



# COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

## AGENDA/SELECTION

March 2, 2017 – Churchill Building

9:30 am  
12 noon

Call to Order  
Adjournment

### MEMBERS

T. Caterina, B. Anderson, M. Nickel

ITEM		ACTION
<b>1.</b>	<b>CALL TO ORDER AND RELATED BUSINESS</b>	
1.1	Call to Order	
1.2	<a href="#">Adoption of Agenda</a>	
1.3	<a href="#">Adoption of Minutes</a>	
	<ul style="list-style-type: none"> <li>January 26, 2017, Special Community Standards and Licence Appeal Committee meeting minutes</li> <li>February 2, 2017, 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>	
<a href="#">3.1</a>	Appeal of Order – M.B., 11512 - 93 Street NW, Edmonton, AB, Order pursuant to Section 545(1) of the <i>Municipal Government Act</i>	<b>WITHDRAWN</b>
<a href="#">3.2</a>	Appeal of Decision – A.P. (G.S.G, Legal Counsel), Refusal to issue a City of Edmonton Driver's Licence, pursuant to Section 42 of the <i>Vehicle for Hire Bylaw</i>	
<b>4.</b>	<b>ADJOURNMENT</b>	

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# COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

## MINUTES (DRAFT)

February 2, 2017 – Churchill Building, Hearing Room No. 3

### PRESENT

T. Caterina, S. McKeen, M. Nickel

### ALSO IN ATTENDANCE

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

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3.2	Appeal of Order - E. C. and L. C., 9850 - 54 Street NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	3	Action
3.3	Appeal of Order - S. L., 13028 - 123 Street NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	2	Withdrawn
3.4	Appeal of Order - K. A. and M. A., 7818 – 118 Avenue NW, Order Pursuant to Section 546(1)(c) 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**

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

**1.2 Adoption of Agenda**

**Moved S. McKeen:**

That the February 2, 2017, Agenda be adopted.

**In Favour:**

**Carried**

T. Caterina, S. McKeen, M. Nickel

**1.3 Adoption of Minutes**

**Moved S. McKeen:**

That the November 3, 2016, Community Standards and Licence Appeal Committee meeting minutes be adopted.

**In Favour:**

**Carried**

T. Caterina, S. McKeen, M. Nickel

**2. EXPLANATION OF APPEAL HEARING PROCESS**

T. Caterina introduced the members of the Committee, explained the 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**

3.3 **Appeal of Order - S. L., 13028 - 123 Street NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the *Municipal Government Act***

Mr. T. Courtoreille, Citizen Service Department advised that the appeal for Item 3.3 has been withdrawn.

**Moved M. Nickel:**

That Item 3.3 be moved forward

**In Favour:**

**Carried**

T. Caterina, S. McKeen, M. Nickel

**Moved M. Nickel:**

That Item 3.3 be Withdrawn

**In Favour:**

**Carried**

T. Caterina, S. McKeen, M. Nickel

3.1 **Appeal of Order - F. P. D.P., 11015 - University Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the *Municipal Government Act.***

The appellant, Mr. F. P. Del Pero, made a presentation and answered the Committee's questions.

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

Two sets of photographs taken on August 17, 2016, and on February 1, 2017, were provided to the Appellant, members of the Committee and the Office of the City Clerk.

Mr. C. Ashmore answered the committee's questions.

**Moved S. McKeen:**

<p>The Committee upholds the Order          You are therefore ordered to:          Remove all burnt / damaged / dismantled / derelict motor vehicles, wood, cardboard, plastic, metal, 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>Citizen Services Dept.  <b>Due Date:</b> Sept. 8, 2016</p>
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**In Favour:**

**Carried**

T. Caterina, S. McKeen, M. Nickel

3.2 **Appeal of Order – E. C. and L. C., 9850 - 154 Street NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the *Municipal Government Act.***

The Appellant, Mr. L. C., made a presentation and

answered the Committee's questions.

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

Mr. C. Ashmore, Law Branch, answered the Committee's questions.

Two sets of photographs taken on October 12, 2016, and on February 1, 2017, 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>Property owners shall not cause or permit nuisance conditions on land that they own or occupy. This includes but is not limited to any construction project or activity not completed within five years of the date the building permit for the project or activity was issued by the City or, if no permit was issued or required, within five years of starting construction pursuant to Section 6 (2)(h).</p> <p>Remove the nuisance condition by either completing the construction of the garage including but not limited to the installation of the exterior siding or by demolishing the garage. Ensure that any action taken is in full compliance with all municipal, provincial and federal legislation.</p> <p>And remove 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>Citizen Services Department</p> <p><b>Due Date:</b> May 3, 2017</p>
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**In Favour:**

**Carried**

T. Caterina, S. McKeen, M. Nickel

3.4 **Appeal of Order - K. A. and M. A., 7818 - 118 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the *Municipal Government Act.***

The Appellant, Mr. M. A., made a presentation and answered the Committee's questions.

