



COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

AGENDA

October 2, 2014 – Churchill Building

9:30 a.m.
12 Noon

Call to Order
Adjournment

MEMBERS

T. Caterina, B. Anderson, M. Oshry

ITEM		ACTION
1.	<u>CALL TO ORDER AND RELATED BUSINESS</u>	
1.1	Call to Order	
1.2	<u>Adoption of Minutes</u>	
	<ul style="list-style-type: none"> September 11, 2014, Community Standards and Licence Appeal Committee meeting minutes 	
2.	<u>EXPLANATION OF APPEAL HEARING PROCESS</u>	
3.	COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS	
3.1	<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>	
3.2	<u>Appeal of Order - L.P., 14631 - 91 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the Municipal Government Act.</u>	WITHDRAWN
3.3	<u>Appeal of Order - F. F., 10330 - Lauder Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the Municipal Government Act.</u>	
4.	ADJOURNMENT	

View the interactive agenda at www.edmonton.ca/meetings



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

TABLE OF CONTENTS

ITEM		PAGE	DECISION
1.	CALL TO ORDER AND RELATED BUSINESS	1	
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 - 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	2	Withdrawn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	3	Withdrawn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.	ADJOURNMENT	4	

DECISION SUMMARY

ITEM		DECISION
------	--	----------

1. CALL TO ORDER AND RELATED BUSINESS

1.1 **Call to Order**

T. Caterina called the meeting to order at 9:35 a.m.

1.2 Adoption of Minutes

Moved : T. Caterina

That the August 21, 2014 Community Standards and Licence Appeal Committee meeting minutes be adopted.

In Favour:

Carried

T. Caterina, M. Oshry, S. McKeen

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

3.1 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 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.

Moved S. McKeen:

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 October 2, 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, S. McKeen

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. Due Date: September 8, 2014
---	---

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

3.1 Appeal of Order 150697244-001 issued to G F , M F and B F , 9840 – 76 Avenue 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 150697244-001 issued to G F M F and B F , regarding 9840 – 76 Avenue NW, Edmonton, AB, the Community Standards and Licence Appeal Committee considered the following evidence:

1. The Committee heard from T. Courtoreille, Respondent.
2. The Appellant, B. F , was not present.
3. The Committee viewed photos of the subject property taken by Administration on May 21, 2014, and October 2, 2014.

Summary of Respondent's Position

There are a number of complex circumstances around this investigation. On March 13, 2014 Bylaw Enforcement responded to a citizen's complaint about a nuisance property. An inspection conducted resulted in a Notice to Comply being issued with a deadline date of March 28, 2014. A follow-up inspection conducted on April 8, 2014 confirmed voluntary compliance had not been obtained. Shortly after the Order expired, G. F , a homeowner listed on file, contacted the Bylaw Enforcement office requesting an extension. G. F assured them that he was capable of complying and did have people to provide him with assistance. An extension was granted until May 2014.

A follow up inspection in May showed that voluntary compliance had still not been met. There had been no additional correspondence from G. F so a Notice of Entry for a full inspection during the week of May 20, 2014 was issued. The inspection revealed an excessive accumulation of materials, some piled as high as 6 feet. A *Municipal Government Act* 546 Order was issued.

After the Order was issued, B. F. [redacted], the daughter and an owner listed on file, contacted Bylaw Enforcement to inform them of extenuating circumstances preventing her parents from obtaining voluntary compliance. G. and F. F. [redacted] are quite elderly and assistance in the cleanup of the property could not be coordinated. There also had been a death in the family.

The last correspondence received from B. F. [redacted] stated that she would be in Edmonton the week of September 26, 2014. There has been no correspondence since that time. Bylaw Enforcement has tried to contact her without any success. A site inspection conducted on October 2, 2014 showed only marginal improvement. Based on 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. Administration requests the Order be upheld.

No tickets have been issued and this is not a property with previous complaints.

Decision

Order 150697244-001

The Committee upholds the order.

Remove all wood, metals, furniture, concrete blocks, plastic pails, exercise equipment and all 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.

