



COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

AGENDA

November 5, 2015 – Churchill Building

9:30 a.m.
12:00 noon

Call to Order
Adjournment

MEMBERS

T. Caterina, 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"> September 10, 2015, Community Standards and Licence Appeal Committee meeting minutes September 21, 2015, Community Standards and Licence Appeal Committee meeting minutes October 15, 2015, Community Standards and Licence Appeal Committee meeting minutes October 26, 2015, 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 – D. A. W. & E. D. K., 11407 - 48 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i>.	
3.2	Appeal of Order – K. S. & C.T., 8319 - 81 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	WITHDRAWN
3.3	Appeal of Order - A1 Delivery & Moving Inc., 21150 – Fort Road NE, 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

September 10, 2015 – Churchill Building

PRESENT

T. Caterina, S. McKeen, M. Nickel

ALSO IN ATTENDANCE

D. Beaudry, Office of the City Clerk
 I. Russell, Office of the City Clerk
 M. Malayko, Office of the City Clerk

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3.1	Appeal of Order - R. N. D. & A. D., 189 Lee Ridge Road NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>		
4.	ADJOURNMENT	2	

DECISION SUMMARY

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

T. Caterina called the meeting to order at 9:30 a.m.

1.2	Adoption of Minutes	
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Moved S. McKeen:

That the August 20, 2015, Community Standards and Licence Appeal Committee meeting minutes be adopted.

In Favour:

Carried

T. Caterina, M. Nickel, S. McKeen

2. EXPLANATION OF APPEAL HEARING PROCESS

As there were no hearings, no explanation was required.

3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS

3.1 **Appeal of Order - R.D. & A.D, 189 Lee Ridge Road NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the *Municipal Government Act.***

An inspection was conducted on the property and Administration has withdrawn the Order against this property.

4. ADJOURNMENT

The meeting adjourned at 9:31 a.m.

Chair

City Clerk



SPECIAL COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

MINUTES

September 21, 2015 – Churchill Building

PRESENT

T. Caterina, M. Oshry, B. Anderson

ALSO IN ATTENDANCE

D. Beaudry, Office of the City Clerk
 C. Ashmore, Law Branch
 B. Webster, Office of the City Clerk

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4. ADJOURNMENT	2	

DECISION SUMMARY

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

T. Caterina called the meeting to order at 10:06 am

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 appeal. No one objected.

3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS

- 3.1 **Appeal of Debt Recovery Notice #37519797, D. T., 10921 - 151 Street NW, Pursuant to Part 3 of the *Weed Control Regulation* A.R. 19/2010.**

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

Moved T. Caterina:

The Committee refunds the appeal fee.

In Favour:

T. Caterina, B. Anderson, M. Oshry

Carried

4. ADJOURNMENT

The meeting adjourned at 10:15 a.m.

Chair

City Clerk



SPECIAL COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

MINUTES

October 15, 2015 – River Valley Room

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 the decision to suspend		
1. Taxi Driver's Licence 158885749-001 issued to G/A. B.;	2	CANCELLED
2. Taxi Driver's Licence 163309311-001 issued to I. A.;	2	CANCELLED
3. Taxi Driver's Licence 167096693-001 and Limo Driver's Licence 167097724-001 issued to A. S.;	2	CANCELLED
4. Taxi Driver's Licence 108035256-001 and Limo Driver's Licence 126941707-002 issued to E. Z. M.;	2	CANCELLED
5. Taxi Driver's Licence 146173592-001 issued to B. S. G.;	2	CANCELLED
6. Taxi Driver's Licence 149720230-001 issued to M. T.	2	CANCELLED
4. ADJOURNMENT	3	

DECISION SUMMARY

ITEM	DECISION
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1. CALL TO ORDER AND RELATED BUSINESS

1.1 Call to Order

Councillor Caterina called the meeting to order at 9:40 a.m.

1.2 Adoption of Agenda

Moved B. Anderson:

That the October 15, 2015 Special CSLAC Agenda be adopted.

In Favour:

T. Caterina, B. Anderson, M. Oshry

Carried

2. EXPLANATION OF APPEAL HEARING PROCESS

Councillor 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

Appeal of the decision to suspend

3.1

- 1. Taxi Driver’s Licence 158885749-001 issued to G/A. B.;**
- 2. Taxi Driver’s Licence 163309311-001 issued to I. A.;**
- 3. Taxi Driver’s Licence 167096693-001 and Limo Driver’s Licence 167097724-001 issued to A. S.;**
- 4. Taxi Driver’s Licence 108035256-001 and Limo Driver’s Licence 126941707-002 issued to E. Z. M.;**
- 5. Taxi Driver’s Licence 146173592-001 issued to B. S. G.;**
- 6. Taxi Driver’s Licence 149720230-001 issued to M. T.**

P. Moreau, Appellant, made a presentation and answered the Committee’s questions.

C. Ashmore, Counsel for the Community Standards and Licence Appeal Committee answered the Committee’s questions.

The Committee met in private at 10:49 a.m., pursuant to Section 4 and 27 of The Freedom of Information and Protection of Privacy Act.