Mr. T. Courtoreille, Citizen Services Department and Mr. J.

Amerongen, Citizen Services Department, made a presentation and answered the Committee's questions. They described a new program approved by City Council directing them to investigate and mitigate vacant and derelict properties within the City. This program has been running since August, 2016, and this Order is a result of this new initiative.

Two sets of photographs taken on June 3, 2015, on February 1, 2017, were provided to the Appellant, members of the Committee and the Office of the City Clerk.

Mr. C. Ashmore, Law Branch, clarified that the timelines are shorter for complying with this Order as it was issued under Section 546 of the *Municipal Government Act*.

The Committee met in private at 11:43 a.m., pursuant to Section 20 of the Freedom of Information and Protection of Privacy Act.

The Committee met in public at 12:00 Noon.

**Moved T. Caterina:**

The Committee varies the Order. You are therefore ordered to: (a) Remove all wooden pallets and any other combustible materials from the entire property by February 28, 2017 AND (b) Demolish the structure, remove the foundation, and clear and level the site to adjacent grades in accordance with all Municipal and Provincial legislation by August 31, 2017;	Citizen Services  <b>Due Date:</b> (a) Feb. 28, 2017 and (b) Aug. 31, 2017
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**In Favour:**

**Carried**

T. Caterina, S. McKeen, M. Nickel

**4. ADJOURNMENT**

The meeting was adjourned at 12:03 p.m.

\_\_\_\_\_  
Chair

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



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TRIBUNALS**

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Committee*

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**Decision of the Committee – Preliminary Issue Application**

**Appeal of Decision to Refuse to Issue a City of Edmonton Driver's Licence  
Order Pursuant to Section 42 of the *Vehicle for Hire Bylaw***

Hearing Date: March 2, 2017

Appellant: [REDACTED] (Gurpreet  
Singh Gill, Legal Counsel)

**I. ISSUE**

Whether or not the Appeal was filed on time by the Appellant.

**II. APPEARANCES AND EVIDENCE**

In dealing with the late filing issue, the Community Standards and Licence Appeal Committee (the Committee) heard from:

Legal Counsel for the Appellant: Mr. Z. Filipovic, student at Law, VLG Lawyers

Respondent: Mr. M. Chong, Licensing and Vehicle for Hire, Development Services Branch

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

Mr. Zdravko Filipovic is disputing that the appeal was filed late. The City informed him that an email was sent on January 23, 2017, advising of the decision but [REDACTED] did not receive it then and there is no proof that an email was received on that date.

[REDACTED] received the mailed decision letter on January 26, 2017, as outlined in the affidavit, marked Exhibit A, and contacted his lawyer the next day. The letter does not indicate that the decision was also sent by email.

The address on the envelope, marked Exhibit B, was incorrect which possibly delayed the mail service. The postmarked date on the envelope was January 24, 2017.

██████████ received the letter on January 26, 2017, and contacted his lawyer the next day. He believes he had 14 days from the receipt of the written decision to file an appeal which would have made the deadline to appeal February 9, 2017. The City has confirmed that the appeal was received on February 7, 2017.

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

Mr. Chong, representing Licensing and Vehicle for Hire, Development Services Branch, stated that the Appellant had called him approximately six times during January requesting that the decision be expedited. ██████████ also came in to the Service Centre and spoke to Mr. Chong personally on January 20, 2017. Because of the rush to receive the decision Mr. Chong asked the Appellant if he would like to provide an email address which was provided at the January 20 meeting.

Mr. Chong made the decision on January 23, 2017, and called the Appellant that morning. The phone call was followed up with an email advising of the decision. The decision letter was also sent via registered mail that same day.

Mr. Chong could not confirm whether or not the City considers email an acceptable form of written notification. He did not dispute that the Appellant received the mailed decision letter on January 26, 2017.

He confirmed that the appeal was received at Sustainable Development on February 7, 2017, and that he forwarded it the Community Standards and Licence Appeal Committee on February 8, 2017.

**V. REBUTTAL OF THE APPELLANT**

Mr. Filipovic reiterated that an email is not a valid form of notice.

The letter received from Mr. Chong did not indicate that the decision was also sent by email.

In his opinion, the appeal was filed on time.

**VI. DECISION**

The Committee assumes jurisdiction and schedules the hearing for April 6, 2017.

Disclosure deadlines are as follows:

- Licensing record due March 6, 2017.
- Submissions from both parties due March 15, 2017.



- Responses to the submissions due March 24, 2017.

The requirement to provide 45 days notice of the hearing date is hereby waived.

## **VII. REASONS**

The facts of this matter are not in dispute so this comes down to a question of statutory interpretation. Depending on the interpretation, the appeal was either filed on time or it was filed late.