Reasons

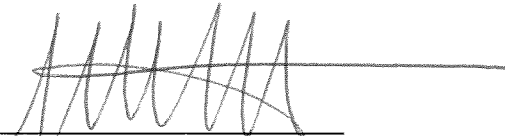
The Committee notes that there has been a long history of postponements on this matter associated with family illness and the age of the property owners. Initially postponements were requested by the Appellant, and later the Respondent requested postponements because it appeared that there might be some chance that the matter would resolve itself. The last postponement rescheduled this matter to be heard on October 2, 2014.

It appears that the matter did not fully resolve itself. The Appellant, despite being told of the postponements, did not appear at the hearing on October 2, 2014. In accordance with the Committee's Bylaw and procedure guide, the Committee is entitled to proceed in the absence of the Appellant.

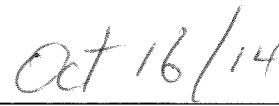
The order was issued in May, 2014, based on the condition of the property at that time. The role of this Committee is to determine whether the order was correctly issued at that time.

The pictures that were taken in May 2014 time show materials stacked in the backyard as high as 6 feet. Some of the materials are tarped and some are not. There were complaints about the condition of the property. Based on the photographs, neighbors had a right to be concerned with the amount of material in the yard and how that material was organized. The property appears both untidy and unsightly, and clearly would have impacted the surrounding area.

While the Committee sympathizes with the Appellants in relation to their circumstances, there is no question that the order was properly issued based on the condition of the property, and enough time has now elapsed to clean up the problem. We encourage the Appellant, as much as possible, to make use of the various resources that can assist seniors with these types of issues.



T. Caterina, Chair



Date

3.4 Appeal of Order 157669577-002 issued to F F , 10330 – Lauder Avenue 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
2. Whether the Order goes too far in ordering certain items to be removed.

Evidence

In dealing with the appeal of Order 157669577-002 to F. F , regarding 10330 – Lauder Avenue NW, Edmonton, AB, the Community Standards and Licence Appeal Committee considered the following evidence:

1. The Committee heard from L. O , representing F. F , Appellant.
2. The Committee heard from T. Courtoreille, Respondent.
3. The Committee viewed photos of the property taken by L. O .
4. The Committee viewed photos of the subject property taken by Administration on September 16, 2014 and October 1, 2014.

Summary of Appellant's Position

L. O , representing the Appellant F. F , contacted Bylaw Enforcement after an inspection on July 30, 2014. He spoke with Darlene, a Bylaw Enforcement Officer, asking for clarification for compliance. He was told by Bylaw Enforcement that the yard needs to be empty. As this was a very general answer, he then spoke with her supervisor who told him to contact Darlene again for clarification.

The Appellant was confused about specific items listed on the Order. He was in the process of renovating the yard and needed his trailer to haul items for renovations. He would not be able use it if it could not contain items. He was told that he could not have more than one bike in his yard, but 4 people live there. The Order stated that he could not have flower pots in his yard but he could not find a bylaw stating that you could not have flowers in your yard. The lawn equipment referenced in the Order is confusing as he needs and uses it. He quoted the Bylaw Enforcement Officer as stating "one way or another you are going to pay", leading him to believe that this matter is personal.

The Appellant does not have a garage but there is a large storage shed on the property. It is currently being used to store his daughter's furniture. He rented a Sea-Can to store his

purchased materials for the sidewalk and to improve his fence as he fears that Bylaw Enforcement will visit him prior to him being able to use them.

The Appellant plans on having the groundwork of his property completed before winter. He believes that he can have the sidewalk completed and sod installed by the end of the current month.

The Appellant stated that the Police had been called out previously due to an issue between the neighbor and F. F. [redacted], the property owner.

If the Order is upheld then the Appellant will be unable to complete his work as the required tools and equipment will need to be removed.

Summary of Respondent's Position

On July 30, 2014, Bylaw Enforcement responded to a citizen's complaint. The inspection indicated that the property was in overall poor condition with numerous items in the back yard. A Notice to Comply was issued under Section 6 of the *Community Standards Bylaw* for nuisance on land. On August 12, 2014 the Appellant contacted the office and a one week extension was granted. On August 22, 2014 a second extension was granted as the Appellant stated he was making progress but it was not complete. On September 9, 2014, the Bylaw Enforcement Officer met with the Appellant at his property and a third extension was granted. A follow up inspection was conducted on September 16, 2014, which resulted in a *Municipal Government Act 545* Order being issued.

