



COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE SELECTION SHEET / AGENDA

July 14, 2016 – Hearing Room No. 3, Churchill Building

9:30 a.m.
12:00 noon

Call to Order
Adjournment

MEMBERS

T. Caterina, B. Anderson, S. McKeen

ITEM		ACTION
1.	CALL TO ORDER AND RELATED BUSINESS	
1.1	Call to Order	
1.2	Adoption of Agenda	
1.3	Adoption of Minutes	
	<ul style="list-style-type: none"> May 5, 2016, 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 - H. M., 10312 - Villa Avenue NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.	
3.2	Appeal of Order - K. L., 12939 - 114 Street NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.	
4.	ADJOURNMENT	

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COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES

May 5, 2016 – Churchill Building

PRESENT

T. Caterina, B. Anderson, M. Oshry

ALSO IN ATTENDANCE

S. McDonald, Office of the City Clerk
B. Webster, Office of the City Clerk

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DECISION SUMMARY

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

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

1.2 Adoption of Agenda

Moved M. Oshry:

That the May 5, 2016 Community Standards and Licence Appeal Committee agenda be adopted.

In Favour:

Carried

T. Caterina, B. Anderson, M. Oshry

1.3 Adoption of Minutes

Moved M. Oshry:

That the February 4, 2016 Community Standards and Licence Appeal Committee meeting minutes be adopted.

In Favour:

Carried

T. Caterina, B. Anderson, M. Oshry

3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS

3.1 Appeal of Order 189007933-001 – B. K., 9550 - 83 Street NW, Order Pursuant to Section 546(1)(c) of the *Municipal Government Act*

The appeal was withdrawn by the appellant.

3.2 Appeal of Order 163714218-001 – M. L., 18320 - 78 Avenue NW, 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An inspection was conducted on the property and Administration has withdrawn the Order against this property.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.

4. ADJOURNMENT

The meeting adjourned at 9:33 a.m.

Chair

City Clerk

Decision of the Committee

Appeal of Order 222304763-001; 10312 – Villa Avenue NW, Edmonton Order Pursuant to Section 545(1) of the *Municipal Government Act*.

Hearing Date: July 14, 2016

Appellant: H. M

I. ISSUE

Should an extension of the time to comply with the order issued by the City of Edmonton be granted?

II. APPEARANCES AND EVIDENCE

In dealing with the Appeal of Order 222304763-001-001, the Community Standards and Licence Appeal Committee (the Committee) heard from H. M , Appellant and T. Courtoreille, Respondent.

The Committee viewed two sets of photos of the subject property, dated May 24, 2016, and July 13, 2016, provided by the Respondent to the Appellant.

III. SUMMARY OF APPELLANT'S POSITION

Mr. M indicated that the house was built in 1912. He discussed his siding and the difficulty in finding individuals with the appropriate expertise to finish the siding appropriately. He requested an extension on the Order to December 1, 2016 to resolve the issues identified on the Order but he wouldn't be able to complete the stucco this year. He lives in the house.

In rebuttal, Mr. M stated that by December 1, 2016, he can complete everything on the order including the installation of all exterior siding.

IV. SUMMARY OF RESPONDENT'S POSITION

Mr. Courtoreille indicated that on May 21, 2016, Community Standards Branch received a citizen complaint about the overall nuisance condition at this location. Of specific concern for the citizen was the exterior condition of the house, the front steps of the house were of concern for the safety of Canada Post employees and there was long grass and weeds in the

yard. On May 24, 2016, a site inspection occurred and the Officer noticed that there was a pylon at the front steps and that the front steps and railing were damaged, the house showed serious signs of physical deterioration including unpainted, untreated and unsealed surfaces. There also appeared to be some of indication of possible rot and possible roof damage.

The address history check of the property revealed that there were nine previous nuisance property standards complaints at this address since 2010, all under the appellant's ownership. This included two complaints on the condition of the house. The investigating officer reviewed the case history file and found that in his opinion based on a review of the previous photographs that the house has deteriorated significantly in the last five years. Because of the severity of the house condition and the notable deterioration and the previous history, the officer proceeded to a section 545 *Municipal Government Act* Order for a failure to comply for the Community Standards Bylaw, Section 9 nuisance in respect to the building.

The two sets of photographs taken on May 24, 2016 and July 13, 2016 show an accurate condition of the property. Mr. Courtoreille referred to Section 9(2) of the Community Standards Bylaw and section 545 of the *Municipal Government Act*. Administration is satisfied that the Appellant has contravened Section 9 of the Community Standards Bylaw and asks that the Order be upheld.

Administration requests that the Order be upheld.

V. DECISION

<p>The Committee varies the Order.</p> <p>You are therefore ordered to:</p> <p>Take any actions or remove any items that are contributing to the unsightly condition of the property, including, but not limited to:</p> <p>(a) Completing the installation of all exterior siding on the house;</p> <p>(b) Removing all wood showing signs of rot or decay;</p> <p>(c) Repairing the staircase and bannister at the front</p>	<p>Community Services Dept.</p>
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entrance of the property;

(d) Repairing all damaged or missing roofing components;

(e) Repair any damage to the building to prevent any inappropriate infiltration of air; moisture or water into the building due to peeling, unpainted or untreated surfaces all completed in accordance with all relevant municipal legislation.

Due Date: December 1,
2016

VI. **REASONS**

This order was issued to remedy a nuisance associated with the building on the property. The order was issued pursuant to Section 9(1) of the Community Standards Bylaw (Bylaw 14600). Under that bylaw a nuisance includes damage to the building, rot and other deterioration within the building and inappropriate infiltration as a result of missing roofing materials, unpainted or untreated surfaces etc. The order essentially covers all of these items.

