



# COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE SELECTION SHEET / AGENDA

**September 15, 2016 – Hearing Room No. 3, Churchill Building**

9:30 a.m.  
12 noon

Call to Order  
Adjournment

## MEMBERS

T. Caterina, S. McKeen, M. Nickel

ITEM		ACTION
<b>1.</b>	<b>CALL TO ORDER AND RELATED BUSINESS</b>	
1.1	Call to Order	
1.2	Adoption of Agenda	
1.3	Adoption of Minutes	
	<ul style="list-style-type: none"> <li>• August 18, 2016, 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>	
<u><a href="#">3.1</a></u>	<u><a href="#">Appeal of Order – L. M. D., 14515 - 115 Avenue NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.</a></u>	<b>Withdrawn</b>
<u><a href="#">3.2</a></u>	Appeal of Order – H. J., 10902 - 163 Street NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	<b>Postponement Request</b>
<u><a href="#">3.3</a></u>	Appeal of Debt Recovery Notice – Q.y., 17727 - 6 Avenue S.W., Pursuant to Part 5 of the <i>Weed Control Act</i> .	
<b>4.</b>	<b>ADJOURNMENT</b>	

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# COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

## MINUTES

August 18, 2016 – Hearing Room No. 3, Churchill Building

### PRESENT

T. Caterina, S. McKeen, M. Nickel

### ALSO IN ATTENDANCE

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

### TABLE OF CONTENTS

ITEM	PAGE	DECISION
1. CALL TO ORDER AND RELATED BUSINESS	2	
1.1 Call to Order	2	
1.2 Adoption of Agenda	2	
1.3 Adoption of Minutes	2	
2. EXPLANATION OF APPEAL HEARING PROCESS	2	
3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS	2	
3.1 Appeal of Order - M. M., 8711 - 31 Avenue NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	2	
3.2 Appeal of Order - 1002821 Alberta LTD, 16223 - 56 Street NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	3	
3.3 Appeal of Order - M. M., 8518 - 80 Avenue NW, Order Pursuant to Section 545(1)(c) of the <i>Municipal Government Act</i> .	3	
3.4 Appeal of Order - N. D. T., 8514 - 80 Avenue NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	4	
4. ADJOURNMENT	4	

## DECISION SUMMARY

ITEM		DECISION
1.	<b>CALL TO ORDER AND RELATED BUSINESS</b>	
1.1	<b>Call to Order</b>  Councillor T. Caterina called the meeting to order at 9:31 a.m.	
1.2	<b>Adoption of Agenda</b>  <b>Moved T. Caterina</b>  That the August 18, 2016, Community Standards and Licence Appeal Committee Agenda be adopted  <b>In Favour</b>  T. Caterina, S. McKeen, M. Nickel	<b>CARRIED</b>
1.3	<b>Adoption of Minutes</b>  <b>Moved T. Caterina</b>  That the July 14, 2016 Community Standards and Licence Appeal Committee meeting minutes be adopted.  <b>In Favour</b>  T. Caterina, S. McKeen, M. Nickel	<b>CARRIED</b>
2.	<b>EXPLANATION OF APPEAL HEARING PROCESS</b>  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.	<b>COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS</b>	
3.1	<b>Appeal of Order - M. M., 8711 - 31 Avenue NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.</b>  An inspection was conducted on the property and Administration has withdrawn the Order against this property. It is now in compliance with the <i>Community Standards Bylaw</i> 14600.	
3.2	<b>Appeal of Order - 1002821 Alberta Ltd, 16223 - 56 Street NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.</b>	

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.

3.3

**Appeal of Order - M. M., 8518 - 80 Avenue NW, Order Pursuant to Section 546(1)(c) of the *Municipal Government Act*.**

M. M., 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 taken on June 24, 2016 and on August 17, 2016 were provided to the Appellant, Members of the Committee and the Office of the City Clerk.

**Moved S. McKeen**

<p>The Committee varies the order.</p> <p>You are therefore ordered to:</p> <p>Remove all furniture, hot water tanks, wood, metal, pipe, hoses, cardboard, containers, buckets, crates, poles, tarps, auto parts, all items/materials under tarps, tires, rims, fence sections/gates, bricks, tiki torches, shovels, posts, dollies, shopping carts/all items materials in shopping carts, floor mats, tree branches/clippings, plastic, bottles, cans and carpets from the entire property.</p> <p>Also remove all debris and loose litter from the entire property, and take any action or measures necessary to remedy the unsightly condition.</p>	<p>Community Services Dept.</p> <p><b>Due Date:</b> October 31, 2016</p>
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**In Favour:**

**CARRIED**

T. Caterina, B. Anderson, M. Nickel

3.4

**Appeal of Order - N. T., 8514 - 80 Avenue NW, Order Pursuant to Section 545(1) of the *Municipal Government Act*.**

The appellant was not present.