There have been six previous untidy and unsightly property violation complaints on this property since 2008. This resulted in 19 separate site inspections, all under the current ownership.

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 157669577-002

The Committee varies the order to remove reference to flower pots, bicycles, and lawn equipment.

You are therefore ordered to:

Remove all tires, metals, wire, pipe, plastic containers, metal shelving, tarps, wood, appliances, doors, car ramps, bricks, wire, vehicle parts, siding, **ladders**, pails, cardboard, loose litter, all the materials from inside the utility trailer, 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.

And thereafter maintain the property to prevent the reoccurrence of any unsightly condition detrimental to the surrounding area.

You must comply with this order by: November 7, 2014

Reasons

This property apparently has a long history of issues relating to nuisance type conditions and has been the subject of a number of complaints and investigations. A new Order was issued in relation to the property in September, 2014, and that Order is the subject matter of this appeal. At the hearing the Appellant argues that they are in the process of yard renovations including moving around sidewalk blocks and putting down sod. He simply needed a bit more time to complete these projects. He also argues that the Order would force him to remove items that are commonly found in backyards such as bicycles. The Committee therefore needs to review the Order and evidence with these two issues in mind.

The first issue relates to the question of whether there was a nuisance condition on the property at the time the issue was ordered. The committee viewed photographs of the property taken around the time the Order was issued and it appears that there was both an excessive accumulation of material and a general untidiness to the property. While some of the items may relate to the yardwork that was being done, there are various items strewn about the property that do not appear related to the yard work in any way. The pictures support the view that there is a nuisance on the property at the time the Order was issued.

In any event, the Appellant appears to agree that the property needs to be tidied and instead is really arguing that he needs more time to finish the task. Considering that the Appellant is moving sidewalk blocks around and laying sod, this appears reasonable. The Order was issued on September 17 with a compliance date of October 14, meaning that he did not have a great deal of time to fully complete the project after the Order was issued. When asked whether 30 days would allow him to put the property into better condition, the Appellant said that was all he would need. The Committee therefore varies the Order to reflect a compliance date of November 7, 2014, which will allow him enough time to fully remedy the nuisance conditions relating to the tidiness and accumulation of material on the property.

The second issue relates to whether the Order goes too far in ordering items such as flower pots, bicycles and lawn equipment from the property. Little evidence was provided as to why these items would have been listed on the Order, and why they are forming part of the nuisance condition on the property. These are items that would be commonly found in many back yards throughout the City. It would be expected if they were specifically listed on the Order that some explanation would be provided, or the Order be specific enough so that there was no misunderstanding about how the Order could be complied with.

**EDMONTON COMMUNITY STANDARDS
AND LICENCE APPEAL COMMITTEE**

Office of the City Clerk
Churchill Building
10019 – 103 Ave., Edmonton, AB T5J 0G9
Ph: 780-496-5026 Fax: 780-496-8199
Email: CSLAC@edmonton.ca

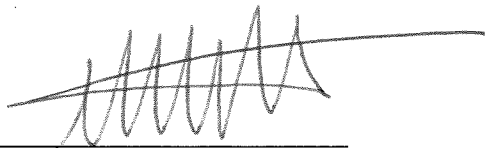
The Committee finds that the evidence, in this case, does not support a finding that lawn equipment, flower pots and bicycles should have been placed on the Order. While in certain circumstances any of these items could contribute to a nuisance, it is not clear that they do in this situation. For example, if a property had a number of flower pots that were overturned, in shabby condition, and did not contain flowers, then they could contribute to a nuisance. If there were too many bicycles, or there were bicycles that would not rideable effectively creating a bicycle junkyard, they could contribute to a nuisance. A ladder neatly stacked at the side of a yard, or hanging on a garage would be fine, but a ladder lying in the middle of a messy yard, could contribute to a nuisance. The Order would have to distinguish between these types of situations and the evidence would have to be clear why these types of items were found on the Order.

