



COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE SELECTION SHEET / AGENDA

June 12, 2014 – Churchill Building

9:30 a.m.
12 noon

Call to Order
Adjournment

MEMBERS

S. McKeen, B. Anderson, A. Knack

ITEM		ACTION
1.	CALL TO ORDER AND RELATED BUSINESS	
1.1	Call to Order	
1.2	Adoption of Minutes	
	<ul style="list-style-type: none"> May 8, 2014, Community Standards and Licence Appeal Committee meeting minutes 	
2.	EXPLANATION OF APPEAL HEARING PROCESS	
3.	COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS	
3.1	Appeal of Order 150775245-001 - S. B. and M. B., 11918 - 37 Street, NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>	
3.2	Appeal of Order 150775245-002 - S. B. and M. B., 11918 - 37 Street, NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>	
4.	ADJOURNMENT	

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**COMMUNITY STANDARDS AND
LICENCE APPEAL COMMITTEE**

MINUTES

May 8, 2014 – Churchill Building

PRESENT

T. Caterina, B. Anderson, M. Oshry

ALSO IN ATTENDANCE

S. McDonald, Office of the City Clerk
C. Ashmore, Law Branch
J. Rose, Office of the City Clerk

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3.1	Appeal of Order – M.L., 3616 - 145 Avenue NW, Order pursuant to section 545(1) of the <i>Municipal Government Act</i> .	2	Withdrawn
3.2	Appeal of Order - K.N., 11942 - 81 Street NW, Order pursuant to section 546(1)(c) of the <i>Municipal Government Act</i> .	2	Action
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DECISION SUMMARY

ITEM		DECISION
1.	CALL TO ORDER AND RELATED BUSINESS	
1.1	Call to Order	

T. Caterina called the meeting to order at 9:34 a.m.

1.2 Adoption of Minutes

Moved T. Caterina:

That the March 27, 2014 Community Standards and Licence Appeal Committee meeting minutes be adopted.

In Favour:

T. Caterina, B. Anderson, M. Oshry

Carried

2. EXPLANATION OF APPEAL HEARING PROCESS

T. Caterina explained the appeal hearing process and asked if anyone objected to any Member of the Community Standards and Licence Appeal Committee hearing the appeals. No one objected.

3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS

3.1 Appeal of Order – M.L., 3616 - 145 Avenue NW, Order pursuant to section 545(1) of the *Municipal Government Act*.

S. McDonald, Office of the City Clerk, advised the Committee that pursuant to an inspection conducted on the property, Administration has withdrawn the Order against this property because it is now in compliance with the Community Standards Bylaw 14600.

3.2 Appeal of Order - K.N., 11942 - 81 Street NW, Order pursuant to section 546(1)(c) of the *Municipal Government Act*.

K.N., Appellant, made a presentation and answered the Committee's questions.

T. Courtoreille, Community Services Department, made a presentation and answered the Committee's questions.

Two sets of photographs taken on April 22, 2014 and on May 7, 2014 were provided to the Appellant, Members of the Committee and the Office of the City Clerk.

K.N., Appellant, made a closing presentation and answered the Committee's questions.

T. Courtoreille, Community Services Department, made a closing presentation and answered the Committee's questions.

The Committee met in private at 10:01 a.m. pursuant to Section 20 of the Freedom of Information and Protection of Privacy Act.

The Committee met in public at 10:03 a.m.

Moved B. Anderson:

The Committee upholds the order.
You are therefore ordered to remove all wood, metal, plastic, pipe, mattresses, furniture, buckets, loose litter and 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.

Community Services Dept.

Due Date:
May 6, 2014

In Favour:

T. Caterina, B. Anderson, M. Oshry

Carried

4. ADJOURNMENT

The meeting adjourned at 10:05 am.

Chair

City Clerk



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Churchill Building
10019 – 103 Avenue
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3.1 Appeal of Order 150775245-001 issued to S B and M B, 11918 – 37 Street NW, Edmonton, AB, Order Pursuant to Section 545(1) of the *Municipal Government Act*

- and -

3.2 Appeal of Order 150775245-002 issued to S B and M B, 11918 – 37 Street NW, Edmonton, AB, Order Pursuant to Section 545(1) of the *Municipal Government Act*

Issues

1. Whether the land is a nuisance by showing serious disregard for general maintenance and upkeep as per Section 6 of the *Community Standards Bylaw*.
2. Whether the building is a nuisance which shows serious disregard for general maintenance and upkeep as per Section 9 of the *Community Standards Bylaw*.
3. Whether this property is being unfairly singled out for enforcement.