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

Two sets of photographs taken on June 24, 2016, and on August 17, 2016 were provided to the Appellant, Members of the Committee and the Office of the City Clerk.



**Moved M. Nickel:**

<p>The Committee varies the order. You are therefore ordered to:</p> <p>Remove all wood, metal, eavestroughing / down spouts, furniture, buckets, plastic, extension cords, rope, shopping carts, floor mats, stands, damaged / dismantled / derelict vehicles, all items / materials from truck bed, poles, dollies, tarps, fence sections, tires, rims and tree branches / clippings from the entire property.</p> <p>Also remove all debris and loose litter from the entire property, and take any action or measures necessary to remedy the unsightly condition.</p> <p>Also cut and maintain all long/unkept grass, weeds and vegetation throughout the entire property.</p>	<p>Community Services Dept.</p> <p><b>Due Date:</b> October 31, 2016</p>
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**In Favour:**

**CARRIED**

T. Caterina, B. Anderson, M. Nickel

**4. ADJOURNMENT**

The meeting adjourned at 10:22 am.

\_\_\_\_\_  
Chair

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



**EDMONTON  
TRIBUNALS**

*Community  
Standards &  
Licence Appeal  
Committee*

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## Decision of the Committee

**Appeal of Order 226264244-001; 10902 – 163 Street NW, Edmonton  
Order Pursuant to Section 545(1) of the *Municipal Government Act*.**

**Hearing Date: September 15, 2016**

**Appellant: H. J**

### **I. ISSUE**

Whether a postponement request from the Appellant should be granted.

### **II. APPEARANCES AND EVIDENCE**

1. A written postponement request was received from H. J , Appellant.
2. T. Courtoreille, Respondent, advised he had no objection to this request.


### **III. DECISION**

The Committee grants the postponement request and the new hearing will be on October 27, 2016, at 9:30 a.m.

### **IV. REASONS**

The Committee heard that the Appellant has requested a postponement and the Respondent does not object. Considering that the Appellant is elderly, it appears that the Respondent is in agreement that additional time should be granted to see whether the issues between the City and the Appellant can be worked out without the requirement of having a formal hearing.

The Committee agrees that in these circumstances, where both parties consent, and the postponement may solve the issues in dispute that this is a sufficient reason to postpone the hearing. The Committee therefore postpones the hearing to October 27, 2016.

  
\_\_\_\_\_  
Councillor T. Caterina

**SEP 20 2016**  
\_\_\_\_\_  
Date



**EDMONTON  
TRIBUNALS**

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## Decision of the Committee

### Appeal of Debt Recovery Notice 37671638 issued under Part 5 of the *Weed Control Act, S.A. 2008, Chap W-5.1*

Hearing Date: September 15, 2016

Appellant: ;

#### I. ISSUE

Should the debt recovery notice be cancelled and the appeal fee in the amount of \$500.00 be returned?

#### II. APPEARANCES AND EVIDENCE

The Community Standards and Licence Appeal Committee (the Committee) heard from:

Q. Y , Appellant  
T. Courtoreille, Respondent

#### III. SUMMARY OF APPELLANT'S POSITION

Ms. Y confirmed that she received a Local Authority Notice instructing her to control the weeds on the property she owns at 17727 – 6 Avenue SW. The lawn was mowed by her tenant immediately after they had notified him and her tenant sent a picture to the property manager on July 3, 2016, confirming that the requested work had been done.

Ms. Y felt that there was too much time between the completion of the work (invoice stated July 6) and the date the invoice was mailed out (August 18.)

In rebuttal Ms. Y stated that the notice requested that an area of 20 square metres needed to be controlled and this request had been complied with by mowing the area. Only a few weeds remained along the edges where the mower couldn't reach. She also reiterated that there was too much of a delay in mailing out the invoice. By the time she received the invoice her tenant had moved out and she was unable to deduct the charges from the damage deposit.

**IV. SUMMARY OF RESPONDENT'S POSITION**

Mr. Courtoreille provided an information package containing a copy of the Local Authority Notice and photos taken by the City Inspector as well as the contractor hired to mow the weeds. This package was distributed to the Appellant and members of the Committee.

