

EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: Appellant v Community Standards and Neighbourhoods (City of Edmonton), 2026 ABECSLAC 10013

| | |
|--------------------|---------------------------|
| Date: | June 26, 2026 |
| Order Number: | Project No. 433855014-004 |
| CSLAC File Number: | CSLAC-26-013 |

Between:

Appellant

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Kathy Cherniawsky, Chair
Joel McDonald
Steven Diachuk

DECISION

[1] On June 16, 2026, the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an Order. The request for review was filed on May 6, 2026 and 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 April 9, 2026 and required the following action:

YOU ARE THEREFORE ORDERED TO:

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 24, 2026

[2] The subject property is located at 11318 - 94 Street NW, Edmonton.

[3] The hearing on June 16, 2026 was held through a combination of in person, video conference and written submissions. 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 submissions.

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 546 may by written notice request to have the order reviewed within 7 days after the date the order is received.
- [7] 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 *Municipal Government Act*.
- [8] The Chair explained that if the request was determined to be filed within time then the hearing on the merits would proceed; and, if the request was determined to be filed out of time, the Committee would have no jurisdiction, and the hearing would end.

Summary of Preliminary Matter:

i) Position of the Applicant:

- [9] While the Phase 4 Order was dated April 9, 2026 and carried an implementation deadline of April 24, 2026, the Applicant did not actually receive or become aware of it until April 29, 2026 (after the deadline had already passed).
- [10] Upon receiving the Order, they acted instantly by contacting the City via email, phone calls, and text messages to determine the correct process for requesting a review.
- [11] As soon as the City clarified that the Applicant needed to appeal through CSLAC, the Applicant filed for the review immediately.
- [12] The Applicant has been actively engaged throughout the entire process, and their timeline is backed up by a paper trail of communications that City administration can confirm.
- [13] The Applicant provided the following information in response to questions from the Committee:
- a. They initially stated they became aware of the Order on April 29, 2026, but later clarified that they discovered the ongoing security issue around the weekend of May 3 or 4, 2026. The formal appeal process was figured out and initiated via email on May 6, 2026.
 - b. The City's documents and photographs show the Order and a notice of intention to inspect were posted on the property's fence. However, these notices were not on the fence when the Applicant monitored the property.
 - c. The Applicant receives their mail at a community mailbox in Beaumont. Because of their schedules, they typically only check the mailbox on weekends. They estimate

the City's letter may have been sitting in the box for 2 to 5 days before they retrieved it on the weekend of May 3, 2026.

- d. After discovering the notice and seeing a security truck at the property, the Applicant called the City and spoke with the Fire Captain to ask about procedures and how to get the matter reviewed, as this was their first time dealing with such an issue.
- e. The Applicant personally went to the property on April 11, 2026 to re-board a window that had been breached. Neither of the two City notices were posted on the property or fence at that time. They saw notices later when looking at a photo uploaded by the Fire Department.
- f. The Applicant has always tried to comply with the Orders expeditiously. They received a call from the Edmonton Police Service (EPS) on March 30 or 31, 2026 regarding a breach. The Applicant addressed the situation immediately to screw a board over the opening.
- g. After that initial board was breached again, the Applicant returned on April 11, 2026 (two days after a City inspection on April 9, 2026) to install a heavy-duty concrete board to permanently secure the primary breach point.
- h. They confirmed that the property was actually under Phase 2 Order (securely boarded) and is not subject to any daily surveillance or photo-submission conditions prior to April.

i) Position of the Respondent:

- [14] The Respondent clarified the types of Orders that had been issued in the past. Phase 3 security requirement was originally included in the previous Order, but later removed by the Fire Department. This removal was based upon an agreement made after the property owner claimed a contractor left a door open and stated they were applying for a demolition permit.
- [15] The Fire team followed proper procedures regarding a reported window breach, which included a public property inspection on April 1, 2026, posting a notice of upcoming inspection, and then a subsequent inspection by a Fire Prevention Officer on April 9, 2026 that confirmed the breach.
- [16] The Phase 4 Order was officially issued on April 9, 2026, following the inspection which confirmed the breach.
- [17] The team strictly followed established protocols by mailing the Order to the registered title address and physically posting it on the property.
- [18] The team did not receive returned mail or indications of an incorrect address until they received a phone call from the Applicant on May 6, 2026.

