



COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE SELECTION SHEET/AGENDA

August 21, 2014 – Churchill Building

9:30 a.m.
12 noon

Call to Order
Adjournment

MEMBERS

S. McKeen, B. Anderson, M. Oshry

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"> July 10, 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 - G. F., M. F., and B.F., 9840 - 76 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i>	POSTPONEMENT REQUEST
3.2	Appeal of Order - P. S., 11334 - 66 Street NW, Edmonton, Alberta, Pursuant to Section 545(1) of the <i>Municipal Government Act</i>	
3.3	Appeal of Order – A. A. and R. A., 15008 - 93 Street NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>	WITHDRAWN
3.4	Appeal of Order - R. T., 12430 - 111 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>	WITHDRAWN
3.5	Appeal of Order - B. B and K. B., 1212 - 48 Street NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i>	
3.6	Appeal of Order – M .P., 11202 - 85 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 (DRAFT)

July 10, 2014 – Churchill Building

PRESENT

T. Caterina, B. Anderson, M. Oshry

ALSO IN ATTENDANCE

K. Niziol, Office of the City Clerk
 C. Ashmore, Law Branch
 I. Russell / T. Rowley, Office of the City Clerk

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3.4	Appeal of Order 155326788-001 - Equitable Holdings Ltd. 15315 - 95 Street NW, Edmonton, Order Pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i> .	5	Withdrawn
3.5	Appeal of Order 155932446-001 - B. L. and J. T., 5116 - 206 Street NW, Edmonton, Order Pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i> .	5	Withdrawn
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DECISION SUMMARY

ITEM		DECISION
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1. CALL TO ORDER AND RELATED BUSINESS

1.1 Call to Order

T. Caterina called the meeting to order at 9:32 a.m.

Moved M. Oshry:

That the Items on the Agenda that have not been withdrawn be heard in the following order: 3.2, 3.1

In Favour:

T. Caterina, M. Oshry, B. Anderson

Carried

1.2 Adoption of Minutes

Moved M. Oshry:

That the June 12, 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 Licence Appeal Committee hearing the appeals. No one objected.

3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS

3.2 Appeal of Order – G. F., M. F. and B. F., 9840 - 76 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546(1) of the *Municipal Government Act*

The Committee was informed that a Postponement Request had been received.

The Appellant was not present but had submitted a written request.

Troy Courtoreille, Community Services Dept. advised the Committee that he supports the Postponement Request.

Moved B. Anderson:

That the Appeal hearing for G. F., M. F. and B. F., 9840 - 76 Avenue NW, Edmonton – Order Pursuant to Section 546(1)(c) of the Municipal Government Act, be postponed to the August 21, 2014, Community Standards and Licence Appeal Committee meeting scheduled for 9:30 a.m. in the Churchill Building.

In Favour:

Carried

T. Caterina, M. Oshry, B. Anderson

3.1 **Appeal of Order - S.S., 8608 - 30 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the *Municipal Government Act***

The Committee was informed that a Postponement Request had been received.

S. S., Appellant, spoke to the Postponement Request and answered the Committee's questions.

T. Courtoreille, Respondent, spoke to the Postponement Request and answered the Committee's questions.

C. Ashmore answered the Committee's questions.

Both S. S. and T. Courtoreille were given the opportunity for closing comments and answered further questions from the Committee.

C. Ashmore answered further questions from the Committee.

Moved B. Anderson:

That the Postponement Request for 8608 – 30 Avenue NW, Edmonton - Order Pursuant to Section 546(1)(c) of the *Municipal Government Act*, be denied.

In Favour:

Carried

T. Caterina, M. Oshry, B. Anderson

S.S., Appellant made a presentation.

S.S. requested an additional 5 minutes to speak.

Moved B. Anderson:

That the Committee allow S. S. an additional five minutes to speak

In Favour:

Carried

T. Caterina, M. Oshry, B. Anderson

S.S., Appellant continued with his presentation and answered the Committee's questions. He agreed to forward an electronic copy of the photos used for his presentation to K. Niziol, Office of the City Clerk.

T Courtoreille, Community Services Department, made a presentation and provided three sets of photographs dated 2011, May 23, 2014, and July 9, 2014, to the Appellant, Members of the Committee and the Office of the City Clerk.

