

EDMONTON
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

Citation: Applicant v Community Standards and Neighbourhoods (City of Edmonton), 2026
ABECSLAC 10024

Date:	July 22, 2026
Order Number:	661622243-001
CSLAC File Number:	CSLAC-26-024

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 16, 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 June 9, 2026 and was mailed on June 10, 2026 and required the following action:

Remove garbage bags, loose litter and debris from the entire property.

Cut long grass and weeds over 10 cm from the entire property including the south side and fence line before July 5, 2026.

- [2] The subject property is located at 12802 - 127 Street NW, Edmonton.

[3] The hearing on July 10, 2026 was held through a combination of written submissions and in-person. 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 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 had submitted a 311 request for assistance with the area prior to receiving the Order. They feel the Order was unwarranted because they were asking for City help, not expecting a penalty.

[8] They are frustrated that the Bylaw Officer issued the Order without any warning, phone call, text, or attempt to ask if there was an underlying issue.

[9] They should not be held responsible for maintaining the boulevard because it is City property. The municipal bylaws governing this specific maintenance responsibility are fundamentally unreasonable.

[10] The area is large (half the size of their own lot), rough, has overgrown trees, and is physically difficult for the Applicant to look after.

[11] The grass was only overgrown because the Applicant temporarily lacked a lawnmower and it was raining heavily.

[12] They were never notified that the Order had been suspended until after they had gone through the trouble of cutting the grass.

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

- a) The Applicant initiated contact by submitting a 311 request in early June 2026, which they had done in previous years. They requested that the City trim the overgrown trees/lilac bushes and cut the grass because it was too long, too wet, and unmanageable for them to do themselves. Instead of assisting with maintenance, the City responded by issuing an Order.
- b) The strip of land that does not belong to them, does not show up on their property survey, and is of no use to them.
- c) They assume the City owns the land because the City has historically come out to trim the trees and bushes.
- d) The property is entirely unmanageable for them to look after.
- e) After the Committee explained that the *Community Standards Bylaw 14600* holds property owners responsible for the land between their property line and the center line of the roadway, the Applicant stated that the decades-old bylaw needs to be changed. The City should not be allowed to force a person to look after property that belongs to someone else.
- f) The Applicant has gone ahead and cut the grass themselves since the City's order was issued.
- g) The Bylaw Officer told the Applicant that the *Bylaw* was changed in 2021 but did not explain further. The Committee clarified that the City stated in 2021, the City stopped voluntarily performing maintenance tasks (like grass cutting) that they were not legally required to do under the *Bylaw*.
- h) When the Applicant asked how to get the piece of land placed onto an official City turf maintenance schedule, the Committee stated they had no answer or authority to help with that, as it is completely outside of their function.

ii) Position of the Respondent:

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

Decision

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

Reasons for Decision

- [16] This hearing involved a request for a review of an order dated June 9, 2026 issued by the City of Edmonton's Community Standards & Neighbourhoods (Investigations and

Complaints Branch) under authority of section 545 of the *Municipal Government Act*. (the “Order”)

- [17] Section 545 of the *MGA* provides that if a designated officer finds that a person is contravening this 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 still require.
- [18] Any person who receives a written order under section 545 may by written notice within 14 days after the order is received, request a review of that order (*MGA* section 547(1))
- [19] Per section 547(2) of the *MGA* and the *Community Standards and Licence Appeal Committee Bylaw* 19003, the Committee has the authority to conduct the review and to then confirm, vary, substitute or cancel the Order.
- [20] The Order states that based on observations made during an inspection of the property on June 9, 2026 the recipient is in contravention of section 6(1) of the *Community Standards Bylaw, Bylaw 14600* which prohibits nuisance on land conditions.
- [21] The Order required the Applicant to “Remove garbage bags, loose litter and debris from the entire property. Cut long grass and weeds over 10 cm from the entire property including the south side and fence line” before July 5, 2026.
- [22] 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;...
 - (d) unkempt grass or weeds higher than 10 centimetres;...