- [19] Phone calls, text messages, and emails to notify property owners are strictly courtesies and are not a guaranteed part of the official process. The only guaranteed and mandated official process is mailing to the title address and posting directly to the property.
- [20] They directed the Applicant to follow the instructions explicitly detailed on the physical Order to submit his request for an appeal.
- [21] The Respondent provided the following information in response to questions from the Committee:
- a. A complaint was received stating that the property had been breached. An initial inspection was conducted from public property on April 1, 2026, but the results were inconclusive.
 - b. Because the initial viewing was inconclusive, a notice of inspection was posted on the property on April 1, 2026 to schedule a proper follow-up.
 - c. Following up on the April 1, 2026 notice, entry was gained to the property on April 9, 2026 to conduct the inspection.
 - d. During this April 9, 2026 inspection, the breach was officially observed and confirmed.
 - e. After confirming the breach on April 9, a new notice of inspection/entry and an official Order were issued.
 - f. The purpose of this new notice of entry was to monitor the property for compliance.

ii) Rebuttal of the Applicant

- [22] They do not dispute that the City did its due diligence or that the Order was properly mailed on April 9, 2026.
- [23] The Applicant checks their physical mail once a week, which is why they were initially unaware that the Order had arrived.
- [24] The Applicant only realized there was an issue on May 2 or 3, 2026 when they visited the property and saw a security guard at the property. It was only after this encounter that they checked their mailbox and found the Order.
- [25] For the previous three Orders, the City had established a consistent courtesy of notifying them directly via phone, text, or email. Because this fourth Order was only sent by mail, it created a gap in communication that they did not expect.
- [26] The Applicant is cooperative and proactive; as soon as they were made aware of the situation (and when previously contacted by the Edmonton Police Service), they immediately took action to secure and board up the property.

Decision

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

Reasons for Decision

[28] This hearing involved a request for a review of a written Order (the “Phase 4 Order”) issued by the City of Edmonton pursuant to section 546 of the *Municipal Government Act* (the “MGA”).

[29] The relevant portions of section 546 of the *MGA* states:

(1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, 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,

[30] The Edmonton City Council delegated the responsibility to hear reviews of section 546 Orders to this Committee in the *Community Standards and Licence Appeal Committee Bylaw* 19003.

[31] 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.

[32] 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.

[33] No City of Edmonton Bylaw specifies a longer period of time to initiate a written request for review for review of an Order concerning a dangerous or unsightly property.

[34] As the Phase 4 Order was dated April 9, 2026 and the written request for review was received by the Committee by email 27 days later on May 6, 2026, it first considered whether the request had been filed in time.

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

- i)* The Respondent has discretion to issue section 546 Orders based on their assessment of danger posed by a particular property. The Respondent generally issues these types of orders following a progressive 6 Phase System to respond to vacant properties which have been determined to be dangerous based on ongoing unauthorized trespass and resultant increases in the likelihood of risk to persons or property.
- ii)* Under the progressive system, increased security requirements are triggered by additional breaches to the property and the existence of unsecured access points.
- iii)* The subject property has experienced ongoing security breaches and illegal trespass going back four years resulting in the issuance of prior section 546 Orders.
- iv)* Throughout this period there have been extensive conversations between the Applicant and the Respondent concerning repeated break-ins, neighbours' complaints, breaches, and the sufficiency and timing of remedial actions. A fire occurred on the front porch of the property in 2023.
- v)* On May 25, 2022, a Phase 1 Order was issued and posted at the subject property.
- vi)* On November 23, 2023, a Phase 2 Order was issued and posted at the subject property.
- vii)* On May 13, 2025, a Phase 3 Order was issued and posted at the subject property. It included the following statement:

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.

- viii)* The attached Progressive Security Model states in part:

Edmonton Fire Rescue Services main function is to serve the people of Edmonton with the goal of protecting life, property and the environment. Fires at unsecured vacant properties present a severe and worsening risk to Edmontonians and their communities. With that in mind, Edmonton Fire Rescue Services has implemented a progressive approach to securing vacant properties.

The Progressive Security approach may include:

Phase 1 → Board Up

Phase 2 → Temporary Security Fence

Phase 3 → Security Guard Patrols every 6 hours

Phase 4 → Full time live on site security guard

Phase 5 → Additional full time security guards

Phase 6 → Demolition through (Demolition Assessment Response Committee)

EFRS personnel will monitor properties for breaches. If a breach occurs, the owner will receive an Order to apply the next phase of progressive security, or perhaps an even higher phase dependent on the risk at the property. Phase 1 and phase 2 shall be maintained when Phase 3, 4 or 5 are implemented.

*Alternatively at any time, the Owner could re-invest in and legally occupy the property.

Security measures will remain in place until reinvestment or demolition has occurred.