T. Courtoreille requested an additional five minutes to speak.

Moved T. Caterina:

That the Committee allow T. Courtoreille an additional five minutes to speak

In Favour:

Carried

T. Caterina, M. Oshry, B. Anderson

T. Courtoreille, Community Services Department, concluded his presentation.

S. S. responded to T. Courtoreille's presentation and showed additional photographs to illustrate improvements he has made to his property.

S. S. requested an additional 5 minutes to speak.

Moved M. Oshry:

That the Committee deny S. S. an additional five minutes to speak

In Favour:

Carried

T. Caterina, M. Oshry, B. Anderson

T. Courtoreille provided closing comments.

The Committee met in private at 10:49 a.m. pursuant to Section 20 of The Freedom of Information and Protection of Privacy Act.

The Committee met in public at 11:12 a.m.

Moved B. Anderson:

The Committee varies the order.

The words "storage bins, garbage cans and ladders" are removed from the

Community Services Dept.

<p>original Order dated May 26, 2014.</p> <p>You are therefore ordered to remove all wood, steel pipes, table, exercise equipment, plastic bags, window frames, door, barrels, lattice sheets, toys, tools, brass stand, skylight, glass panes, kids pools, sink, fencing material, all items tarped or untarped, loose litter 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>And thereafter maintain the property to prevent the reoccurrence of any unsightly condition detrimental to the surrounding area.</p>	<p>Due Date: Jun 9, 2014</p>
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In Favour:

Carried

T. Caterina, M. Oshry, B. Anderson

3.3 Appeal of Order - M .P., 10851 - 75 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the *Municipal Government Act*

K. Niziol, 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.

3.4 Appeal of Order - Equitable Holdings Ltd., 515, 10503 - 98 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the *Municipal Government Act*

K. Niziol, 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.

3.5 Appeal of Order – B. L. and J. T., 5116 - 206 Street NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the *Municipal Government Act*

T Courtoreille, Community Services Department, advised the Committee that an inspection on the afternoon of July 9, 2014, confirmed the property is now in compliance with the Community Standards Bylaw 14600 and the Order will be Withdrawn.

4. ADJOURNMENT

The meeting adjourned at 11:18 a.m.

T. Caterina, Chair

City Clerk

3.2 Appeal of Order 156779196-002 issued to P D S , 11334 - 66 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 vehicles should be included in the Order.

Evidence

In dealing with the appeal regarding Order **156779196-002** to P D S regarding, 11334 - 66 Street NW, Edmonton, the Community Standards and Licence Appeal Committee considered the following evidence:

1. The Committee heard from K. P , representing the, Appellant, D. S .
2. The Committee heard from T. Courtoreille, Respondent.
3. The Committee viewed photos of the subject property taken by Administration on May 27, 2014, and August 20, 2014.

Summary of Appellant's Position

The Appellant was represented by K. P , who is the tenant at 11334 – 66 Street. She is appealing the portion of the order regarding the vehicles which are all registered and insured. Ms. P offered to show the registration and insurance documents to the committee.

Ms. P lives on a one-way street with limited parking in front. The vehicles were moved to the rear portion of the property to be considerate of her neighbours. The window of one of the vehicles was broken after it was parked at the rear of the property. This vehicle has since been put into the garage and is not visible, although this resulted in some of the contents of the garage being moved into the yard.

The truck belongs to her son who has lost his licence until November. At that time that truck will be driven regularly.

If Ms. P is asked to remove the vehicles from the yard she will park them on the front street and will move them every 72 hours.

Other than the vehicles Ms. P is not disputing the nuisance condition of the property. She acknowledges she has a hoarding problem and has been receiving professional counselling. She has been taking a load to the dump every week and feels that she has made significant progress. She granted access to the municipal enforcement officer on August 20, 2014, as she wanted him to see that progress has been made. Ms. P stated the property owner has been checking three times a week to ensure that progress is ongoing with regard to cleaning the yard.

In response to questioning Ms. P indicated she would be open to any assistance the City could offer as long as she was consulted prior to any action being taken. She does not feel other bylaw complaints associated with this address have any relevance to this case.