- [23] The Applicant provided written submissions explaining their past actions and objections in particular with respect to responsibility for land between their fence and 128 Avenue. The Applicant also appeared in person before the Committee. At the Hearing, the Applicant made the following points:
- i) They had called 311 to get help with the lot beside theirs which in their view is not a boulevard as it is half the size of their property. The bylaw is unreasonable.
 - ii) They had no prior warning or communication about the issuance of the Order which angered them.
 - iii) Due to the extremely wet weather in June and the topography of the section they were unable to mow the grass in June, 2026.
 - iv) They have since managed to cut the grass on this lot.
- [24] The City did not attend but provided a written submission.
- [25] The Board first considered whether under the wording of the *Community Standards Bylaw*, the Applicant was responsible for the portion of land abutting their property to the between their fence and 128 Avenue.
- [26] Section 5 of the *Bylaw* states:
- For the purposes of this Part, a person who owns or occupies land shall be considered to occupy that portion of any highway between the property line and the centre line of the highway.
- [27] Section 8 of the *Bylaw* states:
- A person shall maintain any boulevard adjacent to land they own or occupy by:
- (a) keeping any grass on the boulevard cut to a reasonable length; and
 - (b) removing any accumulation of fallen leaves or other debris.
- [28] Section 2 (a) of the *Bylaw* defines boulevard
- (a) “boulevard” means that part of a highway that:
 - (i) is not a roadway; and
 - (ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by Pedestrians;
- [29] Under the plain wording of the *Bylaw*, the Committee finds that the Applicant is responsible for maintenance of the area of land they described as a plot. The *Bylaw* is clear, ownership is not a necessary precondition to responsibility for maintenance and upkeep of the property between the Applicant’s south lot line and 128 Avenue.

- [30] However, the Committee was not persuaded that on this particular occasion, the evidence adequately supports a conclusion that the state of the subject property meets the definition of nuisance on land in section 6 for the following reasons:
- a. The single visit to the property described as a “proactive patrol” appears to have been in response to the Applicant’s own inquiry and request for assistance and not a response to any complaint.
 - b. The Applicant has been maintaining the area for the past few years and also seeking City assistance given the view that they should not be responsible for the upkeep of the property as they do not own it.
 - c. In the Committee’s view, given that it was the Applicant who asked the City officials to come to the property and not a complaint, the Committee is not satisfied that the photos before it from the June 9, 2026 inspection showing some items in the the rear yard and the state of the boulevard which form the bases of the Order establish a serious disregard for general maintenance and upkeep for the subject property such that a nuisance on land condition as defined in the *Community Standards Bylaw* was occurring on the property at that date
 - d. The Committee heard from the Applicant that the grass was only overgrown on that date because the Applicant temporarily lacked a lawnmower and it was raining heavily.
- [31] While the Committee is cancelling this Order based on the specific circumstances and submitted evidence from the Respondent concerning the state of the property on June 9, 2026, it is also recognizing the Applicant’s responsibility to maintain the area and cut the grass under the plain wording of the *Community Standards Bylaw*.
- [32] The Committee is unequivocally of the view that the Respondent is correct in its interpretation of section 5 of the *Community Standards Bylaw*.
- [33] Maintenance and upkeep of the subject property which includes the lot owned by the Applicant and the boulevard which the Applicant refers to as the “other lot” or “the plot” (the portion of land between the Applicant’s property and the roadway) is the Applicant’s responsibility as occupier of the land.
- [34] For greater clarity, this ruling is in no way meant to relieve the Applicant of their ongoing obligations under sections 5, 6 and 8 of the *Community Standards Bylaw* and the Committee makes no comment with respect to the validity of any future orders regarding the subject property.
- [35] In any event, the Committee notes that its authority in the matter comes from section 547(2) of the *MGA*, the Committee does not have the authority to make such a determination regarding their obligations or the future actions of the Respondent.

[36] For these reasons, the Order is cancelled.

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.