

EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: v Community Standards and Neighbourhoods (City of Edmonton), 2026
ABECSLAC 10012

Date: May 25, 2026
Order Number: 651288376-001
CSLAC File Number: CSLAC-26-012

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 8, 2026. The request for review concerned the decision of Community Standards and Neighbourhoods to issue an Order pursuant to Section 545 of *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”). The Order was dated March 20, 2026 and required the following action:

Remove all vehicles, parts, waste bags, furniture, tires, boxes, wood, coolers, bottles, bike parts, jerry cans, plastic totes, milk crates, metal, damaged/dismantled/derelict RV's and other vehicles, other loose litter and any other debris from the entire property.

YOU MUST COMPLY WITH THIS ORDER BEFORE: April 16, 2026

- [2] The subject property is located at 9701 - 161 Street 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 Applicant's written request for review and submissions; 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 of the *Municipal Government Act* which provides that a person who receives a written Order under section 545 may by written notice request to have the Order reviewed within 14 days after the date the order is received.
- [7] Based on the evidence provided, it appears that the request for a review was filed outside of the statutory 14 day appeal period. The Order was issued and emailed to the property owner on March 20, 2026. The Property Management company emailed back acknowledging receipt of the Order on March 20, 2026. The Order was mailed on March 23, 2026 and the email from the Applicant requesting a review of the Order was received on April 8, 2026, 19 days after the issuance of the Order on March 20, 2026.
- [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.

Summary of Hearing

- i) Position of the Applicant and his Agent:*
- [9] The representative from Alta-Pro Realty explained the delay in filing the request for review, stating that they were not aware that the Order also applied to 9703 - 161 Street NW (the second unit) until April 8, 2026. It was their initial understanding that the Order only applied to 9701 - 161 Street NW. They received official clarification from the Officer on the morning of April 8, 2026 that the Order applied to both units.
- [10] The request for review was subsequently filed outside of the 14 day appeal period because they were not aware that the Order also applied to 9703 - 161 Street NW.

- [11] The Committee noted that the documentation on record, including the request for review and the City's Order are for 9701 - 161 Street NW, and that there is no record of an Order or a request for review for 9703 - 161 Street NW. The representative from Alta-Pro Realty reiterated that the Officer told them that 9703 was included as part of the Order for 9701 because it covered the shared condo common area. The representative confirmed that they had only received one Order for 9701 - 161 Street NW.
- [12] The following information was provided in response to questions:
- a) It was confirmed that the property owner does not reside at this property which is an up-and-down duplex where both apartments (9701 downstairs and 9703 upstairs) are occupied by tenants. He owns both 9701 and 9703 and the tenants share a common yard with no fence between them.
 - b) It was acknowledged that the Order issued only referenced 9701 - 161 Street NW but when the Officer advised them that the Order also pertained to 9703 - 161 Street NW, the request for review was filed.
- [13] At this point, the Chair asked for clarification noting that the request for review was submitted for 9701 - 161 Street NW and a copy of the Order provided by the City identifies that the Order was issued for 9701 - 161 Street NW and the Condo common area. There is no information regarding the municipal address 9703 - 161 Street NW in front of the Committee at this time.

Decision

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

Reasons for Decision

- [15] This hearing involved a request for a review of a written Order issued by the City of Edmonton pursuant to section 545 of the *Municipal Government Act* (“MGA”).
- [16] Section 547 of the *MGA* sets the window of opportunity within which any applicant who receives such an order may request a review of it.
- [17] 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
 - (a) 14 days after the date the order is received, in the case of an order under section 545,...
- or any longer period as specified by bylaw.

- [18] There is no requirement for personal service or service by 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.
- [19] Section 547(2) of the *MGA* states:
- (2) After reviewing the order, the council may confirm, vary, substitute or cancel the order.
- [20] In the *Community Standards and Licence Appeal Committee Bylaw 19003*, the Edmonton City Council delegated the responsibility to hear reviews of section 545 orders to this Committee.
- [21] Based on the written and oral submissions the Committee finds:
- a. The Order was issued by the City of Edmonton on March 20, 2026 to the Applicant by name at 9703 - 161 STREET NW EDMONTON, AB T5P3H3, the Applicant’s name and address appear twice on the Order.
 - b. The Order states that the recipient is in contravention of section 6(1) of the *Community Standards Bylaw* which prohibits nuisance on land conditions based on observations made during an inspection of the property on March 19, 2026.
 - c. The subject property to which the Order applies is described in the Re line of the Order as follows:

Municipal Address: 9701 - 161 STREET NW

Legal Description: Condo Common Area (Plan 0927340)

Tax Roll Number: 10169754, 10169755
 - d. There are two condominium dwellings on the subject property, Unit 9701 and Unit 9703. They share common property in the unfenced rear yard of the subject property.
 - e. Based on submitted emails and oral submissions submissions, on March 20, 2026:
 - i. The Municipal Officer provided the Order to the tenants and then sought out the landlord or property manager.
 - ii. The Municipal Officer emailed a copy of the Order to the property manager (who also appeared with the Applicant at the hearing).
 - iii. The written Order was acknowledged as received by the Applicant’s agent and by the Applicant himself (the owner of the subject property).

- f. The written request for review was filed with the Committee on April 8, 2026, 19 days after the written Order was received by the Applicant.
- g. The Applicant and his agent acknowledged that they had not filed a request for review with the committee within the 14 day period as they mistakenly believed that the Order did not apply to the yard of 9703 until after the 14 day period had passed.

[22] The Committee finds the request for review was not made within the 14 day time limit prescribed in section 547(1) of the *MGA*. It was filed with the Committee out of time.

[23] The Committee has no authority under the *MGA* to extend the statutory limit in section 547(1) for any reason, including for the type of error that the Applicant indicated he had made in this instance.

[24] Accordingly, the Committee simply has no jurisdiction to proceed with the merits of the request for review.

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

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.