Summary of Respondent's Position

On May 26, 2014, the Highlands Municipal Enforcement Officer responded to a citizen's complaint and noted derelict vehicles at the rear portion of the property, unkempt long grass and some debris and materials. The officer was able to partially see into the back yard from the alley and noted a build-up of materials, refuse and a big orange tarp.

A Notice to Comply was issued for an infraction under Section 6 of the *Community Standards Bylaw* for nuisance on land. This Notice expired on June 12, 2014, and a follow-up inspection was conducted on June 13, 2014. The officer decided that the file could be closed as the vehicles were moved and overall compliance had been achieved.

On June 30, 2014, the officer was back in the area and noted that the vehicles were again located at the rear portion of property. On July 2, 2014, two separate citizens' complaints were received regarding the overall condition of the property. Based on the previous history and the new complaints a Municipal Government 545 Order was issued under Section 6 of the *Community Standards Bylaw* for Nuisance on Land.

A review of the file indicates there have been eighteen previous bylaw complaints at this address including unlicensed pets, dog attacks, snow on walks, weeds and nuisance property conditions all under the current ownership.

The officer was granted full access to the back yard on August 20, 2014, and the photographic evidence shows the nuisance condition is far worse than initially estimated in May.

Administration believes that the property shows a serious disregard for general maintenance and upkeep and meets the condition of nuisance on land as identified in Section 6 of the *Community Standards Bylaw* and therefore requests that the Order be upheld.

Decision

Order 156779196-002

The Committee varies the order and all references to vehicles are removed.

You are therefore ordered to remove all assorted materials from the entire property and take any actions or remove any items that are contributing to the unsightly condition of the property.

Reasons

Ms. P agrees that the property in general is a nuisance and needs to be cleaned up. The Committee, based on a review of the pictures that were presented in evidence, concurs that the general condition of the property meets the definition of nuisance under the *Community Standards Bylaw*, Bylaw 14600. Since there is no dispute about whether the property in general is a nuisance, the Committee will not delve into this issue in any greater detail.

The substance of the dispute that the Committee dealt with on this case related to the vehicles that were on the property. There were at one time three vehicles on the property and they all appear to be insured and drivable, although seldom driven. Instead of parking them on the street and constantly having to move them, Ms. P decided to park them at the rear of her property. The concern of Mr. Courtoreille was that the vehicles contributed to the nuisance and could be (and once were) used to store part of the clutter on the property.

It was the opinion of this Committee that the vehicles themselves do not form a nuisance on the property. The pictures of the vehicles do not show them to be in bad condition. Ms. P testified that they were insured and drivable. They do not appear to be derelict vehicles that are simply stored at the back of the property. We heard testimony that the only vehicle with damage (a broken window) is now stored in the garage. As such, the Committee will vary the order to remove mention of the vehicles.

This is not to say that conditions could not change so that the vehicles could form part of the nuisance. We agree with the Respondent that if the vehicles are being used to store items, if they had flat tires and broken windows, or are allowed to sink into the ground through disuse, that they could form part of a nuisance condition and would therefore have to be removed. This would be the case whether they were registered and insured or not. If the condition of these vehicles changed to meet any of these criteria, we would have no hesitation in saying that they are part of the nuisance.

**EDMONTON COMMUNITY STANDARDS
& LICENCE APPEAL COMMITTEE**

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In addition, we commend Ms. P for admitting that she has a hoarding problem and seeking the assistance that she requires for this disorder. We would encourage her to attend to the property as quickly as possible so as not to risk the City having to come onto the property in order to enforce the order. We would remind Ms. P that if the City enforces the order she will have little to no say about what she feels has value to her and therefore should not be removed. Ms. P should ensure that she is not placed in this situation by ensuring that there is no reason that the City needs to enforce the order. We also urge Mr. Courtoreille to have his department attempt to put Ms. P in contact with any additional municipal resources that are available to deal with her hoarding disorder.



Councillor S. McKeen

Sept. 3, 2014
Date

3.5 Appeal of Order 157715039-001 issued to B B and K M. I. B , 1212 – 48 Street NW, Edmonton, AB, Order Pursuant to Section 546(1)(c) of the *Municipal Government Act*

Issues

1. Whether the property is untidy and unsightly and detrimental to the surrounding area.
2. Whether the Appellant was given sufficient time to comply with the Order.

