subject properties.
- [35] There is no provision or direction within the *MGA* concerning the meaning of "receives a written order" under section 545, nor any requirement for personal service or service by any form of mail.
- [36] This is understandable given that section 546 orders are often issued in urgent situations to remedy imminent danger to the public. This danger is clearly outlined in the Phase 4 Orders which state in part:

An inspection of the property on March 26, 2026 revealed the property to be dangerous to public safety in that the structure on the land is vacant and not secured to prevent unauthorized entry.

I specifically noted the following:

- Exposed opening(s) throughout the structure(s).
- Entry points into the structure(s) are not adequately secured.

Phase 1 and Phase 2 of the progressive security model has proven ineffective at preventing unauthorized entry. Due to the high frequency of trespassing on the property, Phase 3 (6 hour patrol) was also insufficient to eliminate unauthorized entry. Therefore additional measures are required and Phase 4 (24 hour security) of the model will be implemented.

Please refer to the attached "Progressive Security Model Bulletin".

As an employee of the City of Edmonton having the delegated powers, duties, and functions of a designated officer for the purposes of section 546(1) of the Municipal Government Act, it is my opinion that the structure on the land is at risk of unauthorized entry which poses a fire risk. This is a danger to first responders, the community as well as the unauthorized entrants in the structure.

- [37] Absent explicit direction in the *MGA* or Bylaw, the Committee is not persuaded that written orders must be personally served to start the appeal period. Section 546 orders may only be issued to property owners. These orders are intended to address extreme situations that require rapid remedial responses, if not by the owner then by public authorities. While it is not the case in these particular reviews, the imposition of a requirement of personal service could enable an absentee owner to avoid responsibility and preclude the City from acting promptly or at all to address a dangerous situation. This result would be contrary to the clear intention of the *MGA*.
- [38] In section 546 and 547 of the *MGA*, the public interest in rapidly resolving dangerous situations for trespassers, neighbours, emergency responders and passersby is balanced against the rights of property owners. The relevant sections of the *MGA* contemplate action will occur promptly and accordingly, a very brief 7 day window for review is allowed to object to any section 546 order. Furthermore, the *MGA* authorizes entry onto private property to conduct remedial action to prevent dangerous situations from continuing and then places the financial cost of remediation carried out by the City on the owner.
- [39] In the Committees' view, it is the responsibility of all property owners to be aware of the state of the properties that they own, regardless of whether or not they are personally residing on those properties. Owners may meet this responsibility personally or through agents or third parties.
- [40] The Committee notes that in this case, there was significant interaction between the applicants and the City. The Applicant was under obligation pursuant to the Phase 3 Orders to have the property patrolled every six hours and to report back to the city since June of 2025 and the issued Phase 3 Orders outlined the consequences of further security breaches.. The Applicant did not meet this obligation and the City stepped into the void in the public interest in December, 2025.
- [41] The submitted materials show that the Applicant had been warned that the next step should additional break-ins occur would be to impose a phase 4 order requiring 24-hour a day, continuous surveillance.
- [42] As demonstrated in the November 7, 2025, email the Applicant was well aware of his obligations as a land owner and had indicated a willingness to meet them. Furthermore, the Applicant indicated that individuals they employed were at the property conducting remedial action in preparation for demolition at the time the Phase 4 Orders were posted.

- [43] The Committee finds that the posting of the Phase 4 Orders at the properties on March 26, 2026 was a sufficient means of giving the Applicant notice of the written orders as contemplated under section 547(1) of the *MGA*.
- [44] The Committee finds that once written copies of the Phase 4 Orders were posted to the subject premises on March 26, 2026, they were received by the Applicant.
- [45] The requests for review were filed by email on April 3, 2026, 8 days after March 26, 2026, and therefore outside of the time set in section 547(1). The Committee has no jurisdiction to hear the requests.

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

Kathy Cherniawsky, Chair
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.