Evidence

In dealing with the appeal regarding Orders **150775245-001** and **150775245-002** to S B and M B, 11918 – 37 Street NW, Edmonton, the Community Standards and Licence Appeal Committee considered the following evidence:

1. The Committee heard from S. B, Appellant.
2. The Committee heard from T. Courtoreille, Respondent.
3. The Committee viewed a set of photos of the subject property and several neighbouring properties which were provided by S. B, Appellant.
4. The Committee viewed a letter of support from a neighbour provided by S. B.
5. The Committee viewed photos of the subject property taken by Administration on March 18, 2014, June 11, 2014 and from a 2010 file.



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Summary of Appellant's Position

S. B , Appellant, runs a lawn and snow maintenance company from his home. According to Mr. B there has been an on-going dispute with a neighbour who has been trying to run him and his business out of the neighbourhood by calling in as many bylaw complaints as possible.

S. B doesn't disagree with the conditions brought forward in the Orders but states they are "10 minute fixes" and feels no one other than this one neighbour would complain about them. He hasn't fixed the problems as he is trying to prove that the complaints are not warranted and he feels he would implicate himself by complying with the Orders. He advised the Committee that financial hardship is not an issue.

S. B presented pictures of several neighbouring properties which he feels are much worse than his but nothing has been done in the way of enforcement. Mr. B feels his property is being singled out.

Mr. B questioned who determines what is "serious disregard" for maintenance and upkeep and what criteria are used.

Summary of Respondent's Position

On March 18, 2014, the area Municipal Enforcement Officer responded to a Citizen's complaint and confirmed that the property, in respect of the land, showed serious disregard for general maintenance and upkeep as per Section 6 of the Community Standards Bylaw. A Notice to Comply was issued and a follow-up inspection was conducted after April 2, 2014, which showed the issues were still present. A Municipal Government 545 Order was issued on May 8, 2014, under Section 6 of the Community Standards Bylaw for serious disregard for maintenance of land.

During this follow-up inspection the officer also identified maintenance issues with the house that were visible to the alley and street. A second Municipal Government 545 Order was issued under Section 9 of the Community Standards Bylaw for serious disregard for maintenance of a building. Both orders required compliance by May 29, 2014.

There have been fifteen bylaw investigations at this location under the current ownership including untidy and unsightly property conditions, snow on walks, business license infractions and minimum maintenance concerns.



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Although the bulk of the complaints have been from one neighbour there have been multiple complainants on a few of the files. Complaints are investigated by experienced bylaw officers who make a decision based on legislative guidelines and can request assistance from their field supervisor, if required. It is the bylaw officers, and not the people making a complaint that determine whether the property qualifies as a nuisance within the neighbourhood. T. Courtoreille confirmed there are several other active, open investigations in this area and S. B is not being singled out.

T. Courtoreille also has concerns regarding the safety, health and welfare of the occupants of the building. The photos presented show rot and deterioration dating back to 2010 and he feels that mould, deterioration and stability of the structure as well as building and fire code violations could be a concern. He disputes that these issues could be fixed in 10 minutes.

Administration believes that the current condition of the property meets the condition of nuisance for both the land and the building as identified in Section 6 and Section 9 of the Community Standards Bylaw and requests that the Orders be upheld.

Decision

Order 150775245-001

The Committee upholds the order.

You are therefore ordered to remove all tree clippings, hot tubs, loose litter and 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.

Order 150775245-001

The Committee upholds the order.

You are therefore ordered to repair all damage to the building and replace all rotten, deteriorated or missing roof, window and door components. Prevent any inappropriate infiltration of air, moisture or water by covering any holes or openings in the building and repairing and refinishing exterior surfaces that are unpainted, untreated or peeling.



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Reasons

Based on the photographic evidence and the submission of T. Courtoreille, the Committee believes the property (both the land and buildings) would be considered a nuisance under Sections 6 and Section 9 of the Community Standards Bylaw.

The committee can only consider the evidence before them regarding the state of the property. The action and behaviour of the neighbours are a separate issue which this Committee does not have the jurisdiction to deal with. If there are disputes between neighbours, there are other avenues to pursue. This Committee must solely deal with the issue of whether this property is a nuisance based on the evidence which has been presented.

This Committee has stated before that whether a property is a nuisance is subjective. The reason that decisions of City Administration can be appealed to this Committee is that members of City Council sitting as members of this Committee are in a unique position to determine the standards by which neighbourhoods should follow. As such it is our mandate to determine, based on the evidence, whether the three members of this Committee believe that a property falls below the standards that are acceptable within the City of Edmonton.

As it relates to the building there are areas of wood that are rotting, and exposed to the elements in such a way that further damage is likely. It is unlikely that many neighbours would think that a house in this condition did not need repairs. It is the Committee's view that no citizen would want to wake up and look at a home in that condition. In addition, there was evidence that the property has been like this for an extended period of time. There is little question in the Committee's mind that this is a nuisance which needs remediation.

