



# COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

## AGENDA / SELECTION SHEET

February 2, 2017 – 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	<a href="#">Call to Order</a>	
1.2	<a href="#">Adoption of Agenda</a>	
1.3	<a href="#">Adoption of Minutes</a>	
	<ul style="list-style-type: none"> <li>November 3, 2016, Community Standards and Licence Appeal Committee meeting minutes</li> </ul>	
<b>2.</b>	<b><a href="#">EXPLANATION OF APPEAL HEARING PROCESS</a></b>	
<b>3.</b>	<b>COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS</b>	
3.1	<a href="#">Appeal of Order - F. P. D., 11015 - University Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.</a>	
3.2	<a href="#">Appeal of Order - E. C., 9850 - 154 Street NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.</a>	
3.3	Appeal of Order - S. L., 13028 - 123 Street NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	<b>WITHDRAWN</b>
3.4	<a href="#">Appeal of Order - K. A. and M. A., 7818 - 118 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i>.</a>	
<b>4.</b>	<b>ADJOURNMENT</b>	

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# COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

## MINUTES

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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### 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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## **Decision of the Committee**

### **Appeal of Order 222812926-001; 11015 University Avenue NW, Edmonton Order Pursuant to Section 545(1) of the *Municipal Government Act*.**

**Hearing Date: February 2, 2017**

**Appellant:**

#### **I. ISSUE**

Whether the Order was properly issued by the City of Edmonton.

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

In dealing with the Appeal of Order 222812926-001, the Community Standards and Licence Appeal Committee (the Committee) heard from:

Appellant:

Respondent: T. Courtoreille, Citizen Services, Community Standards Branch  
J. Lallemand, Citizen Services, Community Standards Branch

The Committee viewed two sets of photographs of the subject property taken on August 17, 2016, and on February 1, 2017.

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

is anxious to clean up this property but has found it frustrating dealing with the various parties involved.

The Edmonton Fire Department responded to a fire at this property in May, 2016. A fire investigation ensued and received an invoice in the amount of \$9,700 from the fire department for fire clean up. No one will address this invoice with him and it was never sent to his insurance company. He did not have a copy of this invoice with him at the hearing.

The Order he received is unreasonable, contains false information and requires him to remove derelict cars. The pictures he received today confirm there are no derelict cars

on the property. He has received no cooperation from the Bylaw Officer and was advised he needed to “clean the air” which is impossible after a fire.

He has a demolition contractor but the City won’t issue him a demolition permit although it was applied for several months ago. Without this permit he cannot proceed to clean the property.

#### **IV. SUMMARY OF RESPONDENT’S POSITION**

On July 29, 2016, an officer attended the property following a citizen’s complaint. He witnessed a burnt BBQ, motorcycle and various other pieces of burned debris on the property. The officer issued a Notice to Comply after Edmonton Fire Investigations confirmed that their investigation was complete.

the Appellant’s sister contacted the officer for clarification. She was advised that the building was not a concern at the present time but the loose items on the property needed to be removed.

A follow up visit to the site on August 17, 2016, confirmed the property was still in a state of nuisance on land as identified in Section 6 of the *Community Standards Bylaw*; therefore the Officer issued a 545 *Municipal Government Act* Order.

The Respondents are aware that this property is the subject of an insurance claim and time is typically provided to sort things out with the insurance company. This Order does not concern the structure and only addresses the burned materials in the yard. The Appellant has had ample opportunity to remove these items. Once a fire investigation is complete the Appellant is allowed to enter the property.

Complaints received regarding air quality were likely the result of the ash and dust on the property. If the loose materials were removed that would take care of the dust for the time being.

The derelict vehicle referred to in the Order is the motorcycle which is visible in both sets of photographs.

Records indicate that a building and garage demolition permit was not applied for until January 31, 2017.

#### **V. REBUTTAL OF THE APPELLANT**

has hired B & B Demolition to clean up the entire property. It makes no sense for him to go and clean up the property himself if the demolition company will be coming in. Asking them to come in twice would add to the cost.



He is waiting for confirmation from his insurance company that their investigation is complete as he cannot enter the property prior to this.

He has been getting the run-around from the various parties and feels as if the whole process has been made much more difficult than necessary. He would be willing to work with Community Standards Branch and do some of the clean-up on his own if he can get written permission from his insurance company to enter the fenced property for this purpose.

**VI. DECISION**

<p>The Committee upholds the order.</p> <p>You are therefore ordered to:</p> <p>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.</p> <p><b>Due Date: Sept 8, 2016</b></p>
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**VII. REASONS**

This is a property where the building was damaged by fire. The order clearly does not relate to the building, but only with the yard surrounding the building.

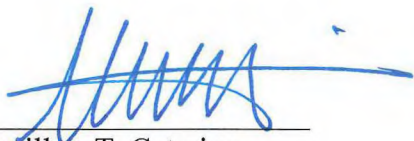
The main issue that [redacted] has raised is his efforts to obtain a demolition permit on the property so that the building can be demolished. He also appears to have a concern that he has been issued a bill from the Edmonton Fire Department for attending the fire. He appears to be asking this Committee to cut the red tape to allow the demolition permit to flow quickly, and by implication is asking this Committee to do something about the bill. This Committee has no jurisdiction to deal with either of those issues. The jurisdiction of the Committee relates solely to the order that has been issued to

[redacted] also claims that the order is unclear and vague. As an example, he believes that there are no motor vehicles on the property. The Committee disagrees. One of the items on the property is a motorcycle and it is clear to the Committee that the reference in the order to motor vehicles was a reference to this motorcycle. In viewing the photographs it appears relatively clear that there is debris and litter on the property and this is what caused the order to be issued. To the Committee the order is not unclear or vague. In any event if [redacted] wants further guidance about specific items, he can have additional discussions with City Administration and attempt to reach a resolution.