The Committee met in public at 11:21 a.m.

Moved B. Anderson:

The decision of this Committee is to cancel the decisions of

Due Date:

<p>the Chief Livery Officer to suspend the Licences for the six appellants</p> <ol style="list-style-type: none"> 1. Taxi Driver's Licence 158885749-001; 2. Taxi Driver's Licence 163309311-001; 3. Taxi Driver's Licence 167096693-001 and Limo Driver's Licence 167097724-001; 4. Taxi Driver's Licence 108035256-001 and Limo Driver's Licence 126941707-002; 5. Taxi Driver's Licence 146173592-001; 6. Taxi Driver's Licence 149720230-001 	<p>October 15, 2015</p>
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In Favour:

T. Caterina, B. Anderson, M. Oshry

Carried

4. ADJOURNMENT

The meeting adjourned at 11:23 a.m.

Chair

City Clerk



SPECIAL COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

MINUTES

October 26, 2015 – Churchill Building

PRESENT

T. Caterina, M. Oshry, S. McKeen

ALSO IN ATTENDANCE

S. McDonald, Office of the City Clerk
 C. Ashmore, Law Branch
 B. Webster, Office of the City Clerk

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4. ADJOURNMENT	2	

DECISION SUMMARY

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

T. Caterina called the meeting to order at 9:30 am

1.2 Adoption of Agenda

Moved S. McKeen:

That the October 26, 2015 Special CSLAC Agenda be adopted.

CARRIED

In Favour:

T. Caterina, M. Oshry, S. McKeen

2. EXPLANATION OF APPEAL HEARING PROCESS

3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS

3.1 Appeal of Debt Recovery Notice - C. W., 10736 - 68 Avenue NW, Pursuant to Part 3 of the *Weed Control Regulation A.R. 19/2010.*

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

Moved S. McKeen:

The Committee refunds the appeal fee.

In Favour:

T. Caterina, M. Oshry, S. McKeen

CARRIED

4. ADJOURNMENT

The meeting adjourned at 9:35 am

Chair

City Clerk

Decision of the Committee

Appeal of Order 180108022-001; 11407 – 48 Avenue NW, Edmonton Order Pursuant to Section 546(1)(c) of the *Municipal Government Act*.

Hearing Date: November 5, 2015

**Appellant: D. A. W. &
E. D. K.**

I. ISSUE

Should the order issued by the City of Edmonton be upheld?

II. APPEARANCES AND EVIDENCE

In dealing with the Appeal of Order 180108022-001, the Community Standards and Licence Appeal Committee (the Committee) heard from D. W. , Appellant and T. Courtoreille, Respondent.

The Committee viewed two sets of photos of the subject property, dated September 30, 2015 and November 3, 2015, provided by the Respondent to the Appellant.

III. SUMMARY OF APPELLANT'S POSITION

Mr. W. asked if it would be possible to keep some of the vehicles that are currently on his property by erecting a portable garage to store some of his things, mostly automotive parts.

He has been working on automobile restorations for the past 40 years and has some ongoing projects. He would be willing to licence and insure all of the vehicles if necessary.

He contacted the City to inquire about erecting a portable vehicle cover but was told that he would have to provide plans and measurements and has not yet completed this process.

The photographs taken on November 3, 2015 are an accurate depiction of his property and illustrate that cleanup has begun although he acknowledged that there is still more work to be done. The garage is currently full of automotive parts and there is another vehicle parked inside so there is no room for any more vehicles or stuff to be moved inside the garage. Three of the vehicles currently on the site are drivable.

Mr. W_____ indicated that he would like to have all of his projects completed in the next few years.

IV. SUMMARY OF RESPONDENT'S POSITION

T. Courtoreille, Respondent, advised that a complaint about the subject property was received on September 30, 2015. Based on a review of the email and photographs that were provided, an inspection was conducted and an Order, pursuant to Section 546(1)(c) of the *Municipal Government Act* was issued on October 1, 2015.

Based on a review of the most recent photographs taken on November 3, 2015, he conceded that Mr. W_____ has started to clean up the site and there has been some improvement. However, there are still several vehicles and automotive parts being stored on the site in full view of neighbouring property owners.

Only three of the vehicles currently on site can be driven. Enforcement does not have a problem with the Motorhome being parked at the rear of the property but would prefer that it be parked inside the garage.

