EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: v Community Standards and Neighbourhoods (City of Edmonton), 2026 ABECSLAC 10033

Date:	September 24, 2026
Order Number:	668382303-001
CSLAC File Number:	CSLAC-26-033

Between:

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Kathy Cherniawsky, Chair
Skye Vermeulen
Steven Diachuk

DECISION

[1] On September 15, 2026, the Community Standards and Licence Appeal Committee (the "Committee") heard a request for review of an Order that was filed on August 10, 2026. 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 July 31, 2026 and was mailed on August 4, 2026 and required the following action:

> **YOU ARE THEREFORE ORDERED TO:**
>
> Remove garbage bags, other loose litter and debris from the entire property.
>
> Cut all long grass and weeds to below 10 cm in height on the entire property, which includes the boulevard adjacent to the property and the alleyway.

YOU MUST COMPLY WITH THIS ORDER BEFORE: August 30, 2026

[2] The subject property is located at 11817 - 92 STREET NW, Edmonton, AB.

[3] The hearing on September 15, 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 submission including photographs; 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 appeal was filed on time, in accordance with Section 547 of the *Municipal Government Act*.

Summary of Hearing

i) Position of the Applicant

[7] The Applicant wants the Order removed from the record.

[8] He found it distasteful when he discovered the Bylaw Officer taking photographs of his property after the neighbourhood experienced a second flooding because of the heavy rains in one week and a half.

[9] The Order was issued immediately following severe city-wide flooding that severely damaged his home, leaving the property without heat or a furnace. He expressed frustration that Bylaw Officers were inspecting yards for an upcoming Kaleido Festival under these extreme conditions instead of acknowledging the weather emergency and surrounding neighborhood issues.

[10] He advised the Officer that it was probably the worst day of the year to conduct an inspection of his property because of all the rain and flooding that had occurred and that there was no way that the grass could have been cut because it was too wet.

[11] He is still dealing with damage to his house caused by the flooding.

[12] He contacted his MLA who reached out to his City Councillor to address infrastructure problems and the Order.

[13] The following information was provided in response to questions from the Committee:

a) The photographs of the flooding of the front yard, front street and basement were taken between July 20, 2026 and July 30, 2026. The water was knee-height and a crowbar (shown in his photos) had to be used to manually remove manhole covers in order to drain water from the street. This action was taken the day before the inspections. A high-water mark on the yard appears in the photo showing where the water receded from just one or two days before the inspection.

b) Ninety-five percent of the grass in his yard was below 10 centimetres in height. The photograph of a measurement taken by the City placed against a ruler captured a spot in a portion of his yard where the grass grows over a large pile of dirt rather than an overgrown lawn.

c) It was explained that the garbage bags, loose litter, and debris near the rear fence noted in the July 31, 2026 Order consisted of ruined books, items belonging to his tenant and basement flood mitigation materials. It was noted that City garbage pickup operates on a restricted two-week schedule and he paid out of pocket to haul his waste and waste from his elderly neighbour to the dump in between scheduled pickup days.

d) The grass was cut three or four days after receiving the Order due to continuous rain.

e) It was clarified that the photographs taken by the City dated July 30, 2026, illustrated the post-flood conditions and mitigation bags. The water was so high that it also flooded the rear yard and the garage.

ii) Position of the Respondent

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

Decision

[15] The Order is **CANCELLED**.

Reasons for Decision

[16] This hearing concerned a request for a review of an order dated July 31, 2026 (the "Order").

[17] The Order was issued pursuant to section 545 of the *Municipal Government Act*, RSA 2000, c M-26 (the "*MGA*").

[18] Section 545(1) of the *MGA* provides that if a designated officer finds a person is contravening the *MGA* or any other enactment or bylaw that the municipality is authorized to enforce, then the designated officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require.

[19] The Order asserts that the Applicant is in contravention of section 6(1) of the *Community Standards Bylaw 14600*. The Order is based on observations made during a proactive inspection of the property on July 30, 2026.

[20] Section 6(1) of the *Community Standards Bylaw* prohibits nuisance on land. Section 6(2) defines nuisance on land and provides illustrative examples. The relevant portions of section 6 of the *Community Standards Bylaw* state:

> (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; (S.2, Bylaw 17678, June 28, 2016)
>
> (d) unkempt grass or weeds higher than 10 centimetres; ….[Emphasis added]

[21] The Order requires the Applicant to remove garbage bags, other loose litter and debris from the entire property; and to cut all long grass and weeds to below 10 cm in height on the entire property, which includes the boulevard adjacent to the property and the alleyway before August 30, 2026.

[22] Per section 547(1) of the *MGA*, any person who receives a written order under section 545 may, by written notice, request a review of that order within 14 days after the order is received.

[23] Section 547(2) of the *MGA* together with the *Community Standards and Licence Appeal Committee Bylaw 19003*, grants this Committee the authority to conduct the review and to then confirm, vary, substitute or cancel the Order.