While perhaps not quite as serious as the building, the issues surrounding the land are similar. There are items scattered throughout the property including wood, branches, a garbage pail and a hot tub flipped up on its side. While not the subject matter of this appeal, there is also a truck that appears to be unregistered and permanently parked in the alleyway. Subjectively the area appears unkept and is not attractive. This is not the way City of Edmonton property owners should be maintaining their property.

The hot tub is especially troubling. The hot tub is on its side and appears unusable. It does not appear to be secured so could be a safety hazard if it fell over. The property owner can either move this item into his garage, or, assuming



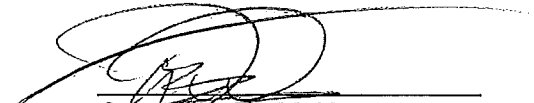
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all proper authorities and permits are taken out, put it into a usable state, so that it is no longer a nuisance.

Mr. B argued that other properties in his neighbourhood are just as bad. We heard evidence that there are other investigations that are ongoing in the neighbourhood. We agree with Mr. B that many of the other properties he showed pictures of may also be considered a nuisance as it relates to the land, but we are here to deal with his property. It may be that some of the pictures that Mr. B provided will be the subject matter of future hearings if and when those properties are issued orders. We will deal with those properties at that time.

It is troubling that Mr. B stated that most of the repairs could be done quickly. We have our doubts that some of them can be done as quickly as he claims, However, if they can be done quickly it would have been far better for him to remedy the problems. Ensuring that his property is no longer a nuisance may be one of the best things he can do to remedy any issues he is having with his neighbour.


Councilor S. McKeen

June 23 2014
Date /



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3.1 Appeal of Order 150775245-001 issued to S B and M B, 11918 – 37 Street NW, Edmonton, AB, Order Pursuant to Section 545(1) of the *Municipal Government Act*

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3.2 Appeal of Order 150775245-002 issued to S B and M B, 11918 – 37 Street NW, Edmonton, AB, Order Pursuant to Section 545(1) of the *Municipal Government Act*

Issues

1. Whether the land is a nuisance by showing serious disregard for general maintenance and upkeep as per Section 6 of the *Community Standards Bylaw*.
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3. Whether this property is being unfairly singled out for enforcement.

Evidence

In dealing with the appeal regarding Orders **150775245-001** and **150775245-002** to S B and M B, 11918 – 37 Street NW, Edmonton, the Community Standards and Licence Appeal Committee considered the following evidence:

1. The Committee heard from S. B, Appellant.
2. The Committee heard from T. Courtoreille, Respondent.
3. The Committee viewed a set of photos of the subject property and several neighbouring properties which were provided by S. B, Appellant.
4. The Committee viewed a letter of support from a neighbour provided by S. B.
5. The Committee viewed photos of the subject property taken by Administration on March 18, 2014, June 11, 2014 and from a 2010 file.



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Summary of Appellant's Position

S. B , Appellant, runs a lawn and snow maintenance company from his home. According to Mr. B there has been an on-going dispute with a neighbour who has been trying to run him and his business out of the neighbourhood by calling in as many bylaw complaints as possible.

S. B doesn't disagree with the conditions brought forward in the Orders but states they are "10 minute fixes" and feels no one other than this one neighbour would complain about them. He hasn't fixed the problems as he is trying to prove that the complaints are not warranted and he feels he would implicate himself by complying with the Orders. He advised the Committee that financial hardship is not an issue.

S. B presented pictures of several neighbouring properties which he feels are much worse than his but nothing has been done in the way of enforcement. Mr. B feels his property is being singled out.

Mr. B questioned who determines what is "serious disregard" for maintenance and upkeep and what criteria are used.

Summary of Respondent's Position

On March 18, 2014, the area Municipal Enforcement Officer responded to a Citizen's complaint and confirmed that the property, in respect of the land, showed serious disregard for general maintenance and upkeep as per Section 6 of the Community Standards Bylaw. A Notice to Comply was issued and a follow-up inspection was conducted after April 2, 2014, which showed the issues were still present. A Municipal Government 545 Order was issued on May 8, 2014, under Section 6 of the Community Standards Bylaw for serious disregard for maintenance of land.

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T. Courtoreille also has concerns regarding the safety, health and welfare of the occupants of the building. The photos presented show rot and deterioration dating back to 2010 and he feels that mould, deterioration and stability of the structure as well as building and fire code violations could be a concern. He disputes that these issues could be fixed in 10 minutes.

Administration believes that the current condition of the property meets the condition of nuisance for both the land and the building as identified in Section 6 and Section 9 of the Community Standards Bylaw and requests that the Orders be upheld.

Decision

Order 150775245-001

The Committee upholds the order.