It is Administration's opinion that this situation has passed the threshold of what is acceptable. The photographs taken on November 3, 2015 illustrate that stuff is being stored along the garage and the house which is unsightly. The original complaint was filed because items were being stored on the garage pad and the driveway and this remains the primary concern.

Mr. Courtoreille advised that a Temporary Carport that is larger than 10 square metres in size will require a development permit. He is prepared to provide some contact information to Mr. W_____ in this regard.

If the Order is upheld Mr. Courtoreille and his staff are prepared to work with the property owner to clean up the site. Enforcement staff will visit the site and advise Mr. W_____ which items can stay and what has to be removed. Mr. W_____ indicated that he was agreeable to this process.

V. DECISION

<p>The Committee upholds the Order.</p> <p>You are therefore ordered to:</p> <p>Remove all derelict/dismantled/damaged vehicles, vehicle parts, vehicle tires, cardboard boxes, plastic sheets, plastic containers, metals, electronics, rubber and plastic hoses, 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>You must comply with this order before November 30,2015.</p>	<p>Community Services Dept.</p> <p>Due Date: October 16, 2015</p>
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VI. REASONS

The role of this Committee in this appeal is to decide whether this property, at the time that the order was issued, should be considered to be unsightly and detrimental to the surrounding area. Under Section 546 of the Municipal Government Act RSA 2000, Chap M-26, the term unsightly includes land that shows a serious disregard for general maintenance.

The items at issues in this appeal can be broken down into two categories, the vehicles and the “other stuff” including vehicle parts, plastic sheets, etc.

There does not to be any dispute that the other stuff listed on the order was something that needed to be remediated. In fact, the Appellant has made significant progress on cleaning much of the property of these incidental items. The photos taken when the order was issued show a significant amount of accumulation of these other items. The photos taken a couple of days before the hearing show significant progress in cleaning up these other items, although a few items still remain. Since the role of this Committee is to look at the property when the order was issued, there is little question that the excessive accumulation of these incidental items show a disregard for maintenance of these areas of the property.

As it relates to the vehicles, there are many vehicles on the property. To put it simply, there are too many vehicles on the property, especially if they are not being used and are effectively just parked on the property. The evidence presented to this committee, while identifying that some of the vehicles are still in use, also showed that others are damaged, or are projects that are being undertaken by the Appellant. While having one project on your property, assuming that the project is well managed and does not take control of a property, would likely not be of concern, the number of vehicles on the property both damaged and otherwise would be of concern to the neighbors. A

**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


neighbor who would expect to live next to a residential property is in some sense faced with living next to property with a portion of it being a parking lot with damaged vehicles. It is the opinion of this Committee that the number of vehicle being parked on this property, along with the fact that some of these vehicles are damaged constitutes an unsightly property, and the appropriate way to remedy the issue is to remove all the damaged, derelict and dismantled vehicles.

It needs to be noted that there was some discussion of putting a type of a carport on the property, which can easily be purchased from a home renovation store. There were questions about how large this would be, and whether it would therefore require a development permit, and whether such a permit would be issued. This committee does not have the authority to deal with questions about whether a development permit would be issued, and ultimately does not have an opinion of whether this would lead to an acceptable result since it would depend on various factors which cannot be determined at this time.

The final issue is whether this property could be considered to be detrimental to the surrounding area. With the number and amount of items and vehicles that were on the property at the time the order was issued, there is little question that no one would want to live beside this property until the property was remediated. It therefore could be considered to be detrimental to the surrounding area.

Since the Committee has found that both the vehicle and the other stuff are both unsightly, and the property as a whole is detrimental to the surrounding area in the state it was in when the order was issued, the order is upheld.

As usual, when this committee makes a decision that the property continues to need remediation, the Committee would encourage further dialog between City administration and the property owner to ensure that there is clarity prior to any enforcement measures taking place on the property.



T. Caterina, Chair

Nov 17/15
Date

Decision of the Committee

Appeal of Order 178136398-001; 21150 Fort Road NE, Edmonton Order Pursuant to Section 545(1) of the *Municipal Government Act*.

Hearing Date: November 5, 2015

Appellant: A1 Delivery & Moving Inc.

I. ISSUE

Should the order issued by the City of Edmonton be upheld?

II. APPEARANCES AND EVIDENCE

No one from A1 Delivery & Moving Inc., appeared to provide evidence regarding the Appeal of Order 178136398-001,

T. Courtoreille, Respondent, advised that the order was issued on September 30, 2015 and was apparently mailed to the Appellant. The deadline for filing an appeal was October 21, 2015 and the appeal was filed on October 22, 2015. It therefore appeared that the appeal was filed late.