Evidence

In dealing with the appeal of Order **157715039-001** to B B and K M. I. B , regarding 1212 – 48 Street NW, Edmonton, the Community Standards and Licence Appeal Committee considered the following evidence:

1. The Committee heard from B. B , Appellant.
2. The Committee heard from T. Courtoreille, Respondent.
3. The Committee viewed photos of the subject property taken by Administration on July 16, 2014, and August 20, 2014.

Summary of Appellant's Position

The Appellant, B. B has been working on a construction project since June. He has cleaned up a significant amount of the debris and the weeds have been poisoned. A contractor with a bobcat has already been hired to complete the remainder of the work. Due to vacation time this contractor is not available until later this week. Mr. B is requesting a time extension to allow him to complete this project.

B. B questioned why he was only given a 3 day period to clean up as he received the Order on July 28, 2014, and the due date was July 31, 2014. He feels that policy should be changed to provide people a reasonable amount of time to complete the requested work. He felt that if someone had come out and spoken to him in the first place there would have been no need for the Order.

Summary of Respondent's Position

On July 16, 2014, (Order incorrectly states July 17, 2014) the municipal enforcement officer for Crawford Plains was conducting inspections as part of a proactive blitz in southeast Edmonton. The officer noticed large piles of garbage, debris, long grass, a big overgrown mound of dirt and dead sod at the rear portion of this property. All of this material was clearly visible to surrounding neighbours.

A *Municipal Government Act* 546 Order was mailed on July 17, 2014, directing the unsightly condition be rectified with a due date of July 31, 2014. There have been no previous complaints at this address.

A follow-up inspection on August 20, 2014, indicated some improvement although additional materials such as pots, pails, broken pieces of concrete, a pallet of used concrete and a canvas tent were now present.

Based on the photographic evidence Administration believes that the property is still untidy and unsightly and detrimental to the surrounding area and interferes with the neighbouring property owners and their rights to enjoy their home and community and requests the Order be upheld.

Decision

Order 157715039-001

The Committee varies the order.

You are therefore ordered to cut long grass and weeds. Remove all cardboard, woods, pails, paint cans, plastic containers, wood, loose garbage, sod, garbage bags, 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.

You must comply with this order by: September 18, 2014

Reasons

The essence of the appeal of Mr. B relates to whether he should be given more time to clean up his property. He indicates that much of the material the City is complaining about relates to a construction project and most of it is now cleaned up. He is waiting for a contractor to come and attend to the remainder of the property and this is supposed to happen next week.

**EDMONTON COMMUNITY STANDARDS
AND LICENCE APPEAL COMMITTEE**


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Mr. B also complained about the lack of time between when the order was issued and when he was told the work needed to be done. He also feels the orders should not be mailed and instead should be delivered. He states that the appeal could have been avoided if the City simply talked with him. While Mr. B may or may not have a point about the short time frame and method of service, except as these points would relate to the actual validity of the order and the timelines for compliance, these are not issues that are within the mandate of this Committee.

In viewing the photographs that are in evidence, the Committee does feel that the property, at the time the order was issued, was in an unsightly condition. The Committee asked Mr. B whether an additional 30 days would assist him to complete his project and ensure the property was clean, and he stated that it would be sufficient. Therefore, given that not much time has elapsed since the original inspection of the property, the Committee varies the compliance date on the Order to be September 18, 2014.



Councillor S. McKeen



Date

3.6 Appeal of Order 156709682-001 issued to M. P. , 11202 – 85 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*.

Evidence

In dealing with the appeal regarding Order **156709682-001** to M. P. regarding, 11202 - 85 Street NW, Edmonton, the Community Standards and Licence Appeal Committee considered the following evidence:

1. The Committee heard from M. P. , Appellant.
2. The Committee viewed a PowerPoint presentation presented by M. P. , Appellant.
3. The Committee heard from T. Courtoreille, Respondent.
4. The Committee viewed photos of the subject property taken by Administration on July 18, 2014, and August 20, 2014.

Summary of Appellant's Position

The Appellant, M. P. , disagrees with the City's protocol in issuing documents. He did not receive a Notice to Comply and feels documents should be served in person or sent via registered mail.

M. P. feels that the pictures provided by Administration do not show an accurate account of the current condition of the property and questions the relevance of some of the pictures. He feels the photos showing an open window and a "For Sale" sign have no bearing on the issue at hand. He feels that previous bylaw complaints at this location are also not relevant to this appeal.