The property owner will be responsible for covering all costs associated with securing their property.

- ix)* After discussions with the Applicant, the Respondent exercised discretion in 2025 and refrained from requiring the level of security noted on the Phase 3 Order (security guard surveillance every 6 hours) due to: the Applicant's diligence; an error on the part of a contractor; and, the representation that the building was to be demolished in the near future. The Applicant was also told in 2025 that new breaches could lead to the issuance of a Phase 4 Order.
- x)* Details of the full 6 phase system are provided with each Order to recipients of section 546 Orders, including the Applicant. These details include the escalating security requirements that may be imposed at each phase, including for example the phase 4 requirement for 24 hour a day security monitoring and the phase 6 requirement for demolition.
- xi)* On April 1, 2026, the property was inspected due to two new 311 complaints and a suspected breach. As the inspection from public property was inconclusive, a Notice of Entry for reinspection was posted at the property at that time.
- xii)* After reinspection on April 9, 2026 revealed a new breach, the Phase 4 Order was issued by the City of Edmonton on the same day. The Phase 4 Order and a Notice of Entry for reinspection were posted at the subject property. The Phase 4 Order was also mailed to the Applicant at the correct address on April 9, 2026.
- xiii)* The Phase 4 Order and Notice of Entry were subsequently removed from the subject property by unknown persons at an unknown time.
- xiv)* The Applicant was aware of the alleged breach and was in contact with City officials about it.

- xv) On April 11, 2026, the Applicant attended the property and had it fixed. When the Applicant attended the property to remedy the breach, the Notice of Entry and Phase 4 Order were no longer in place as previously posted on the fence.
- xvi) They were in contact with City officials, but did not receive a copy of the Order by email as they had with previously issued orders. The Applicant was not aware of the actual contents of the Phase 4 Order and in particular of the increased 24 hour security requirement in the Phase 4 Order.
- xvii) On April 26, 2026, the Respondents attended the property and noted the Applicant had re-secured the breached window and so the Respondents cancelled its own contractors and EPS from the remedial schedule.
- xviii) On April 28, 2026, the Respondent ordered Phase 4 24 hour security.
- xix) Around May 3, or May 4, 2026, the Applicant drove by the property and observed security on duty and investigated further to find out why they were there and what they should do.
- xx) Some time after this visit, they then checked their mail box and found a copy of the Phase 4 Order which they did not dispute had been mailed on April 9, 2026.
- xxi) The Applicant checks their mail either weekly or every 5 days or so. They could not say the last time they had checked the community mail box prior May 2, 2026 or May 3, 2026 but they guessed the letter had been in the box likely for 2-5 days.
- xxii) They receive mail regularly and they did not describe any problems with mail service.
- xxiii) On May 6, 2026, the Applicant communicated their objection to the Respondent and also sent a written request to review the Phase 4 Order by email to the Committee.

Analysis:

- [36] The Committee has considered the issue of notice and in particular the meaning of “receives a written order” in prior decisions.
- [37] The Committee notes that there is no requirement in the *MGA* for personal service or service by e-mail, registered mail, regular mail or by any other means pertaining to Orders against dangerous or unsightly properties issued under section 546. There are no other directions in the *MGA* concerning the meaning of “receives a written order under section 545 or section 546.” There is no requirement for personal service or for service by any form of mail in section 547 of the *MGA*.
- [38] This is understandable given that section 546 Orders are often issued in urgent situations to remedy imminent danger to the public or other parties. This rationale is clearly outlined in the Phase 4 Order issued to the applicant which states in part:

An inspection of the property on April 9, 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.

- [39] In the Committees view, it is the responsibility of all property owners to be aware of the state of their properties, regardless of whether or not they are personally residing on those properties. The potential risk and public interest may be heightened with properties that are obviously vacant and subject to frequent trespass. The Committee is not unsympathetic to the owners, but it is the owners who must meet this responsibility either personally or through agents. Indeed, the *MGA* authorizes the Respondent to enter on the private property after notice is given to conduct remedial action if the owner fails to act to prevent dangerous situations from continuing to exist, and then places the financial cost of remediation carried out by the respondent on the owner.
- [40] In sections 546 and 547, the public interest in rapidly resolving dangerous situations for trespassers, neighbours, emergency responders, passersby, and the public in general is balanced against the individual rights, including rights to fairness of property owners. The relevant sections of the *MGA* contemplate remedial action will occur promptly and accordingly, a very brief seven day window for review is allowed for recipients to object to any section 546 Order.
- [41] In this case, two methods were undertaken by the Respondent to provide the Applicant with a written Order: posting a copy on the fencing at the subject property and mailing a copy to the Applicant to their address on record at Land Titles Office as of the date of issuance by regular mail.

