

EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: Applicant v Community Standards and Neighbourhoods (City of Edmonton), 2026
ABECSLAC 10023

Date:	July 22, 2026
Order Number:	517502913-002
CSLAC File Number:	CSLAC-26-023

Between:

Applicant

and

The City of Edmonton, Community Standards and Neighbourhoods

Committee Members

Kathy Cherniawsky, Chair
Don Fleming
Joel McDonald

DECISION

- [1] On July 10, 2026, the Community Standards and Licence Appeal Committee (the “Committee”) heard a request for review of an Order that was filed on June 15, 2026. The request for review 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 May 28, 2026 and was posted on May 28, 2026 and required the following action:

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.

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: June 12, 2026

- [2] The subject property is located at 9724 - 110 Street NW, Edmonton.
- [3] The hearing on July 10, 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 Appellant's written request for review; and
 - The Respondent's written submission, including other evidence.

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 written Order is received. The Chair explained that if the appeal was determined to be filed out of time, the Committee would have no jurisdiction, and the hearing would end.

Summary of Preliminary Matters:

i) Position of the Applicant:

- [7] The Applicant did not attend the hearing.

ii) Position of the Respondent:

- [8] The Respondent acknowledges that the Order was issued and posted at the property on May 28, 2026 and that the Applicant's request for review was made outside the permitted 7-day period allowed for a review request.

Decision

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

Reasons for Decision**Legislative Background**

- [10] This matter involved an application for a review of an order dated May 28, 2026 issued under authority of section 546 of the *Municipal Government Act* (the "MGA").
- [11] 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,
- [12] 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.
- [13] Section 547 of the *MGA* defines the window of opportunity within which any applicant who receives such an Order may request a review of it.
- [14] 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.

- [15] 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.
- [16] Accordingly, if the written request for review is not received by CSLAC within the time period specified in section 547(1), then the Committee has no authority to proceed with a review.
- [17] In this case, the materials on file with the Committee show that the Order was dated May 28, 2026 and the email requesting this review was received by the CSLAC 18 days later on June 15, 2026.
- [18] Therefore, as a preliminary matter the Committee considered whether the request for review was received in time.
- [19] The Applicant did not appear before the Committee, however, in his June 15, 2026 email he did make some comments which relate to timing:

Thank you for your email. And yes, I would like to proceed with the appeal process. Especially since I just received the Order yesterday. I live about an hour North of the City on an acreage with a long dirt road. Because of the heavy rains and the accumulated snow melt the road was impassable and so I had not collected my mail from my mailbox in the town of Redwater.

It was my son who had gone for a round of the property who found the letter and took pictures of it and sent them to me via WhatsApp. I am still trying to figure out how to attach it from Whatsapp to gmail. I can forward it once I have it figured out.

The house is vacant because it is in the process of being renovated but is otherwise secure with no doors or windows open to allow ingress to the house.

- [20] The Respondent sent in a written submission and appeared in person. With respect to timing of the request, the Respondent confirmed that the Order was posted at the subject property and also mailed to the Applicant on the day it was issued, May 28, 2026.
- [21] Based on the material before it, the Committee finds that the request for review was not received within the statutory time limit.
- [22] 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. Further, there are no other directions in the *MGA* concerning the meaning of “receives a written order under section 545 or section 546.”
- [23] The Committee considered that a principle purpose of section 546 orders such as the one at issue is to preclude individuals from gaining unauthorized access to vacant buildings

and specifically to prevent them from starting fires inside those vacant buildings. These fires endanger the trespassers, cause property damage and can spread, posing threats to the surrounding properties, first responders and the public. Given this purpose, the need to secure the property is urgent. The urgency is reflected in the fact that the Order is subject to a very limited appeal period of 7 days.

[24] Additionally, in this instance, the Committee notes that the owners of this vacant property have been in contact with the Community Property Safety Team (CPST) for over 2 years and they are well aware that breaches are possible and of the risks associated with illegal entry into the property.

[25] In light of this legislative purpose and context, the Committee has previously 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*.

[26] The Committee concludes that the Applicant received the written order on May 28, 2026, the day it was posted at the subject property.

[27] This means that the time for requesting a review would have ended on June 4, 2026, 7 days after posting the Order.

[28] Therefore the Committee finds that the written request for review was not made in time.

[29] Even if the Committee is wrong in concluding that the statutory period began to run on the date of posting at the subject property, the Committee finds the request nonetheless is out of time for the following reasons:

- a) 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.
- b) The Applicant does not dispute that the Order was mailed on May 28, 2026.
- c) 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.
- d) The Committee finds that the Applicant has not provided any proof that the presumption should not apply in this case.
- e) In the Committee's view, it is a responsibility of ownership to check mail regularly. Owners fail to do so at their own risk. Here, the Applicant merely stated that due to impassable road conditions he did not attend at his mail box to review his mail until after his son passed by the property and observed the Order.
- f) Based on the presumptions in the *Interpretation Act*, the Committee finds that the mailed copy Order arrived in the Applicant's mail box at the latest seven days from, 2026. That is it was received by the Applicant at the latest by June 4, 2026.
- g) If mail were the definitive mode of service, then the time within which a request for review could be made expired following section 547(1) 7 days later on June 11, 2026, 2026.
- h) The Committee received the written request for review on June 15, 2026. The Committee finds that the request was out of time.
- [30] The Committee has no authority under the *MGA* to extend the statutory limit in section 547(1) for any reason.
- [31] 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 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.