The Appellant is asking for additional time to remedy the problems. He is asking for an extension of the order until December to allow him to have most of the issues remedied. However he suggests that some of the problems relating to the stucco will require additional time until 2017 since it is an older property with an older style of stucco and he wants to restore it to its original finish. He claims that there are not a lot of people that still do the original stucco finish and it will take him a lot of time to find someone to do this work.

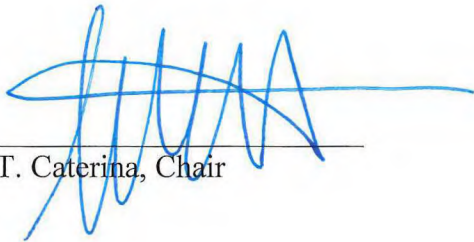
There does not appear to be any dispute that the condition of the property is a nuisance under the bylaw. To the extent that this is an issue, the Committee reviewed the photographs, saw the various issues on the property as outlined in the order, and agrees that the property would be considered a nuisance under the Community Standards Bylaw.

We agree that some of the items that are listed on the order will take some time to remedy. The Committee therefore agrees with Mr. M that an additional three months to remedy these items is not unreasonable. The Committee therefore varies the order to reflect a compliance date of December 1, 2016 which will provide plenty of time to remedy these issues, some of which have apparently been a concern for a long period of time.

**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

While we recognize the desire of Mr. M to put the property back into its original state, that is not a reason to allow a nuisance to continue on a property when you can do temporary repairs to remedy the nuisance. There is no reason that Mr. M cannot do a temporary fix on the stucco, and then completely restore it to its original finish once he has found a contractor that does this type of work. This will allow him to both meet his desire to have the original finish, but will also solve any community concerns about the nuisance on the property. As such, the date of December 1, 2016 will also apply to the issues relating to the stucco that is shown on the pictures.



T. Caterina, Chair

JUL 26 2016

Date



COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES

July 14, 2016 – Hearing Room No. 3, Churchill Building

PRESENT

T. Caterina, B. Anderson, M. Nickel

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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DECISION SUMMARY

ITEM		DECISION
1.	CALL TO ORDER AND RELATED BUSINESS	
1.1	<u>Call to Order</u>	

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

1.2 Adoption of Agenda

Moved B. Anderson

That the July 15, 2016, Community Standards and Licence Appeal Committee Agenda be adopted with the following changes:

- Clr. M. Nickel will be replacing Clr. S. McKeen for the current meeting.
- Clr. M. Nickel will be replacing Clr. M. Oshry for the duration of the term.
- Addition of Item 1.4 Changes to the Community Standards and Licence Appeal Committee Operating Manual.

CARRIED

In Favour

T. Caterina, B. Anderson, M. Nickel

1.3 Adoption of Minutes

Moved B. Anderson

That the May 5, 2016, Community Standards and Licence Appeal Committee meeting minutes be adopted.

In Favour

T. Caterina, B. Anderson, M. Nickel

CARRIED

1.4 Changes to the Community Standards and Licence Appeal Committee Operating Manual

Moved B. Anderson

That the Community Standards and Licence Appeal Committee Procedures Manual, which was previously part of the Community Standards and Licence Appeal Committee Bylaw, be adopted.

In Favour

T. Caterina, B. Anderson, M. Nickel

CARRIED

2. EXPLANATION OF APPEAL HEARING PROCESS

Councillor 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**

Moved M. Nickel:

That the Items on the Agenda be heard in the following order: 3.2, 3.1

In Favour:

Carried

T. Caterina, S. McKeen, M. Oshry

3.2

Appeal of Order - K. S. L., 12939 - 114 Street NW, Order Pursuant to Section 545(1) of the *Municipal Government Act*.

T. Courtoreille, Office of the City Clerk, advised the Committee that, pursuant to discussions with the Owner and an inspection conducted on the property, Administration has withdrawn the Order.

3.1

[Appeal of Order - H. M. M., 10312 - Villa Avenue NW, Order Pursuant to Section 545\(1\) of the *Municipal Government Act*.](#)

S. McDonald, Office of the City Clerk distributed photographs of the subject property to the members of the Committee.

H. M. made a presentation and answered the Committee's questions.

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

Two sets of photographs taken on May 24, 2016 and on July 13, 2016 were provided to the Appellant, Members of the Committee and the Office of the City Clerk.

The Committee recessed at 10:12 a.m. and the meeting was called back to order by T. Caterina at 10:25.a.m.

T. Courtoreille and H. M. answered further questions from the Committee.

Moved T. Caterina:

That the Committee meet in private pursuant to Section 20 of the *Freedom of Information and Protection of Privacy Act*.

In Favour:

Carried

T. Caterina, B. Anderson, M. Nickel

The Committee met in private at 10:44 a.m.

The Committee met in public at 10:48 a.m.

Moved M. Nickel

<p>The Committee varies the order. You are therefore ordered to: Take any actions or remove any items that are contributing to the unsightly condition of the property, including, but not limited to:</p> <ul style="list-style-type: none">(a) Completing the installation of all exterior siding on the house;(b) Removing all wood showing signs of rot or decay;(c) Repairing the staircase and bannister at the front entrance of the property;(d) Repairing all damaged or missing roofing components;(e) Repair any damage to the building to prevent any inappropriate infiltration of air; moisture or water into the building due to peeling, unpainted or untreated surfaces all completed in accordance with all relevant municipal legislation.	<p>Community Services Dept.</p> <p>Due Date: Dec. 1, 2016</p>
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In Favour:

Carried

T. Caterina, B. Anderson, M. Nickel

4. ADJOURNMENT

The meeting adjourned at 10:49 a.m.

Chair

City Clerk