On June 15, 2016, a weed inspector noticed Canada Thistle along the west side of the property at 17727 – 6 Avenue SW while doing proactive inspections in the area. Pursuant to Section 12 of the *Weed Control Act* he evaluated the remainder of the property and found large stands of Canada Thistle near the garage and the rear portion of the house.

On June 17, 2016, a Local Authority Notice was issued pursuant to the *Weed Control Act* and was mailed to both the property address as well as the property owner's address obtained from Land Titles. This notice provided instructions regarding controlling the weeds; typically only one notice is issued to a property per season.

On June 29, 2016, a re-inspection was conducted which showed that voluntary compliance had not been obtained. Pursuant to Section 18 of the *Weed Control Act* a contractor was hired to cut down the weeds in the front, side and rear yard. Photos taken by the City inspector on June 29, 2016, as well as by the hired contractor on July 4, 2016, clearly show that this work was still required.

In answer to questions from the Committee Mr. Courtoreille provided the following information:

- Timelines followed were in accordance with the *Weed Control Act* and the policies of the Complaints and Investigations Section.
- Notification to citizens regarding weed offences is primarily through the use of mailed notices as the large volume prohibits advising individuals in person.
- Typically a contractor is sent out within 48 hours of re-inspection but long weekends and inclement weather can affect this timeframe.
- The contractor charges a standard rate for any area between 0 to 500 square metres. An administration fee of approximately \$59.00 is added to the contractor charges.
- This is the first time that there was a weed issue at this property.

**V. DECISION**

The Committee varies Invoice 37671638 by waiving the City Administration fee and reducing the appeal fee from \$500.00 to \$250.00.

Due Date:  
**Due Date: Sept. 18, 2016**

VI. **REASONS**

The timelines on this case are important. On June 15 the problems on the property first came to the attention of the City. The inspector at that time did not inform the property owner of any problems and instead mailed a Local Authority Notice on June 17. Since the notice was mailed this means that the property owner would not have received the notice immediately and instead received it a few days later. The Local Authority Notice required compliance by June 27. On June 29, there was a follow up inspection on the property and at that time the City determined that a contractor would be sent out. In the meantime, the property owner claims that the lawn was mowed. On July 4, the contractor mowed down the weeds on the property and took photos of the property to show that the work was warranted.

The Committee has viewed the photographs that were taken on July 4 and has determined that notwithstanding that the Appellant claims that the weeds were mowed before the contractor went onto the property, that the mowing that was done prior to the contractor doing the work was not sufficient. The photos taken on July 4 show that there were areas of the property where the weeds had not been mowed. The Committee finds that the decision to remediate the issues on the property on July 4 was a reasonable decision on the part of the City. The work that had been done by the property owner was simply not sufficient since there were still weeds on the property that had not been mowed or cut down in a way that was sufficient.

The Appellant has argued that the Local Authority Notice only required that the lawn be mowed and that this is what she did. Since a lawnmower is not designed to reach the corners and the Notice only required mowing, this means she has complied. The Committee rejects this argument. The intent of the notice is clear that all the weeds needed to be mowed. It is no excuse that a lawnmower could not reach certain areas of the property. If the mower could not reach those areas, than the property owner could have pulled them by hand or used a string trimmer to mow them down.

Ms. Y also appears to argue that since this is a rental property that it was the responsibility of the tenant to deal with the issues and that the invoice should have been sent sooner. The Committee also rejects that argument. While the Appellant and her tenant may have an agreement about who is responsible for lawn maintenance and weed control, that has nothing to do with the City. Ultimately the responsibility for the property rests on the owner of the property which is the Appellant.

The last argument that was raised by Ms. Y was the relatively short timeframe to deal with the issues. The Committee struggled with this issue since the time given to remedy the problem was short, but appeared to be sufficient to allow the Appellant's tenant to mow the



weeds. Further, the Appellant was a first time offender and therefore may not have been that familiar with the process of weed control.


The Committee acknowledges that there can be times when a short timeframe can be required simply because of the nature of the weed. A weed that is highly infective and quick to spread may require immediate action. While the Committee recognizes that Canada Thistle can be difficult to get rid of, it also knows that the weed is relatively common in Edmonton. Further, this is the type of weed that appears to be controlled by mowing it as opposed to some other method of control.

Ultimately the Committee found that based on the property owner being a first time offender, the fact that Canada Thistle is relatively common and the nature of the weed itself, that a slightly longer timeframe to remediate the problem would have been preferable. This would have allowed the Appellant to make further inquiries of the City and ask whether the work that was done was sufficient. However the timeframe was not so short as to make it impossible for the Appellant to comply. In weighing these factors together the Committee finds that eliminating the administration charge of \$59.23 is the appropriate decision.

Since the Appellant was partially successful, the Weed Control Regulation allows this Committee to refund in whole or in part the \$500 filing fee relating to this appeal. For the same reasons and factors above, the Committee reduces the appeal fee from \$500 to \$250 to reflect that the Appellant was partially successful.

This decision may seem unjust to the Appellant since she was partially successful in reducing the bill, but the combination of the appeal fee and the remaining bill now exceeds the amount that she would have had to pay in the first place if she had not appealed. As mentioned above this Committee had already made a finding that the City needed to do the remediation work and the decision of the Committee as it relates to the refund of the fees therefore needs to acknowledge that the Appellant was mostly unsuccessful. Further, there are administrative costs in holding the appeal and this is partly what the appeal fee is intended to address.

The Committee would also like to make it clear that had the Appellant not been a first time offender that it is unlikely that any reduction to the bill would have been made. Since this property has now received an order, it is expected the property will continue to be monitored by the City to ensure that there is not a reoccurrence of the issues.

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

SEP 20 2016

\_\_\_\_\_  
Date



# COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

## MINUTES

September 15, 2016 – Hearing Room No. 3, Churchill Building

### PRESENT

T. Caterina, S. McKeen, M. Nickel

### ALSO IN ATTENDANCE

C. Hammett, Office of the City Clerk  
 C. Ashmore, Law Branch  
 I. Russell, Office of the City Clerk

### TABLE OF CONTENTS

ITEM	PAGE	DECISION
1. CALL TO ORDER AND RELATED BUSINESS	2	
1.1 Call to Order	2	
1.2 Adoption of Agenda	2	
1.3 Adoption of Minutes	2	
2. EXPLANATION OF APPEAL HEARING PROCESS	2	
3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS	2	
3.1 Appeal of Order – L. M. D., 14515 – 115 Avenue NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	2	Withdrawn
3.2 Appeal of Order – H. J., 14515 – 115 Avenue NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	2	Postponed
3.3 Appeal of Debt Recovery Invoice, Q. Y., 17717 – 6 Avenue SW Pursuant to Part 5 of the <i>Weed Control Act</i> .	3	Action
4. ADJOURNMENT	3	

### 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 Agenda**

**Moved M. Nickel**

That the September 15, 2016, Community Standards and Licence Appeal Committee Agenda be adopted.

**In Favour**

T. Caterina, S. McKeen, M. Nickel

**CARRIED**

**1.3 Adoption of Minutes**

**Moved S. McKeen**

That the August 18, 2016, Community Standards and Licence Appeal Committee meeting minutes be adopted.

**In Favour:**

T. Caterina, M. Nickel, S. McKeen

**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 and Licence Appeal Committee hearing the appeals. No one objected.

**3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS**

[3.1](#)

**Appeal of Order - L. M. D., 14515 - 115 Avenue NW, Order Pursuant to Section 545(1) of the *Municipal Government Act*.**

Administration has withdrawn the Order against this property.

**WITHDRAWN**

[3.2](#)

**[Appeal of Order - H. J., 10902 - 163 Street NW, Order Pursuant to Section 545\(1\) of the \*Municipal Government Act\*.](#)**

C. Hammett, Office of the City Clerk advised that a written request had been received from the Appellant requesting this matter be moved to the October 27, 2016, meeting.

T. Courtoreille, Respondent, had no objection to this postponement request.

**Moved S. McKeen:**



That the hearing of this matter be Postponed to the October 27, 2016, meeting.	
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**In Favour:**

**Carried**

T. Caterina, M. Nickel, S. McKeen

[3.3](#) **Appeal of Debt Recovery Notice - Q. Y., 17727 - 6 Avenue S.W., Pursuant to Part 5 of the *Weed Control Act*.**

Q. Y., Appellant, made a presentation and answered the Committee's questions.

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

A package containing a copy of the Local Authority Notice issued to the Appellant and photographs taken on June 29, 2016 and on July 4, 2016 were provided to the Appellant, Members of the Committee and the Office of the City Clerk.

**Moved S. McKeen**

The Committee varies Invoice 37671638 by waiving the City Administration fee and reducing the appeal fee from \$500.00 to \$250.00.	Citizen Services Dept. <b>Due Date:</b> October 31, 2016
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**In Favour:**

**Carried**

T. Caterina, S. McKeen, M. Nickel

**4. ADJOURNMENT**

The meeting adjourned at 10:25 am.

\_\_\_\_\_  
Chair

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