

EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: Appellant v Community Standards and Neighbourhoods (City of Edmonton), 2026 ABECSLAC 10014

Date: June 26, 2026
Order Number: Project No.647376451-001 / 647376451-002
CSLAC File Number: CSLAC-26-014

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 filed on May 13, 2026. The request for review concerned the decision of Community Standards and Neighbourhoods to issue two Orders pursuant to Section 545 of *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”). The Orders were dated April 23, 2026 and were mailed on April 24, 2026 and required the following action:

647376451-001

YOU ARE THEREFORE ORDERED TO:

Remove all tree clippings, wood, clothing, household debris, furniture, other loose litter and debris 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 17, 2026

and

647376451-002

YOU ARE THEREFORE ORDERED TO:

Repair/replace/secure/board all open, broken, missing, door components and cover any holes or openings on all buildings or structures.

Take any actions or remove any other items that are contributing to the unsightly condition of the buildings or structures.

YOU MUST COMPLY WITH THIS ORDER BEFORE: May 17, 2026

- [2] The subject property is located at 11012 - 115 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 Orders issued pursuant to the *Municipal Government Act*;
 - The Applicant's written request for review; and
 - The Respondent's written 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 appeal was filed on time, in accordance with Section 547 of the *Municipal Government Act*.

Summary of Hearing:

i) Position of the Applicant:

- [7] They remain in regular contact with both neighbours, providing a phone number and immediately resolving issues whenever texted or called.

- [8] They have spent significant time and money repairing fences and securing doors immediately after break-ins, and have coordinated with the Edmonton Police Service (EPS) on multiple occasions.
- [9] They ordered the demolition and removal of an on-site shed specifically to prevent unhoused individuals from using it as a campsite.
- [10] They are continuously paying contractors out-of-pocket to remove garbage, shopping carts, and debris scattered on the property.
- [11] They acted within days of receiving a City notice regarding an unpermitted front porch by hiring a contractor to take it down.
- [12] They are dealing with a recurring nuisance problem driven entirely by criminal trespassing and vandalism from unhoused individuals, over which they have no ultimate control.
- [13] They feel trapped in a no-win situation; they quickly complied with the Order to remove the unpermitted front porch, only for neighbours to immediately complain that the property now looks unsightly.
- [14] They are frustrated that bureaucratic delays are slowing down the development and demolition permits, prolonged by an ongoing cycle of property destruction in the interim.
- [15] The Applicant provided the following information in response to questions from the Committee:
- a. They want the Committee to grant a postponement, stay, or complete removal of the Orders while they work on obtaining development and demolition permits.
 - b. They plan to fence off the area, secure it, and demolish the building entirely, which they argue will permanently resolve the issue for both the City and the neighbourhood.
 - c. They confirmed that complying with the City orders is not preventing them from getting demolition permits.
 - d. They have been complying with the orders repeatedly (e.g., hiring contractors to clean garbage, repairing and boarding up the fence three times).
 - e. The core issue is that within days of cleaning the property, unhoused individuals break back in, kick through the fence boards, and scatter garbage again.
 - f. They feel penalized as a taxpayer for criminal activity beyond their control, noting that local EPS constables have expressed sympathy regarding downtown trespassing issues.

- g. The Applicant clarified there are two structures in question. The wooden shed was completely removed in February 2026. They expressed confusion over what the specific violation was regarding the metal shed, but acknowledged people try to live inside it. They offered to send a contractor to remove it over the upcoming weekend.
- h. The Applicant objects to the Orders because they are actively maintaining the property, but the mess is constantly recreated by trespassers. Regular lawn maintenance had been recently delayed due to three weeks of continuous rain.
- i. They confirmed that the front deck and associated wood debris are completely gone. A contractor dismantled and removed the deck over a two-day period during the last week of April. The Applicant noted that the Development Compliance Officer had already closed his specific file regarding the deck because the work was finished.

Decision

[16] The appeal is **ALLOWED IN PART**.

[17] 647376451-001 (Order 001) is **CANCELLED**.

[18] 647376451-002 (Order 002) is **VARIED** by **deleting** the following clause:

Take any actions or remove any other items that are contributing to the unsightly condition of the buildings or structures.

Reasons for Decision

[19] The Committee heard a request to review two Orders issued under section 545 of the *Municipal Government Act* (the “MGA”) (“Order 001” and “Order 002”, “the Orders”).

[20] Except where indicated otherwise, these reasons apply with respect to both of the Orders.

[21] The Orders were issued on the same day, to the same recipients (the Applicants) and with respect to the same subject property. The Orders were based on observations of the condition of the subject property revealed during an inspection of it from public property on April 21, 2026.

[22] The Committee is authorized under the *Community Standards and Licence Appeal Committee Bylaw* and section 547(2) of the *MGA* to confirm, vary, substitute or cancel the Orders. The Committee has no authority to grant the Applicant’s request that it stay any future Orders. The issuance of future Orders is a matter within the authority of the Respondent.

[23] The Applicants provided a written submission and attended the in person hearing. The Applicants objected to the Orders as they have made ongoing efforts to secure and maintain the property and to correct the cited issues which have been repeatedly caused by the ongoing unlawful actions of trespassers. The incidents include individuals

breaking into the yard and sheds, damaging doors and scattering litter throughout the property.

- [24] The Applicants assert that they have acted diligently and made continuous efforts to secure and maintain the property. To this end, they have retained numerous contractors to repair and secure the doors and to remove debris. They argue that the Orders unfairly penalize them and ask for the City's assistance to ensure its residents live safely and securely, free from persistent criminal activity.
- [25] The Respondent did not attend the hearing, but did provide the Committee with a written submission which included photos of the subject property on various dates including the inspection date.
- [26] In their written submission, the Respondent acknowledged the Applicant's frustration, but argued that the *Community Standards Bylaw* requires that all property owners maintain their property free of nuisance on land and nuisance building conditions.
- [27] Their written submission included the following information:
- i) The property is being monitored by the Problem Properties Team, a multi agency team which deals with highly problematic occupied and unoccupied properties in Edmonton that generate frequent and serious complaints and/or safety concerns. The team proactively identifies and quickly addresses problem properties before the issues escalate.
 - ii) Since 2013, the City of Edmonton has responded to 14 complaints regarding bylaw violations for property maintenance at the subject property. Since the Applicant took ownership of the property in 2025, there have been 4 complaints reported to the City of Edmonton.
 - iii) The shed was found to be unsecured against unauthorized entry, continuously posing a fire risk. Fires at unsecured vacant properties present a severe risk to Edmontonians and their communities.
 - iv) Maintaining a property is not only required by the *Community Standards Bylaw*, it is also a recommended crime prevention method to prevent future criminal activity from occurring.
 - v) According to Crime Prevention Through Environmental Design (CPTED) principles, maintaining a property actively deters crime by signaling alert and vigilant ownership rather than neglect. Routine property maintenance eliminates hiding spots and maximizes natural surveillance so illicit activity can be easily spotted and prevented. Ultimately, keeping physical barriers like fences and locks in good repair denies access to trespassers, preventing costlier vandalism and structural damage before it occurs. A well-maintained property indicates pride of ownership and a lack of tolerance for unwanted behavior, while deterioration indicates less control by the intended users and greater vulnerability to crime.

- [28] The Respondent argued that the evidence submitted shows that the Applicants have contravened Sections 6(1) and 9(1) of the *Community Standards Bylaw* and the Orders are valid and should be upheld.
- [29] The Committee carefully reviewed the parties' submissions in exercising its authority and reaching the following conclusions.

Order 001 Nuisance on Land:

- [30] Order 001 states that the recipients are in contravention of section 6(1) of the *Community Standards Bylaw*. It requires the recipients to:

Remove all tree clippings, wood, clothing, household debris, furniture, other loose litter and debris from the entire property and take any actions or remove any other items that are contributing to the unsightly condition of the property.

- [31] Section 6 of the *Community Standards Bylaw* deals with nuisance on land conditions. It states:

(1) A person shall not cause or permit a nuisance to exist on land they own or occupy.

(2) For the purpose of greater certainty a nuisance, in respect of land, means land, or any portion thereof, that shows signs of a **serious disregard for general maintenance and upkeep**, whether or not it is detrimental to the surrounding area, some examples of which include:

(a) excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;

(a.1) any loose litter, garbage or refuse whether located in a storage area, collection area or elsewhere on the land;

(a.2) any loose building or construction materials, any accumulation of construction-related garbage or refuse, or any untidy work or storage areas on the land;

(b) damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not;

(b.1) any vehicle displaying graffiti that is visible from any surrounding property;

(c) smelly or messy compost heaps;

(d) unkempt grass or weeds higher than 10 centimetres;

- (e) production of excessive dust, dirt or smoke;
- (f) production of any generally offensive odours;
- (g) any tree, shrub, other type of vegetation or any structure:
 - (i) that interferes or could interfere with any public work or utility;
 - (ii) that obstructs any sidewalk adjacent to the land; or
 - (iii) that impairs the visibility required for safe traffic flow at any intersection adjacent to the land; and
- (g.1) any accessible excavation, ditch, drain or standing water that could pose a danger to the public; and
- (h) any construction project or activity not completed within five years of the date the building permit for the project or activity was issued by the City or, within five years of starting construction. [Emphasis added]

[32] The Committee is not satisfied that the submitted photos dated April 21, 2026 in support of Order 001 demonstrate that at the time Order 001 was issued the subject property showed signs of a **serious disregard** for general maintenance and upkeep that had risen to the level contemplated in section 6 and the examples described in the subsequent subsections of section 6 of the *Community Standards Bylaw*.

[33] For the above reasons, the Committee cancels Order 001.

Order 002 Nuisance on Building:

[34] Order 002 states that the recipients are in contravention of section 9(1) of the *Community Standards Bylaw*. It requires the recipients to:

Repair/replace/secure/board all open, broken, missing, door components and cover any holes or openings on all buildings or structures.

Take any actions or remove any other items that are contributing to the unsightly condition of the buildings or structures.

[35] Section 9 of the *Community Standards Bylaw* states:

(1) A person shall not cause or permit a nuisance to exist in respect of any building or structure on land they own or occupy.

(2) For the purpose of greater certainty a nuisance, in respect of a building or structure, means a building or structure, or any portion thereof, showing signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:

- (a) any damage to the building or structure;
- (a.1) any graffiti displayed on the building or structure that is visible from any surrounding property;
- (b) any rot or other deterioration within the building; and
- (c) any inappropriate infiltration of air, moisture or water into the building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the building.

- [36] The Applicants argued that the second clause was vague. The Committee agrees and has removed this clause from Order 002.
- [37] With respect to the deck the Committee heard, and accepts, the Applicants' undisputed statement that the front attached deck had no proper development permit and once this was brought to the Applicants' attention they had it disassembled promptly. The lumber was then removed within two days. In the Committee's opinion this is a reasonable timeline and the Committee is not satisfied that the evidence before it demonstrates a contravention of section 9(1) of the *Community Standards Bylaw* with respect to the state of the front yard of the subject property.
- [38] With respect to the rear yard, specifically the openings in both the fence and the metal shed shown in the pictures, the Committee is of the view that this does constitute a nuisance condition contrary to section 9(1) of the *Community Standards Bylaw* for the following reasons:
- i) The definition of structure in section 4(b) of the *Community Standards Bylaw* includes a shed and a fence.
 - ii) The inspection photos taken at the time Order 002 was issued show openings in both the rear fence and the metal shed.
 - iii) The property has been clearly vacant for an extended time and illegal trespassing has been a demonstrated occurrence.
 - iv) Accordingly, to address the serious risks outlined by the Respondents the Committee finds that the need to ensure the rear fence and shed are secure is significant and may well prevent escalation leading to the issuance of a section 546 Order to rectify a dangerous property.

[39] For the above reasons, the Committee varies Order 002 by deleting the second clause and confirms the remainder of Order 002 as issued.

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.