You are therefore ordered to remove all tree clippings, hot tubs, loose litter and 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.

Order 150775245-001

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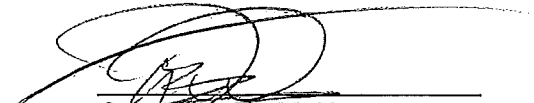
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all proper authorities and permits are taken out, put it into a usable state, so that it is no longer a nuisance.

Mr. B argued that other properties in his neighbourhood are just as bad. We heard evidence that there are other investigations that are ongoing in the neighbourhood. We agree with Mr. B that many of the other properties he showed pictures of may also be considered a nuisance as it relates to the land, but we are here to deal with his property. It may be that some of the pictures that Mr. B provided will be the subject matter of future hearings if and when those properties are issued orders. We will deal with those properties at that time.

It is troubling that Mr. B stated that most of the repairs could be done quickly. We have our doubts that some of them can be done as quickly as he claims, However, if they can be done quickly it would have been far better for him to remedy the problems. Ensuring that his property is no longer a nuisance may be one of the best things he can do to remedy any issues he is having with his neighbour.


Councilor S. McKeen

June 23 2014
Date /



COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES

June 12, 2014 – Churchill Building – Hearing Room 3

PRESENT

S. McKeen, B. Anderson, A. Knack

ALSO IN ATTENDANCE

S. McDonald, Office of the City Clerk
 K. Niziol, Office of the City Clerk
 C. Ashmore, Law Branch
 I. Russell, Office of the City Clerk

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3.1 Appeal of Order - S. B and M. B., 11918 - 37 Sreet NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	2	Action
3.2 Appeal of Order - S. B and M. B., 11918 - 37 Street NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	3	Action
4. ADJOURNMENT	3	

DECISION SUMMARY

ITEM	DECISION
1. CALL TO ORDER AND RELATED BUSINESS	
1.1 Call to Order	

Councillor McKeen called the meeting to order at 9:35 a.m.

1.2 [Adoption of Minutes](#)

Moved B. Anderson - A. Knack:

That the May 8, 2014, Community Standards and Licence Appeal Committee meeting minutes be adopted.

In Favour:

B. Anderson, A. Knack, S. McKeen

Carried

2. **EXPLANATION OF APPEAL HEARING PROCESS**

Councillor McKeen explained the appeal hearing process and asked if anyone objected to any member of the Community Standards and Licence Appeal Committee hearing the appeals. No one objected.

3. **COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS**

3.1 [Appeal of Order 150775245-001 - S. B. and M. B., 11918 - 37 Street, NW, Edmonton, Alberta, Order Pursuant to Section 545\(1\) of the *Municipal Government Act*](#)

S. B., Appellant, requested that Items 3.1 and 3.2 be heard together.

S. B. provided a set of photographs as well as a supporting letter from a neighbour which were distributed to Members of the Committee, the Respondent and the Office of the City Clerk.

S. B., Appellant, made a presentation, explained the submitted photographs and answered the Committee's questions.

T. Courtoreille, Community Services Department, made a presentation and answered the Committee's questions.

Three sets of photographs dated March 18, 2014, June 11, 2014, and a set from 2010 were provided to the Appellant, Members of the Committee and the Office of the City Clerk.

S. B. made closing comments and answered further questions from the Committee.

T. Courtoreille made closing comments and answered further questions from the Committee.

The Committee met in private at 10:27 a.m., pursuant to Section 20 of *The Freedom of Information and Protection of Privacy Act*.

The Committee met in public at 10:47 a.m.

Moved B. Anderson - A. Knack:

<p>The committee upholds the Order.</p> <p>You are therefore ordered to remove all tree clippings, hot tubs, loose litter and 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.</p>	<p>Community Services Dept.</p> <p>Due Date: May 29, 2014</p>
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In Favour:

Carried

B. Anderson, A. Knack, S. McKeen

3.2 [Appeal of Order 150775245-002 - S. B. and M. B., 11918 - 37 Street, NW, Edmonton, Alberta, Order Pursuant to Section 545\(1\) of the *Municipal Government Act*](#)

Item 3.2 was heard together with Item 3.1 – see above.

Moved A. Knack - B. Anderson:

<p>The committee upholds the order.</p> <p>You are therefore ordered to repair all damage to the building and replace all rotten, deteriorated or missing roof, window and door components. Prevent any inappropriate infiltration of air, moisture or water by covering any holes or openings in the building and repairing and refinishing exterior surfaces that are unpainted, untreated or peeling.</p>	<p>Community Services Dept.</p> <p>Due Date: May 29, 2014</p>
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In Favour:

Carried

B. Anderson, A. Knack, S. McKeen

4. ADJOURNMENT

The meeting adjourned at 10:49 a.m.

Chair

City Clerk