



# COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

## AGENDA

September 11, 2014 – Churchill Building

9:30 a.m.  
12 noon

Call to Order  
Adjournment

### MEMBERS

T. Caterina, B. Anderson, M. Oshry

ITEM		ACTION
<b>1.</b>	<b>CALL TO ORDER AND RELATED BUSINESS</b>	
1.1	<a href="#">Call to Order</a>	
1.2	<a href="#">Adoption of Minutes</a>	
	<ul style="list-style-type: none"> <li>August 21, 2014, Community Standards and Licence Appeal Committee meeting minutes.</li> </ul>	
<b>2.</b>	<b>EXPLANATION OF APPEAL HEARING PROCESS</b>	
<b>3.</b>	<b>COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS</b>	
3.1	<a href="#">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></a>	<b>POSTPONEMENT REQUEST</b>
3.2	<a href="#">Appeal of Order – A.L., A.L. N.L. and V.L., 3511 - 11 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i></a>	<b>WITHDRAWN</b>
3.3	<a href="#">Appeal of Order - M.M., 8720 - 163 Street NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i></a>	<b>WITHDRAWN</b>
3.4	<a href="#">Appeal of Order - J.M., 11305 - 61 Street NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i></a>	
<b>4.</b>	<b>ADJOURNMENT</b>	

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# COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

## MINUTES (DRAFT)

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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3.	<b>COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS</b>	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 .	3	Withdrawn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 .	4	Withdrawn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
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## 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><b>Due Date:</b> 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:**

<p>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</p>	<p>Community Services Dept.   <b>Due Date:</b>          September 18, 2014</p>
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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.  <b>Due Date:</b> August 12, 2014
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**In Favour:**

**Carried**

B. Anderson, M. Oshry, S. McKeen

**4. ADJOURNMENT**

The meeting adjourned at 11:24 a.m.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
City Clerk

**3.4 Appeal of Order 157285186-001 issued to J. M. , 11305 – 61 Street NW, Edmonton, AB, Order Pursuant to Section 545(1) of the *Municipal Government Act***

**Issues**

1. Whether the property is a nuisance under Section 6(1) of the Community Standards Bylaw

**Evidence**

In dealing with the appeal of Order **157285186-001** to J. M. , regarding 11305 – 61 Street NW, Edmonton, AB, the Community Standards and Licence Appeal Committee considered the following evidence:

1. The Committee heard from J. M. , Appellant.
2. The Committee heard from T. Courtoreille, Respondent.
3. The Committee viewed photos of the neighbours property taken by the Appellant.
4. The Committee viewed photos of the subject property taken by Administration on August 13, 2014 and September 10, 2014.

**Summary of Appellant's Position**

The Appellant, J. M. , hired her daughter's boyfriend to help with the yard. She is very upset by the shape that he left it in. She tried to talk to bylaw officers regarding her yard but had no contact back from them. She has complied with most of the order with only a few items left outstanding. She was under the assumption that since there was no contact, everything had been resolved. She plans on building a greenhouse with the windows and frames in her yard. The carpenter she was going to use has not returned her calls. She said some of her decorations are quite expensive to purchase at the local antique store. Some of the larger items she has plans to move but she requires a vehicle in order to complete it. Her family is coming to visit in the spring and she would like to have a clean yard for them before their arrival.

She purchased paint for her fence in July but has not had time to use it yet. She has also moved 12 boxes of siding into her garage. The street festival was moved from spring to September so she was unable to sell her products as gardening items do not sell in the fall.

The order has made her reorganize the material and she appreciates that. She is unclear on exactly what it is the Bylaw Officer would like to have her complete in order to have this order complied with. She would like to have things resolved so that she is no longer placed in this situation. She is willing to do whatever it takes to be able to reach compliance. She is confident that she can reach 100 percent compliance within 40 days.

### **Summary of Respondent's Position**

There was an option to withdraw this order as there has been approximately 70-80 percent compliance since the initial inspection in the summer. There have been 19 previous complaints with the same owner on this property since 2003. They recognize and appreciate that improvements have been made but he would like 100 percent compliance to cease ongoing issues. Two citizen complaints were received in July 2014. Notice to comply was issued on July 14, 2014 with a compliance date of July 27, 2014. On July 29, 2014 she contacted the office and an extension was granted to August 5<sup>th</sup>. Bylaw Enforcement gave her an additional week and re-inspected her property on August 13, 2014. During this visit the officer was invited by the appellant onto her property for an inspection. The officer noted the severity of the property was greater than initially anticipated or had been viewable in previous files. The property did show a serious disregard for general maintenance and upkeep with an excessive accumulation of materials, debris and refuse or garbage.

A *Municipal Government Act 545* Order was issued to the appellant for failing to comply with the Community Standards Bylaw and a ticket was issued for nuisance on land under the same bylaw. The property is still in a partial nuisance condition and Administration requests that the Committee upholds the 545 order.

Although he is skeptical about the ability for the appellant to build a shed the siding is not an issue for them. The biggest concern is the ongoing pattern. Even though most of the work has been complied with he would like the final 20-30 percent complied with so that there are no further issues. Bylaw officers have tried to contact Ms. M since her initial request but have been unable to reach her or have met with resistance when contact was made. They are willing to discuss her property with her directly for a better understanding of what is left to be completed.