M. P. provided a brief history of the house which he had originally purchased as a rental. The house was deemed inhabitable by Capital Housing due to a crack in the foundation. M. P. appealed this decision and won but then was pursued by the City's Engineering Department. As a result the house has been empty for four years.

Mr. P provided a PowerPoint presentation to show he has gone to great effort to keep the property in good condition. The grass is always mowed, there are no broken windows, no derelict vehicles, loose litter left by homeless people is picked up weekly and the fence is kept painted although it may be leaning a bit. He pulls the weeds by hand as he disagrees with using chemicals for weed control.

One of the pictures showed a large tarp in the back yard which was covering a pile of wood and dirt according to the Appellant. Mr. P says nothing is visible to passersby because of the 6 foot fence and closely spaced fence boards. Mr. P feels he always pays his taxes on time and has a right to landscape his yard and have whatever he wants on his land as it is not visible to anyone.

He disputes the property creates a nuisance for the neighbours. M. P owns the house to the north and there is no neighbour on the other side. Also there are many construction sites in the area and the biggest mess is from the City leaving their signs all around.

Summary of Respondent's Position

T. Courtoreille, Respondent, advised this property is located in a high pedestrian traffic area. It is across from the LRT and can be viewed by citizens going to Eskimo games.

A review of the file indicates that since 2005 nineteen separate bylaw infractions have been investigated including unsightly and untidy property, weed infractions, business licensing for selling parking without a license, zoning infractions, snow on sidewalks and graffiti.

On June 27, 2014, the Municipal Enforcement Officer for the Parkdale area responded to a citizen's complaint. An inspection revealed the property was in overall poor condition. There was a broken fence, a large mound of dirt, weeds, garbage, and a vehicle at the rear portion of the property. A Notice to Comply for a nuisance property under Section 6 of the *Community Standards Bylaw* was sent to the Appellant.

On July 18, 2014, a follow up inspection indicated voluntary compliance had not been achieved so the officer issued a *Municipal Government Act 545* Order for failure to comply with the *Community Standards Bylaw* and directing the Appellant to take the outlined actions to comply with the Bylaw.

Administration believes that the property shows a serious disregard for general maintenance and upkeep and meets the condition of nuisance on land as identified in Section 6 of the *Community Standards Bylaw* and therefore requests that the Order be upheld.

Decision

Order 156709682-001

The Committee upholds the Order.

You are therefore ordered to:

Remove all tarps, buckets, ripped open garbage bags, garbage, food and beverage containers, wood, 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.

Remove, replace, or repair the damaged fence sections along the South side of the property.

Remove or level out the mounds of dirt located in the front yard and back yard of the property.

Reasons

Mr. P argues that whether something is a nuisance is subjective and that there is nothing about his property that is a nuisance under the *Community Standards Bylaw*. He seems to agree that the role of this Committee is to determine whether his property is a nuisance, and states that if this Committee fails in its duty, he will go to the Province.

The Committee has said many times, and fully concurs with Mr. P, that whether something is a nuisance is partly subjective. The reason that this Committee has been delegated the power to hear these types of appeals is because it is in a good position to apply its experience and knowledge of what most citizens of Edmonton would consider to be acceptable, and what would be a nuisance. It is up to the three members of this Committee to review the evidence, which usually includes photographs, to determine whether any individual property is a nuisance, and therefore uphold the standards for the community of the City of Edmonton.

Mr. P states that the house is currently not inhabited and has been vacant for about four years. He referenced a hearing he won about a crack in his foundation, and interactions with the City which led to the house being vacant. The Committee finds no relevance to these matters. This order relates to property and not the building itself.

Mr. P stated that discussion of the prior complaints relating to his property is not relevant to whether his property is a nuisance. The Committee recognizes that while there may be reasons, in some cases, to discuss other complaints or issues on a property, there was no evidence to show why they were relevant on this case. The Committee therefore agrees with Mr. P and has ignored the mention of other complaints in making this decision.

Mr. P made brief mention of some type of charter issue relating to freedom of expression but did not explain how he feels his charter rights have been violated. This is therefore not something that the Committee considered or can provide reasons on.