[24] The Applicant provided multiple written submissions and photographs and also appeared in person before the Committee.

[25] The Applicant objected to the issuance of the Order arguing it was unnecessary and improper for several reasons:

i) Over the three weeks preceding this Order, the street and properties all along the blockface experienced severe flooding on three to four separate times. Someone knew—or easily could have known—that residents on this street had just experienced repeated catastrophic flooding which would affect the state of their properties.

ii) The new City infrastructure along his street failed as shown in the pictures he provided taken within a day or two prior to the July 30, 2026 inspection photos.

iii) As a direct result of those floods, his basement was completely destroyed. It has since required full demolition. He has spent weeks dealing with his property, his tenant's property and personal effects, insurance adjusters, restoration contractors, demolition crews, and the significant financial and emotional burden that comes with losing part of his home.

iv) The items shown in the pictures in the rear yard were ruined items removed from his home due to flooding in the days before the inspection. The items have all been removed by himself or his insurer.

v) He cares for his property and has in fact assisted some of his neighbours as they deal with the cleanup of their properties.

vi) Initially, he believed that the two Municipal Bylaw Enforcement Officers photographing every property on the street, including his property, were finally documenting the repeated flooding and investigating why recently rebuilt infrastructure had failed so dramatically.

vii) He was astonished about the reason for their visit and that the Order was issued given the circumstances. In his opinion, the Order represented an extraordinary failure of discretion because, when it was issued, his lawn was not abandoned, hazardous, overrun with weeds, nor a nuisance to the community.

viii) He does concede that like countless lawns throughout Edmonton after weeks of heavy rainfall, it simply could have benefited from another mow. However, it was not a nuisance property.

[26] The Respondent did not attend but provided a written submission which included a summary of interactions with the Applicant and photos of the property taken during the initial proactive patrol of the neighbourhood on July 30, 2026 (which was the sole impetus for the Order). The submission also included photos taken during subsequent follow up inspections on August 11, 2026 and September 4, 2026.

[27] The Respondent argued that the evidence provided showed that the Applicant had contravened section 6(1) of the *Community Standards Bylaw* and asked the Committee to uphold the Order.

[28] The Committee considered the written and oral submissions, and particularly the photographs provided by both parties. The Committee was not persuaded that, at the time the Order was issued after a single visit to the property on a proactive patrol, the material before it adequately supported a conclusion that the state of the property met the definition of nuisance on land in section 6 of the *Community Standards Bylaw*.

[29] In particular, the Committee found that the submissions of the Applicant, including his photographs, refuted the suggestion that the property showed signs of a serious disregard for general maintenance and upkeep.

[30] The Committee accepted the Applicant's assertion that the garbage bags, other loose litter and debris from the entire property cited in the Order and shown in the inspection photographs were flood damaged materials recently removed from the inside of the home and being temporarily stored in the yard awaiting removal by the Applicant or the agents of the Applicant's insurer. This conclusion is supported by photographs submitted by both parties dating from August and September, 2026.

[31] In these circumstances, the Committee finds that the portion of the Order referring to garbage bags, other loose litter and debris ought to be cancelled.

[32] The Committee also considered the portion of the Order requiring the Applicant to cut all long grass and weeds to below 10 cm in height on the entire property, which includes the boulevard adjacent to the property and the alleyway.

[33] On this point, the Committee agrees with the Applicant that his property could have benefitted from mowing at the time the Order was issued. However, the Committee also recognizes that the Applicant's submissions and photos concerning repeated severe flooding of the property including within days of the proactive patrol explain why the situation temporarily interfered with normal yard maintenance.

[34] In these extraordinary circumstances, the Committee finds that the condition of the subject property did not rise to meet the definition of "nuisance on land" in section 6 as quoted above.

[35] In particular, the Committee was not convinced that the material before it showed signs of a serious disregard for general maintenance and upkeep of the property at the time of issuance of the Order.

[36] For the reasons outlined above, the Committee has decided to cancel the Order.

[37] Finally, the Committee notes that in his written submissions, the Applicant asked for the following remedies from the Committee:

1. Immediate withdrawal of the Order.
2. Removal of any record of this enforcement action from the property file.
3. A written explanation of how Community Standards determined that issuing this Order represented an appropriate exercise of enforcement discretion under these circumstances.
4. A formal written apology acknowledging that this Order should never have been issued while homeowners on this street were actively recovering from repeated flood damage.
5. Confirmation that Community Standards will review its policies to ensure discretion is exercised appropriately when residents are recovering from emergencies or disasters.

[38] The Committee has the requisite statutory authority to confirm, vary, substitute or cancel the Order. Accordingly, it has considered and ruled with regard to the Applicant's first request for relief.

[39] Items 2 through 5 in the Applicant's request for relief are outside of the Committee's statutory jurisdiction and it makes no comment with respect to those issues.

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.