**Decision**

**Order 157285186-001**

The Committee upholds the order.

You are therefore ordered to remove all tarped and untarped construction material, siding, unused gardening material, wood/lumber, metal, garbage, chairs, tree clippings, 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.

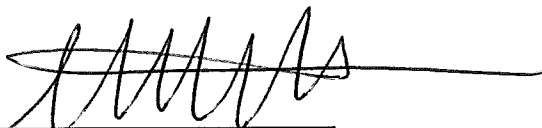
You must comply with this order by: August 13, 2014

**Reasons**

The role of this Committee is to determine whether the order was warranted when it was issued on August 18, 2014. Section 6(1) of the *Community Standards Bylaw* states that no person shall cause or permit a nuisance to remain on land that they own or occupy. One example of a nuisance listed in the Bylaw is excessive accumulation of materials on the property.

Obviously there are elements of the bylaw that are subjective, and the role of this Committee is to attempt to apply the standards of the wider community. In the opinion of this Committee the photographs taken at the time the order was issued clearly support that there was an excessive accumulation of material on the property that would be unacceptable to the community at large. In addition it appears, based on the testimony of the Appellant, that she agreed at the time the order was issued that the property was a problem, and has since taken steps to attempt to improve the property. As such, there is no reason to overturn the order.

This Committee applauds the Appellant in taking steps to improve the appearance of the property, although it does appear, based on the current photographs, that some work still needs to be done on the property. The photographs still show some material that needs to be removed or placed out of sight. The Committee therefore encourages the Appellant to continue to work with the City to fully remove the nuisance condition on the property.

  
\_\_\_\_\_  
T. Caterina, Chair

  
\_\_\_\_\_  
Date



# COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

## MINUTES (DRAFT)

September 11, 2014 – Churchill Building

### PRESENT

S. McKeen, T. Caterina , M. Oshry

### ALSO IN ATTENDANCE

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

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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 - A.L., A.L., N.L. and V.L. 3511 - 11 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>	2	Withdrawn
3.3	Appeal of Order - M.M., 8720 - 163 Street NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i>	3	Withdrawn
3.4	Appeal of Order - J.M., 11305 - 61 Street NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>	3	Action
4.	<b>ADJOURNMENT</b>	4	

### DECISION SUMMARY

ITEM		DECISION
1.	<b>CALL TO ORDER AND RELATED BUSINESS</b>	
1.1	<a href="#"><u>Call to Order</u></a>	
<p style="text-align: center;">T. Caterina called the meeting to order at 9:35 a.m.</p>		
1.2	<a href="#"><u>Adoption of Minutes</u></a>	
<p><b>Moved : T. Caterina</b>  That the August 21, 2014 Community Standards and Licence Appeal Committee meeting minutes be adopted.</p> <p><b>In Favour:</b> <span style="float: right;"><b>Carried</b></span>  T. Caterina, M. Oshry, S. McKeen</p>		
2.	<b>EXPLANATION OF APPEAL HEARING PROCESS</b>	
<p>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.</p> <p>No one objected.</p>		
3.	<b>COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS</b>	
3.1	<a href="#"><u>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</u></a>	
<p>T. Courtoreille, Respondent, requested that the appeal hearing be postponed to October 2, 2014. The Appellant, B.F. was not present as she is travelling to Edmonton from out of the country to assist her parents with their property. B. F. provided her written request.</p>		
<p><b>Moved S. McKeen:</b></p> <div style="border: 1px solid black; padding: 5px; background-color: #f0f0f0;"> <p>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 <i>Municipal Government Act</i>, be postponed to the October 2, 2014, Community Standards and Licence Appeal Committee meeting scheduled for 9:30 a.m. in the Churchill Building.</p> </div>		
<p><b>In Favour:</b> <span style="float: right;"><b>Carried</b></span>  T. Caterina, M. Oshry, S. McKeen</p>		

3.2 [Appeal of Order - A.L., 3511 - 11 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.

3.3 [Appeal of Order - M.M., 8720 - 163 Street 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.

3.4 [Appeal of Order - J.M., 11305 - 61 Street NW, Edmonton, Alberta, Order Pursuant to Section 545\(1\) of the \*Municipal Government Act\*](#)

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

J. M. submitted one set of undated photographs.

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

Two sets of photographs August 13, 2014 and September 10, 2014 were provided to the Appellant, Members of the Committee and the Office of the City Clerk.

J. M. provided closing comments and answered further questions.

T. Courtoreille provided closing comments and answered further questions

J. Miciak answered further questions.

**Moved M. Oshry:**

The Committee upholds the order. You are therefore ordered to: Remove all tarped and untarped construction material, siding, unused gardening material, wood/lumber, metal, garbage, chairs, tree clippings, loose litter and debris and other assorted materials from	Community Services Dept.  <b>Due Date:</b> September 8, 2014
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the entire property and take any actions or remove any other items that are contributing to the unsightly condition of the property.

Cut and maintain all unkept and long grass on the property that you own or occupy.

**In Favour:**

T. Caterina, M. Oshry, S. McKeen

**Carried**

**4. ADJOURNMENT**

The meeting adjourned at 10:14 a.m.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
City Clerk