In these circumstances it is not clear why the three listed items appeared on the Order. It could be that the Bylaw Officer issuing the Order felt that all the items, along with these items, created an excessive accumulation of material. However there was little testimony to this effect. The Order itself was not specific enough to make it clear why these three items were listed on the Order, and whether removing all of other material would make these items acceptable.

Further, this Order has a clause that states that the property owner must maintain the property in the future. This could effectively mean that the property owner could never have a flower pot in the backyard without breaching this Order. This would not make logical sense.

The Committee therefore varies the Order to remove those three items. However, the Committee would caution the Appellant, that this does not mean these types of items could not, in the future, contribute to a nuisance on the property. With the appropriate facts, any of these items could lead to a finding that they are contributing to a nuisance condition.

The Committee notes that some submissions and questions also arose in relation to a shed on the property. The shed currently contains some furniture owned by a family member. There were issues about whether the shed does not comply with various bylaws. Since the shed does not form part of the Order, determination of these matters are outside the jurisdiction of the Committee at this time.



T. Caterina, Chair

Oct 16/14
Date



COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES (DRAFT)

October 2, 2014 – Churchill Building

PRESENT

T. Caterina, 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

TABLE OF CONTENTS

ITEM		PAGE	DECISION
1.	CALL TO ORDER AND RELATED BUSINESS	1	
1.1	Call to Order	1	
1.2	Adoption of Minutes	1	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, Order pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i> .	2	Action
3.2	Appeal of Order - L. P., 14631 - 91 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i> .	2	Withdrawn
3.3	Appeal of Order - F. F., 10330 - Lauder Avenue 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.	<u>CALL TO ORDER AND RELATED BUSINESS</u>

1.1 Call to Order

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

1.2 Adoption of Minutes

Moved : M. Oshry

That the September 11, 2014, Community Standards and Licence Appeal Committee meeting minutes be adopted.

In Favour:

Carried

T. Caterina, B. Anderson, M. Oshry

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 - G. F., M. F., and B. F., 9840 - 76 Avenue NW, Order pursuant to Section 546(1)(c) of the Municipal Government Act.

B. F., Appellant, was not present

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

Four sets of photographs dated May 21, 2014 and October 2, 2014 were provided to the Members of the Committee and the Office of the City Clerk.

Moved T. Caterina

<p>The Committee upholds the order. Remove all wood, metals, furniture, concrete blocks, plastic pails, exercise equipment and all 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. Due Date: June 13, 2014</p>
---	---

In Favour:

Carried

T. Caterina, B. Anderson, M. Oshry

3.2 [Appeal of Order - L. P., 14631 - 91 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546\(1\)\(c\) 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.

3.3 [Appeal of Order - F. F., 10330 - Lauder Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545\(1\) of the *Municipal Government Act*.](#)

L. O., representing F. F., Appellant, made a presentation. One set of undated photographs was provided to the Respondent, Members of the Committee and the Office of the City Clerk. L. O. requested an additional 5 minutes to speak.

Moved T. Caterina:

That the Committee allow L. O. an additional five minutes to speak

In Favour:

Carried

T. Caterina, B. Anderson, M. Oshry

L. O. continued his 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 September 16, 2014 and October 1, 2014 were provided to the Appellant, Members of the Committee and the Office of the City Clerk.

The Committee met in private at 10:26 a.m., pursuant to Section 20 of The Freedom of Information and Protection of Privacy Act.

The Committee met in public at 10:31 a.m.

Moved T. Caterina

<p>The Committee varies the order. You are therefore ordered to: Remove all tires, metals, wire, pipe, plastic containers, metal shelving, tarps, wood, appliances, doors, car ramps,</p>	<p>Community Services Dept. Due Date: November 7,</p>
---	---

<p>bricks, wire, vehicle parts, siding, ladders, pails, cardboard, loose litter, all the materials from inside the utility trailer, 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>And thereafter maintain the property to prevent the reoccurrence of any unsightly condition detrimental to the surrounding area.</p>	<p>2014</p>
---	-------------

Moved T. Caterina

In Favour:

Carried

T. Caterina, B. Anderson, M. Oshry

4. ADJOURNMENT

The meeting adjourned at 10.35 a.m.

T. Caterina, Chair

City Clerk