Method 1: Notice by Posting the Order at the Subject Property

- [42] The Applicant's argued that posting the Phase 4 Order on the fence on April 9, 2026 was not effective as
- i) they had been diligent in checking on the property and they were not required to inspect the property every 6 hours;
 - ii) the Order and notice of Entry for reinspection had been removed from the property before they attended it to repair the breached window on April 11, 2026; and,
 - iii) the Respondent had failed to email them a copy of the Order, a practice which the Respondent had provided previously and the Applicant had therefore expected.
- [43] The Committee considered the argument that posting was insufficient as uniquely, in this case as the Committee has accepted that the submissions of both parties support the finding that the posted Order and Notice of Entry were removed within two days of posting.
- [44] In previous decisions, the Committee has determined that posting a section 546 Order at the subject property is a sufficient means in law to meet the requirement of section 547 of the *MGA*. If the Committee makes a similar determination, then the time for requesting a review would have ended on April 16, 2026, 7 days after posting of the Phase 4 Order on April 9, 2026. The written request for review would not have been made in time.
- [45] However, the Committee declines to decide whether or not the posting on the fence nonetheless is a sufficient means of notification given the unique circumstances of this case as it will not affect the outcome of the case, because for the reasons below, the Committee has concluded that appeal is out of time based on the second mode of notification in any event.

Method 2: Notice by Mailing the Order to the Address of the Registered on the Land Titles Certificate at the Date of Issuance

- [46] As noted above, there is no direction with respect to the means of notification in the *MGA* or the Bylaw.
- [47] In the Committees view, mailing the Phase 4 Order to the stated address of the owner on the certificate of title at the Land Title's Office on the date the Order is issued is a sufficient means of notification for the following reasons:
- i) Unlike section 545 Orders, section 546 Orders may only be issued to the owners of the property or structure that is the subject of the Order.
 - ii) This address makes sense because it is the address for legal service of property owners for important notices.
 - iii) The address may be the address of the subject property or another address.

- iv) This address is provided by the property owner at the time of purchase and at the owner's option and may be subsequently updated
- [48] Mailing a section 546 Order to the registered property owner provides a practical, definitive and timely means to notify property owners in alignment with the objectives of section 546 to rapidly remedy dangerous situations.
- [49] In the Committee's view, it is a responsibility of ownership to check mail regularly. Owners fail to do so at their own risk.
- [50] The Applicant does not dispute the submission of the Respondent that the Phase 4 Order was mailed on April 9, 2026.
- [51] Section 23(1) of the *Interpretation Act*, RSA 2000, c I-8 deals with presumption of service and the time required to deliver notice by regular mail. It provides:
- 23(1)** 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
- (a) 7 days from the date of mailing if the document is mailed in Alberta to an address in Alberta, or
- (b) subject to clause (a), 14 days from the date of mailing if the document is mailed in Canada to an address in Canada.
- (2)** Subsection (1) does not apply if
- (a) the document is returned to the sender other than by the addressee, or
- (b) the document was not received by the addressee, the proof of which lies on the addressee.
- [52] The Committee finds that the Applicant has not provided proof that the presumption should not apply in this case for the following reasons:
- i) Neither party identified any issues with the Applicant failing to receive mail in a timely fashion or at all since 2022.
- ii) The Applicant indicated:
- a) they are receiving mail in the normal course;
- b) they receive mail in a community box;
- c) the Phase 4 Order was in the community box when they checked some day after May 3 or 4, 2026;

- d) they generally check the box weekly or every 5-7 days, but could not say when they had checked the box before they found the Phase 4 Order; and,
- e) the Applicant stated that they check their physical mail once a week, which is why they were initially unaware that the Order had arrived.

[53] Based on the submissions, and applying the presumption in the *Interpretation Act*, the Committee finds that the mailed copy of the Phase 4 Order arrived in the Applicant's mail box seven days from April 9, 2026. That is it was received by the Applicant at the latest by April 16, 2026.

[54] The Committee finds that the Applicant received the written Phase 4 Order on April 16, 2026 and the time within which a request for review could be made expired following section 547(1) 7 days later on April 23, 2026.

[55] The Committee received a written request for review on May 6, 2026.

[56] The Committee has no authority under the *MGA* to extend the statutory limit in section 547(1) for any reason.

[57] The Committee finds that the request was out of time.

[58] For the above reasons, the Committee has no jurisdiction to proceed with the merits of the request for review.

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.