The Acting Director, Licensing and Vehicle For Hire sent out an email version of his decision on January 23, 2017. If you assume that email is a good form of service and count 14 days from that date, the appeal was due on February 6. In dismissing the appeal for being late, Ms. McDonald appears to take that approach. The Applicant says he did not get the email at that time.

The Acting Director, Licensing and Vehicle for Hire also served his decision through registered mail. This was received on January 26, 2017, and this would make the appeal deadline February 9, 2017.

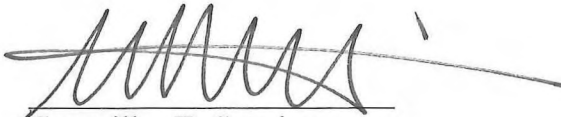
In dismissing the appeal, Ms. McDonald does not comment on why she thought that email service was sufficient in these circumstances. She also does not comment on whether she had any information that showed the Applicant received this email or when it was received.

Section 41 of the Vehicle For Hire Bylaw requires that a decision of the Acting Director, Licensing and Vehicle for Hire be served in accordance with the Enforcement Bylaw. Section 23 of the Enforcement Bylaw provides for a number of methods of service, but none of them mention email. The wording in Section 23 states that something “may” be served which leaves open the question of whether there may be other methods of service in certain situations.

Here we are dealing with a decision that is affecting the livelihood of the Applicant. Given the nature of the type of appeal, it would not serve the interests of justice to dismiss the appeal for being late when the Enforcement Bylaw does not mention email as a valid means of service. In situations such as these where the livelihood of an individual is at stake, we prefer the interpretation that service is only effected by using one of the listed methods in the Enforcement Bylaw.

As such, service was effected in this matter on January 26, 2017, and the date for filing the appeal was February 9, 2017. The appeal was therefore on time and a date for the appeal to be heard needs to be scheduled.

Again, as a result of the nature of the appeal, the appeal should take place as soon as possible. There is a procedural requirement that requires 45 days notice before a hearing can be scheduled. All parties have agreed to waive that procedural requirement and abide by the terms of the disclosure timelines for a licensing appeal. The hearing will therefore proceed on April 6, 2017.



Councillor T. Caterina

MAR 09 2017

Date



# COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

## MINUTES

March 2, 2017 – Churchill Building

### PRESENT

T. Caterina, B. Anderson, M. Nickel

### ALSO IN ATTENDANCE

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

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3.2	Appeal of Order - G.S.G., Refusal to issue a City of Edmonton Driver's Licence, pursuant to Section 42 of the <i>Vehicle for Hire Bylaw</i>	2	Action
4.	<b>ADJOURNMENT</b>	3	

### DECISION SUMMARY

ITEM	DECISION
1. <b>CALL TO ORDER AND RELATED BUSINESS</b>	

## 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 - B. Anderson:**

That the March 2, 2017 Agenda be adopted.

### **In Favour:**

**Carried**

T. Caterina, B. Anderson, M. Nickel

## 1.3 [Adoption of Minutes](#)

### **Moved M. Nickel - B. Anderson:**

That the January 26, 2017 and the February 2, 2017 Community Standards and Licence Appeal Committee meeting minutes be adopted.

### **In Favour:**

**Carried**

T. Caterina, B. Anderson, M. Nickel

## 2. EXPLANATION OF APPEAL HEARING PROCESS

T. Caterina introduced the members of the Committee, explained the 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 - M.B., 11512 - 93 Street NW, Edmonton, AB, Order pursuant to Section 545(1) of the *Municipal Government Act***

The Committee was advised that Administration has withdrawn the Order.

### [3.2](#)

### **Appeal of Order - G.S.G., Refusal to issue a City of Edmonton Driver's Licence, pursuant to Section 42 of the *Vehicle for Hire Bylaw***

The appellant, Mr. A. P. was represented by Mr. Z. Filipovic, Student at Law, VLG Lawyers, who made a presentation and answered the Committee's questions.

Mr. M. Chong, Sustainable Development, made a

presentation and answered the Committee's questions.

Mr. C. Ashmore answered the committee's questions.

The Committee met in private at 10:05 a.m., Pursuant to Section 20 of the Freedom of Information and Protection of Privacy Act.

The Committee met in public 10:12 a.m.

The Committee broke to allow the parties to discuss the potential hearing date and the disclosure timelines involved.

All parties agreed to the hearing being scheduled on April 6, 2017.

**Moved B. Anderson - M. Nickel:**

The Committee assumes jurisdiction and schedules the hearing for April 6, 2017.	Sustainable Development
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**In Favour:**

**Carried**

T. Caterina, B. Anderson, M. Nickel

**4. ADJOURNMENT**

The meeting was adjourned at 10:24 a.m.

\_\_\_\_\_  
Chair

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