The Committee does find this property to be a nuisance in accordance with Bylaw 14600. While this is not the worst property that has come before this Committee, the materials in the yard would be of concern to the surrounding community and therefore should be removed.

\_\_\_\_\_ is also concerned about saving money since he says it would be the job of the demolition company to clean up the yard when they demolish the building. He does not want to have to have them come out twice. However, the nature of the nuisance in the yard is not of such a nature that it would take very long to clean. As such, \_\_\_\_\_ does not need to wait until the building is demolished to clean up the yard.

The Committee therefore upholds the Order as written. The only thing that was uncertain at the time of the Committee hearing was whether the Appellant's insurance company is still investigating the fire and therefore may have concerns with him cleaning up the outside of the property. In addition it is possible that the City of Edmonton Safety Codes employees may have concerns with \_\_\_\_\_ being on the property. If City administration determines that there are safety codes issues with \_\_\_\_\_ being in the yard, they should inform \_\_\_\_\_ as soon as possible and this order is then stayed until those concerns are ended. Similarly if there are concerns outlined in writing from \_\_\_\_\_ insurance company about him being in the yard, then this order is stayed until the insurer allows \_\_\_\_\_ to go into the yard.



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

FEB 21 2017

\_\_\_\_\_  
Date



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## **Decision of the Committee**

### **Appeal of Order 226598376-001; 9850 – 154 Street NW, Edmonton Order Pursuant to Section 545(1) of the *Municipal Government Act*.**

**Hearing Date: February 2, 2017**

**Appellants:**

#### **I. ISSUE**

If an extension of time should be granted to comply with the Order issued by the City of Edmonton.

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

In dealing with the Appeal of Order 226598376-001, the Community Standards and Licence Appeal Committee (the Committee) heard from:

Appellant:

Respondent: Mr. T. Courtoreille, Citizen Services, Community Standards Branch

The Committee viewed two sets of photographs of the subject property taken on October 12, 2016 and on February 1, 2017.

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

built the home himself starting in 2004 and the garage was built approximately 7 to 9 years ago. He acknowledges that the siding on the garage is not yet complete.

He is self-employed and has recently bought a new excavator. Between his mortgage payments and the payments on this new piece of equipment he is not currently in a position to purchase the required siding.

He is in the residential demolition business and he is just entering the beginning of the construction season. He would require at least 60 days to generate enough income to

get caught up on his payments as most of his clients don't pay for at least 30 days. He would really appreciate an extension of 90 days.

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

This property first came to the attention of Community Standards Branch in 2013 because the building permit issued for the garage in 2007 had expired. Current Planning and Building Codes then sent the file to Community Standards Branch for evaluation under the Community Standards Bylaw. There were concerns that the garage had not been built according to specifications and the file was therefore sent back to Current Planning.

Community Standards re-opened their investigation after complaints regarding this property were received in July, 2016, from both the Community League and several citizens. The garage is of concern because it has never been properly sided or sealed from the outside.

This property has had 24 property standards infractions under the current Appellant's ownership including 7 warning notices, 2 tickets, and 2 *Municipal Government Act* Orders including one Order with a forward looking statement. Three remedial actions have also been taken.

The current condition of this property meets the definition of a nuisance property under Section 6 of the *Community Standards Bylaw* for a construction project not being completed within five years. A warning notice was issued on July 2, 2016. This was followed up with a 545 *Municipal Government Act* Order on October 12, 2016, ordering the Appellant to finish the garage or demolish it.

The Appellant would have to apply for a new building permit and this would result in building code officers inspecting the property to ensure it has not deteriorated too far to be able to attach siding. Mr. Courtoreille could assist with having the building permit issued within two weeks and arranging for an inspection to be conducted in a timely manner.

The preference is that the owner completes the project himself; however, Community Standards Branch has three experienced construction companies on tender who they could contract to do the work. The resulting charges would be placed on the property owner's tax bill.

#### **V. REBUTTAL OF THE APPELLANT**

confirmed he has no problem with re-applying for a building permit and he understands that an inspection will have to be done.

**VI. DECISION**

<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 taken any actions or remove any other items that are contributing to the unsightly condition of the property.</p>	<p>Citizen Services Dept.</p> <p><b>Due Date:</b> May 3, 2017</p>
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**VII. REASONS**

The order in this case was issued because the Appellant has failed to complete a construction project dating back to approximately 2008. Specifically the siding on his garage was never completed. He does not dispute that it needs to be finished and that it is a nuisance. The Committee heard from the Appellant that his wife is also on his back to complete the project. There is no question in the eyes of the Committee that this is a nuisance and needs to be remedied.

All the Appellant is asking for is more time to complete the project. Essentially he operates in a seasonal job and requires some time to make enough money to buy siding.

Given the length of time that this has been ongoing the Committee has some reservations to allowing this to go on much longer, but also realizes that it will realistically take a couple of months to complete the project. Since it would also take some time to line up a City contractor should it be necessary to do so, the Committee

will allow an extra 90 days to complete the project. In that time will also need to reactivate his building permit.

is on notice that there will be no more delays allowed. This project has gone on long enough and if he does not complete the project, City Administration will hire someone to finish the job and place the cost on his tax bill. is also on notice that if it turns out that there are structural issues caused by the infiltration of water during the period when it was not sided, it may be necessary to demolish the garage.



Councillor T. Caterina

FEB 21 2017

Date



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## **Decision of the Committee**

### **Appeal of Order 173615231-001; 7818 – 118 Avenue NW, