

EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: v Community Standards and Neighbourhoods (City of Edmonton), 2025
ABECSLAC 10022

Date: March 4, 2026
Order Number: 618669195-001
CSLAC File Number: CSLAC-25-022

Between:

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Kathy Cherniawsky, Chair
Karen Munro
Skye Vermulen

DECISION

[1] On February 24, 2026, the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an Order that was filed on September 8, 2025. The request for review concerned the decision of Community Standards and Neighbourhoods to issue an Order pursuant to Section 545(1) of *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”). The Order was dated August 21, 2025 and was mailed on August 25, 2025 and required the following action:

YOU ARE THEREFORE ORDERED TO:

Remove all garbage bags, cardboard, mop and bucket, cushions, 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: September 16, 2025

[2] The subject property is located at 11512 - 93 Street NW, Edmonton.

[3] The Committee made and passed the following motion on October 21, 2025:

“That the appeal hearing scheduled for October 21, 2025 be postponed and rescheduled for February 24, 2026.”

February 24, 2026 Hearing:

Motion:

“that CSLAC-25-022 be raised from the table.”

[4] The hearing on February 24, 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 submissions.

Preliminary Matters

[5] 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.

[6] The Chair outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

[7] The appeal was filed on time, in accordance with Section 547 of the *Municipal Government Act*.

Summary of Hearing:

i) Position of the Applicants:

[7] The Applicants did not attend the hearing and the Committee relied on the written submissions of the Applicant’s Agent.

ii) Position of the Respondent:

[8] The Respondent did not attend the hearing and the Committee relied on their written submissions.

Decision

[9] The application is granted and the Order is **CANCELLED**.

Reasons for Decision

[10] The Committee considered the application for a review of an Order dated August 21, 2025 (“the Order”). The Order was issued by the City of Edmonton’s Community Standards & Neighbourhoods Branch (Investigations and Complaints Branch) under authority of section 545 of the *Municipal Government Act* (“the MGA”).

[11] Section 545 of the *MGA* states:

(1) 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.

[12] The Order is addressed to _____, (“the Applicants”). It asserts that the Recipients are in contravention of section 6(1) of the *Community Standards Bylaw 14600* which prohibits Nuisance on land conditions. The Order indicates it was based on observations made during an inspection of the property on August 20, 2025.

[13] The Order requires the removal several items from the property before September 16, 2025, in particular to

Remove all garbage bags, cardboard, mop and bucket, cushions, 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.

[14] Both the Respondent’s and the Applicants’ Agent indicated in writing that they would not personally attend the hearing and asked the Committee to proceed on the basis of their written submissions.

[15] The Applicants asked that the Order and the Notice to Comply issued regarding the subject property be declared invalid, dismissed, and removed entirely from the property record for all purposes, due to multiple procedural and substantive defects.

Applicants’ Grounds for Review:

[16] The Committee considered each of these grounds as stated in the written submission of the Applicants and reproduced them in these reasons.

[17] *Ground 1. Failure to Provide Proper Service:*

- *The October 21, 2025 ruling was required to be served in accordance with CSLAC tribunal procedure, which mandates service within 30 days. I never received proper service.*
- *CSLAC claims service by email on October 24, 2025, but no email was ever received. When requested, CSLAC did not provide a copy of the purported email, only a record of my email on a list of intended recipients. This fails to satisfy the tribunal's service requirements, rendering the order procedurally invalid.*

[18] The Committee does not agree that the the Order is invalid due to manner of service of the postponement decision for the following reasons:

- a. The Applicants' Agent did not reference any section which would require service of postponement decision within 30 days. There is no such express provision in the CSLAC Procedures and Guidelines Manual.
- b. The Applicants' Agent was well aware of the hearing scheduled for October 21, 2025. He submitted arguments and a request for a postponement for the Committee to consider prior to the October 21, 2025 hearing.
- c. The Committee's administrative records indicate that the postponement decision was sent to the email addresses provided by the Respondents' Agents and the Applicants' Agent on October 24, 2025. These email addresses were used without any known issues for all parties throughout the process.
- d. There is no indication from the Applicants' Agent that any other email or attachment sent to the email address he provided was not received in the normal course.
- e. The Committee acknowledges that the Applicants' Agent, by email from the same address dated November 29, 2025, indicated he had not received the postponement decision from October 21, 2025 and 39 days had passed.
- f. The Committee's administrative records show that an email from the Committee dated December 1, 2025 was sent to the Applicants' Agent confirming that an earlier email was sent with an attachment containing the decision on October 24, 2025 per the Committee's standard practice. A copy of the postponement decision was also attached to the December 1, 2025 email.
- g. The Committee finds that the Applicants' Agent was fully aware of the complete postponement decision granting his request, at the latest on December 1, 2025.
- h. The hearing had been postponed to February 24, 2026, leaving the Applicants' Agent more than two months to prepare.
- i. The Committee received no new information or submissions from the Respondents regarding the Order since October 15, 2025.
- j. The Committee has relied only on the submissions received from the Respondents as of that date in rendering this decision. These submissions have been online and available to the Applicants and their Agent since October 2025.

[19] The Committee finds that the Applicants and their Agent have received proper notice of the February 24, 2026 hearing. They had fair and ample opportunity to prepare. Indeed, this conclusion is supported by the fact that the Applicants' Agent prepared a detailed submission that is now being reproduced in part in this decision.

[20] In any event, had the Committee found an error in notification of the Applicants' Agent the remedy would not necessarily be automatic invalidation of the Order. The Committee notes that an extension would effectively address any potential prejudice and allow the Applicants and their Agent fair opportunity to state their case for review.

[21] *Ground 2. Failure of Disclosure by the City of Edmonton – 10-Day Minimum Requirement:*

- *Under general procedural law and principles of natural justice, parties must be provided with at least 10 days notice of all evidence prior to a hearing to allow meaningful preparation and defense.*
- *The City of Edmonton failed to provide disclosure for the October 21, 2025 hearing, in violation of this legal requirement.*
- *Even with an adjournment to the February 24, 2026 hearing (four months later), the City has still not provided Full disclosure, leaving me unable to review or respond to the evidence.*
- *This ongoing failure by the City violates procedural fairness, renders the October 21, 2025 ruling invalid, and by extension the underlying order to comply and makes any reliance on it for enforcement or repeated violation claims improper.*

[22] The Committee finds no merit in this ground for the following reasons:

- a. The Committee's procedures and submission timelines are outlined in the CSLAC Procedures and Guidelines Manual.
- b. There is no 10 day rule for submissions prior to hearings of requests to review orders issued under section 545 of the *MGA*. Further, either party can request additional time to submit or to respond to new information if circumstances warrant.
- c. The Committee has no authority to subpoena individuals, nor to order production of records, documents or any type of evidence.
- d. The Committee proceeds on the basis of materials that the parties choose to submit.
- e. The Committee has received no new information or submissions from the Respondents regarding the Order since October 15, 2025. These materials have been available to the Applicants for many months.

[23] *Ground 3. Pattern of Selective Enforcement and Charter Considerations:*

- *In this matter, the City of Edmonton initially refused to comply with a FOIP request regarding enforcement on adjacent properties citing privacy exemptions.*

- *When reminded that the City had previously made the same argument in another matter, lost, and was ordered to comply by the Privacy Commissioner, the City subsequently provided the requested information.*
- *The City confirmed in that disclosure that no enforcement had been conducted on similar "presenting" adjacent property conditions. While these involve different properties, it illustrates a pattern of procedural irregularities and unequal treatment, striking directly at Charter of Rights protections to be treated equally under the law. This pattern further reinforces that the order is procedurally defective and unsuitable for use against the property.*

- [24] The Committee's delegated authority in this review comes from the *MGA*, the *Community Standards and Licence Appeal Committee Bylaw 19003*, and the *Community Standards Bylaw 14600*. The Committee cannot act beyond the authority delegated to it in these laws
- [25] The Committee has no jurisdiction with respect to constitutional matters including the Charter.
- [26] The Committee has no power to order the City or the Applicants to provide information.
- [27] The Committee received no information about proceedings or decisions or consequential actions cited by the Applicants involving the Privacy Commissioner.
- [28] The Committee is a quasi-judicial body subject to the common law duty to be fair and to act in accordance with the principles of natural justice.
- [29] The Committee is not persuaded, based on the submissions of the Applicants quoted in full above, that the described disclosures or proceedings were procedurally unfair. Thus the Committee declined to cancel the order on the basis of procedural unfairness.
- [30] *Ground 4. Irrelevance of Voluntary Compliance:*
- *The City has stated that the tenant voluntarily complied with the order therefore the order was valid complied with and the matter closed. Voluntary compliance on threat of massive further action does not retroactively validate an order that was in correct, never properly served or disclosed.*
- [31] The Committee agrees. As stated in the October 21, 2025 postponement decision, the Applicants' right to request a review of the Order comes from section 547 of the *MGA*. Whether or not the City has closed the investigation has no impact upon the right to request a review of the Order.
- [32] *Ground 5. Substantive Invalidity of the Original Order Reviewed at the October 21, 2025 Hearing – Improper "Unique Interpretation" of Nuisance:*

- *The original order, which was under review at the October 21, 2025 hearing, was invalid from the outset, as the condition cited in that order did not constitute a nuisance under the legal definition which entails substantially affecting any affected parties.*
- *CSLAC and the City of Edmonton have explicitly declared that they apply a “unique interpretation” of what constitutes a nuisance superseding legal definition, asserting that enforcement is permissible regardless of established legal standards.*
- *Without conceding the validity of the order or the City’s interpretation of nuisance, I note that while the City has made allegations of visual nuisance or “eyesore,” no evidence has been disclosed to support these claims. I possess photographic evidence showing a solid six-foot fence separating the properties, which would directly contradict any such claim as one would have to peek over or through or into the backyard to see the “eyesore”. This evidence is expressly reserved for judicial review, if required.*
- *This admitted deviation from the legal definition of nuisance further demonstrates that the original order lacks legal validity and reinforces the need for it to be struck from the property record.*

[33] The Applicants made two separate arguments in this ground: first, the City has no authority to define nuisance; and second, the evidence does not show that the interpretation by the City has been met.

[34] The Committee is of the view that the *MGA* empowered the City to pass the *Community Standards Bylaw 14600* and to define content of prohibitions contained therein. This includes the authority to label and define what conditions will constitute “nuisance on land” contrary to the *Bylaw 14600*. City Council has done so, at section 6 of the *Community Standards Bylaw 14600*.

[35] The Committee declines to cancel the Order based on the first argument contained in this ground for review.

[36] The Committee deals with the second substantive argument later in this decision.

[37] *Ground 6. Order Issued Against the Wrong Party:*

- *The order was issued against the landlord, rather than the individual in “control of the property” as defined under the applicable bylaw.*
- *As such, the order lacks legal standing against the property or landlord and cannot properly be enforced.*
- *This further reinforces that the order is invalid in its entirety and must be struck from the property record.*
- *The City and CSLAC are reminded that the Municipal Government Act (MGA) governance confirms that no enforcement action shall be taken while a judicial review or appeal process is ongoing.*

- [38] The Committee is not persuaded that the Order was improperly issued to the named recipients.
- [39] Section 545 of the *MGA* states:
- (1) 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.
- [40] Section 6(1) of the *Community Standards Bylaw 14600* provides that “A person shall not cause or permit a nuisance to exist **on land they own or occupy.**” **[Emphasis added]**
- [41] Section 2(h) of the *Community Standards Bylaw 14600* defines “own” or “owns” as meaning:
- (i) in the case of land, to be registered under the Land Titles Act as the owner of the fee simple estate in a parcel of land; or
 - (ii) in the case of personal property, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it;
- [42] The Committee finds that the Applicants were proper recipients of the Order. They owned the property during the relevant time. The *Community Standards Bylaw 14600* prohibits owners of land from permitting a nuisance to exist on land they own and occupiers of land from permitting a nuisance to exist on land they occupy. In this way both tenants and owners are subject to the prohibition and are “persons responsible” in the context of section 6 of that *Bylaw 14600* and section 545 of the *MGA*.

Applicants Request for Relief

- [43] The Applicant asked for Municipal Ticket No. 55022111 to be withdrawn, dismissed and expunged from all records for all purposes.
- [44] The Committee has no jurisdiction with respect to any municipal ticket or tag that is issued contemporaneously with the Order, or otherwise. Nor does the Committee have any jurisdiction over the records kept by the City.
- [45] The Committee's jurisdiction is defined in section 547 of the *MGA* which provides that after reviewing the Order, Council: may confirm, vary, substitute or cancel it. Council's authority in this has been sub-delegated to the Committee through the *Community Standards and Licence Appeal Committee Bylaw 190003*.
- [46] The Committee also considered that, in his request for relief, the Applicant alleged that parallel proceedings constitute abuse of process and referred to implicated Charter rights.

- [47] As noted above the Committee's jurisdiction is governed by City Bylaws and the *MGA*.
- [48] The Committee addresses administrative, procedure and legal matters that commonly affect the hearing process. However, the Committee is not a decision maker listed in the designation of constitutional decision makers regulation enacted under the *Administrative Procedures and Jurisdiction Act*, RSA 2000, c A-3 as amended. Consequently, the Committee has no authority to make any decisions on any questions of constitutional law, including constitutional law related to the Charter.
- [49] The Committee, as a quasi-judicial decision maker, must consider and adhere to the duty to be fair and principles of natural justice in all cases.
- [50] Based on its review of all the submitted written materials, the Committee is not persuaded on a balance of probabilities that allegation of abuse of process, contrary to the principles of fundamental justice, has been substantiated in this case.

Review on the Merits

- [51] Having decided that it was not satisfied that there were any grounds which precluded it from continuing to assess the request for review, the Committee considered the merits of the request for review based on all the submitted materials.
- [52] The Order asserts that the recipient is in contravention of section 6(1) of the *Community Standards Bylaw 14600* which prohibits Nuisance on land conditions. The relevant portions of section 6 state:
- 6(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; ...**[Emphasis added]**

- [53] The Applicants argued that the property is not an eyesore because they possess photos of a 6 foot solid fence that they are not submitting to the Committee and are reserving to present in evidence on judicial review.
- [54] The Committee obviously cannot consider photos that the Applicants refuse to submit. The Committee decides based on the submitted evidence.
- [55] However in this case, a fence would not be relevant in any event as section 6 speaks of Nuisance on land whether or not it is detrimental to the surrounding area.
- [56] The Respondents argued that based on the evidence they provided, the Applicants contravened section 6(1) of the *Community Standards Bylaw 14600* and the *MGA Order* issued on August 21, 2025 was valid.
- [57] The Committee considered the Investigation Summary, argument and photos submitted by the Respondents.
- [58] The Investigation Summary contains the following entry for July 29, 2025:
- An officer attended the property at 11512 93 Street, Edmonton, Alberta in order to investigate a Community Standards Bylaw 14600 complaint filed by a resident on July 14, 2025. The officer obtained permission from a neighbouring property owner to access their lot for the purposes of conducting the investigation. Once on site, the officer observed a large pile of garbage bags, cardboard boxes, buckets/bins, loose debris, and over-filled black bins in the rear yard and along the fence on the property of 11512 93 Street. Photographs attached. The officer determined that the property was in violation of Community Standards Bylaw 14600 and mailed Notices to Comply to the property owners (Mark and Megan BOONSTRA) and to the tenant residing at the property owner. The Notice to Comply included a compliance deadline of August 13, 2025.
- [59] The Investigation Summary contains the following entry for August 15, 2025:
- The officer attended the property for reinspection and found that the conditions persisted (photographs attached) and the property remained in violation of the Community Standards Bylaw.
- [60] The Committee carefully reviewed the submitted photographs taken July 29, 2025 and later on August 15, 2025:
- a. There are 5 photos from July 29, 2025. Photo 1 shows materials along the side lot line between the house and the fence including random items, wood, cardboard boxes, a mop, a pail, and some children's toys. Photo 2 shows the rear yard with more than 10 black bags of garbage in a pile and some cardboard. The remainder of the yard is clear. Photo 3 shows a piece of furniture that may be a very small boxspring and mattress leaning upright against a board wall. Photo 4 shows neatly stacked recyclables and two closed black city garbage bins in a neat row beside the

item in photo 3. Photo 5 shows a clear portion of the yard which is tidy. There is one garbage bag at the rear door and a rack leaned up against the wall of the house.

- b. There are 7 photos dated August 15, 2025. Photo 1 and Photo 2 show the front of the house and front yard. It is neat and tidy, the deck furniture and barbeque are set out in an orderly manner. Photo 3 shows the same small boxspring and mattress in the same location and one metal container along a wall. The garbage bins and recycling are not in the photo. Photo 4 shows the area alongside the house between it and the fence, it appears that no items have been moved in this area other than the children's toys after 15 days. Photo 5 and Photo 6 show the rear yard with a pile of black garbage bags, it appears one bag has been broken and its contents are on the grass. The child's slide has been moved further into a usable space in the rear yard. The two covered outdoor chairs remain in a neat line alongside the fence.

[61] The Committee reviewed the photos dated September 9, 2025. The back yard is clear and tidy, all garbage bags are gone, the outdoor chairs remain in an orderly fashion and there is a hockey net and a couple unidentified objects along the fence. Photo 2 shows the rear yard and the same children's toys which include a slide, mini trampoline, bikes, push toys and a ball set out along the fence. The area alongside the house and fence is hardly visible, but the visible portion appears empty and tidy.

[62] Based on the only available evidence, the Committee finds that the property was in a tidy state and clearly not in violation of section 6(1) which prohibits nuisance on land as of September 9, 2025 at the latest.

[63] In the Committee's view, the Photos taken 17 days apart on July 29, 2025 and on August 15, 2025 demonstrate a disregard for general maintenance and upkeep, but they fall short of showing that the property exceeded disregard for general maintenance and upkeep and rose to the level of a serious disregard for general maintenance and upkeep as prohibited in section 6(1) for the following reasons:

- a. The word "serious" is an important modifier and must be considered in the Committee's analysis, particularly as there are material and costly consequences for noncompliance.
- b. Disregard is not prohibited, serious disregard is prohibited.
- c. Significant portions of the subject property shown in the photos are neat and orderly and look to have been regularly maintained.
- d. The front yard is tidy and looks well maintained.
- e. The garbage and recycling area appears in only one photo and it is tidy (contrary to the submission of the Bylaw Officer).
- f. The lawn furniture in the rear yard inside the fence is arranged in an orderly fashion in the inspection photos.
- g. A large portion of the rear year is clear and looks to be regularly maintained.
- h. The pile of more than 12 black garbage bags and the cardboard and other materials along the side of the house are more unsightly and troublesome. The Committee accepts that there are times when garbage bags and materials will be temporarily left in a rear yard, but this temporary situation is subject to the limit in section 6(1)

of the *Community Standards Bylaw 14600*. The state of the property cannot deteriorate to the level of serious disregard for the maintenance and upkeep.

- i. In this instance, no evidence was presented to show the materials were stored in this manner for more than 17 days. The photos do show that these materials and bags were removed within at most 38 days after the first inspections.
- j. The photos do show weeds and grass around some of the materials alongside the house, but not in any of the other areas. Overall the photos do not satisfy the Committee that the materials have been in place long enough for foliage to grow up in and around them in a manner showing serious disregard.
- k. Some of the items listed in the inventory are obviously toys being used by children as demonstrated in the September 9, 2025 photo.
- l. There is no evidence of a history of complaints to show a pattern of ongoing failure to maintain the subject property that might amount to a serious disregard for maintenance and upkeep.
- m. The photos relied upon were taken only 17 days apart and it is clear that the property was unquestionably in compliance some time between August 15, 2025 and September 9, 2025 (21 days later).

[64] For the reasons provided in this decision under the heading Review on the Merits, the Committee cancels the Order.

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.