S. McDonald explained that the order was issued pursuant to Section 545 of the *Municipal Government Act* RSA 2000 Chap M-26. Section 547(1)(a) of the *Municipal Government Act* states that the deadline to file an appeal to this Committee is 14 days after the date that the order is received for an order issued after 545. Since the order was mailed, the *Interpretation Act*, RSA 2000, Chap 1-8 would appear to apply creating a rebuttable presumption that the document was received 7 days from the date of mailing and since there was no evidence presented to rebut that presumption, it appears that the appeal was filed late on October 22, 2015.

III. DECISION

The Committee does not assume jurisdiction to hear the appeal because it was filed late.

Community Services Dept.

**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

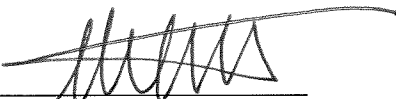
IV. REASONS

In this case, the Appellant did not show up to explain why he felt that the appeal was not late. This Committee was therefore limited to examining the facts and the law as it related to this appeal.

The order was issued on September 30, 2015, and was apparently mailed to the Appellant. The order was issued pursuant to Section 545 of the *Municipal Government Act* RSA 2000 Chap M-26. Section 547(1)(a) states that the deadline to file an appeal to this Committee is 14 days after the date that the order is received for an order issued after 545. Since the order was mailed, the *Interpretation Act*, RSA 2000, Chap 1-8 would appear to apply creating a rebuttable presumption that the document was received 7 days from the date of mailing. No evidence was presented to rebut that presumption. This would make the deadline for filing the appeal October 21, 2015.

Since the appeal was not received until October 22, 2015, this means that the appeal was filed late.

While the Committee sympathizes with some of the issues that the Appellant outlined in writing, there is an obligation on parties to file appeals within the limitation periods within the *MGA*. There is nothing within the *MGA* that appeals this Committee to extend the dealing for filing. This Committee therefore has no authority to proceed with a hearing on the merits of the case.



T. Caterina, Chair

NOV 17/15

Date



COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES

November 5, 2015 – Churchill Building

PRESENT

T. Caterina, B. Anderson, M. Oshry

ALSO IN ATTENDANCE

S. McDonald, Office of the City Clerk
 C. Ashmore, Law Branch
 B. Webster, Office of the City Clerk
 M. Malayko, Office of the City Clerk

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3.1 Appeal of Order - D. A. W. & E. D. K., 11407 - 48 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i>.	2	UPHELD
3.2 Appeal of Order - K. S. & C.T., 8319 - 81 Avenue, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.	3	WITHDRAWN
3.3 Appeal of Order - A1 Delivery & Moving Inc., 21150 Fort Road NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>	3	NO JURISDICTION
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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 9:37 a.m.

1.2 Adoption of Agenda

Moved by M. Oshry:

That the November 5, 2015 Community Standards and Licence Appeal Committee agenda be adopted.

In Favour:

Carried

T. Caterina, B. Anderson, M. Oshry

1.3 [Adoption of Minutes](#)

Moved B. Anderson:

That the September 10, 2015, September 21, 2015, October 15, 2015 and October 26, 2015 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 – D. A. W. & E. D. K., 11407 - 48 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546\(1\)\(c\) of the Municipal Government Act.](#)

D. W. 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 September 30, 2015 and on November 3, 2015, were provided to the Appellant,

Members of the Committee and the Office of the City Clerk.

Moved B. Anderson:

<p>The Committee upholds the order. You are therefore ordered to: Remove all derelict/dismantled/damaged vehicles, vehicle parts, vehicle tires, cardboard boxes, plastic sheets, plastic containers, metals, electronics, rubber and plastic hoses, 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</p> <p>Due Date: October 16, 2015</p>
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In Favour:

Carried

T. Caterina, B. Anderson, M. Oshry

3.2

[Appeal of Order – K. S. & C. T., 8319 - 81 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545\(1\) of the Municipal Government Act.](#)

An inspection was conducted on the property and Administration has withdrawn the order against this property. It is now in compliance with the *Community Standards Bylaw 14600*.

WITHDRAWN

3.3

[Appeal of Order - A1 Delivery & Moving Inc., 21150 Fort Road NW, Edmonton, Alberta, Order Pursuant to Section 545\(1\) of the Municipal Government Act.](#)

No one appeared on behalf of A1 Delivery & Moving Inc. to make a presentation or answer the Committee's questions.

T. Courtoreille, Community Services Department, advised the Committee that he believed that the appeal was filed one day late.

S. McDonald provided an explanation to the Committee as to why the appeal was deemed to be late.

The Committee determined that the appeal was filed late.

Moved M Oshry:

<p>The Committee does not assume jurisdiction to hear the appeal because it was filed late.</p>	
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In Favour:

Carried

T. Caterina, B. Anderson, M. Oshry

4. ADJOURNMENT

The meeting adjourned at 10:21 a.m.

Chair

City Clerk