Mr. P also referred to pictures taken by the City and stated that the City must feel the property is a nuisance because his window is open or there is a for sale sign in the window. There is nothing in the order about open windows or for sale signs and these are not factors in the decision of the Committee.

Mr. P has shown us a number of photographs of his property and the surrounding area and claims that since he is his own neighbor, and the remainder of the area is full of construction, there is no one that would be affected by his property. However, no reason was provided as to why there is a large mound of tarped dirt on the property. There is no landscape project going on, and no construction taking place at the property. Mr. P suggests that what takes place behind his fence is no one's business but his own, and that since his fence is six feet tall that no one can see inside his yard anyway.

The Committee disagrees. Having a problem that is partly hidden does not mean there is no problem. While it might be harder to see over a tall fence, this does not mean the community does not maintain an interest in ensuring that properties are maintained and well kept. In any event, it appears that with this property some of what is behind the fence is visible to the surrounding community. This is also a high traffic area right on 112th Street and close to an LRT station, so it is not only the immediate neighbors which would regularly see this property.

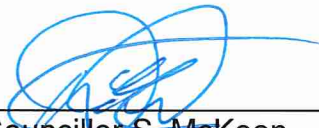
The pictures show a property with mounds of dirt, some of which is tarped. There are various items all over, including random pieces of wood. There appears to be unkempt weeds or unmown grass in some of the photographs. The Committee cannot help but think that if you were a neighbor to this property, either right next door, or in the general neighborhood, that this property is generally an eyesore, and clearly shows a serious lack of maintenance. The *Community Standards Bylaw* provides examples of things that can be a nuisance. This list is not exclusive and the role of this Committee is to determine whether this property is similar to the examples that are outlined within the bylaw. This lack of maintenance is similar to various examples of a nuisance within the *Community Standards Bylaw* including:

- an excessive accumulation of material - in this case mounds of dirt and wood and whatever else is underneath the tarped area.
- loose litter and refuse
- unkempt grass and weeds

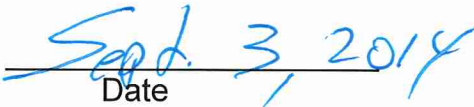
In addition to these items the photos of Mr. P property clearly demonstrate the lack of maintenance on the fence. Photographs of the fence show that it is leaning at an angle that requires some repair. While it may not be of danger to the public, in our opinion few citizens when looking at the fence would believe that it was fine the way it was and did not require shoring up.

The attitude of Mr. P before this Committee suggests that he has a reluctance or unwillingness to improve the appearance of his property. For example, at one point he stated that what takes place behind his fence is no one's business but his own. When asked whether he had plans to repair the fence, he suggested that he did not believe he needed to do so. At the same time Mr. P appears to recognize that different people will have different standards and that his own personal standards may not be similar to others within the community.

As stated previously, the role of this Committee is not to determine whether this property is a nuisance based on the standards of Mr. P, but instead on the standards of the community as a whole. There is little question in the minds of the Committee that the community as a whole would view this property as a nuisance.



Councillor S. McKeen



Date



COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES

August 21, 2014 – Churchill Building

PRESENT

S. McKeen, B. Anderson, M. Oshry,

ALSO IN ATTENDANCE

S. McDonald, Office of the City Clerk
 C. Ashmore, Law Branch
 T. Rowley / I. Russell, Office of the City Clerk

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1.1	Call to Order	1	
1.2	Adoption of Minutes	2	Carried
2.	EXPLANATION OF APPEAL HEARING PROCESS	2	See Minutes
3.	COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS	2	
3.1	Appeal of Order - G. F., M. F., and B. F., 9840 - 76 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i> .	2	Postponed
3.2	Appeal of Order - P. S., 11334 - 66 Street NW, Edmonton Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	3	Action
3.3	Appeal of Order - R. A. and A. A., 15008 - 93 Street NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	3	Withdrawn
3.4	Appeal of Order - R. T., 12430 - 111 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	4	Withdrawn
3.5	Appeal of Order - B. B., 1212 - 48 Street NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i> .	4	Action
3.6	Appeal of Order - M. P., 11202 - 85 Street NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	4	Action
4.	ADJOURNMENT	5	

DECISION SUMMARY

ITEM		DECISION
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1. CALL TO ORDER AND RELATED BUSINESS

1.1 Call to Order

S. McKeen called the meeting to order at 9:36 am

1.2 [Adoption of Minutes](#)

Moved M. Oshry:

That the July 10, 2014 Community Standards and Licence Appeal Committee meeting minutes be adopted.

In Favour:

B. Anderson, M. Oshry, S. McKeen

Carried

2. EXPLANATION OF APPEAL HEARING PROCESS

Councillor S. 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 - G. F., M. F. and B. F., 9840 - 76 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the *Municipal Government Act***

T. Courtoreille, Respondent, requested the appeal hearing be postponed to September 11, 2014. The Appellant, B. F., was not present as she was out of the country but provided her written consent.

Moved B. Anderson:

That the Appeal hearing for G. F., M. F. and B. F., 9840 - 76 Avenue NW, Edmonton – Order Pursuant to Section 546(1)(c) of the Municipal Government Act, be postponed to the September 11, 2014, Community Standards and Licence Appeal Committee meeting scheduled for 9:30 a.m. in the Churchill Building.

In Favour:

Carried

3.2

Appeal of Order – P. S., 11334 - 66 Street NW, Edmonton, Alberta, Pursuant to Section 545(1) of the *Municipal Government Act*

K. P., representing the Appellant, P. S. 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 dated May 27, 2014 and August 20, 2014 were provided to the Appellant, Members of the Committee and the Office of the City Clerk.

K. P., Appellant made closing remarks.

C. Ashmore answered the committee’s questions.

T. Courtoreille made closing remarks.

The Committee met in private at 10:13 a.m., pursuant to Section 20 of The Freedom of Information and Protection of Privacy Act.

The Committee met in public at 10:20 a.m.

Moved B. Anderson:

<p>The Committee varies the order. The reference to the vehicles is removed.</p> <p>You are therefore ordered to: Remove all assorted materials from the entire property and take any actions or remove any items that are contributing to the unsightly condition of the property.</p>	<p>Community Services Dept.</p> <p>Due Date: September 30, 2014</p>
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In Favour:

B. Anderson, M. Oshry, S. McKeen

Carried

3.3

[Appeal of Order - R. A. and A. A., 15008 - 93 Street NW, Edmonton, Alberta, 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.

3.4 [Appeal of Order - R.T., 12430 - 111 Avenue NW, Edmonton, Alberta, 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.

3.5 [Appeal of Order - B. B., 1212 - 48 Street NW, Edmonton, Alberta, Order Pursuant to Section 546\(1\)\(c\) of the *Municipal Government Act*](#)

B. B., 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 dated July 16, 2014 and August 20, 2014 were provided to the Appellant, Members of the Committee and the Office of the City Clerk.

B. B. provided closing comments and answered further questions.

Moved M. Oshry:

The Committee varies the order. You are therefore ordered to: Cut long grass and weeds. Remove all cardboard, woods, pails, paint cans, plastic containers, wood, loose garbage, sod, garbage bags, 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, by September 18, 2014	Community Services Dept. Due Date: September 18, 2014
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In Favour:

B. Anderson, M. Oshry, S. McKeen

Carried

3.6 [**Appeal of Order - M. P., 11202 - 85 Street NW, Edmonton, Alberta, Order Pursuant to Section 545\(1\) of the *Municipal Government Act***](#)

M. P., Appellant, made a presentation and answered the Committee's questions.

Moved: B. Anderson

That the Committee allow M. P. an additional five minutes to speak

In Favour:

Carried

B. Anderson, M. Oshry, S. McKeen

M. P., Appellant, concluded his presentation.

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

Two sets of photographs dated July 18, 2014 and August 20, 2014 were provided to the Appellant, Members of the Committee and the Office of the City Clerk.

M. P. responded to T. Courtoreille's presentation and answered the Committee's questions.

The Committee met in private at 11:10 a.m., pursuant to Section 20 of The Freedom of Information and Protection of Privacy Act.

The Committee met in public at 11:23 a.m.

Moved B. Anderson:

The Committee upholds the order.	Community Services Dept.
	Due Date: August 12, 2014

In Favour:

Carried

B. Anderson, M. Oshry, S. McKeen

4. ADJOURNMENT

The meeting adjourned at 11:24 a.m.

Chair

City Clerk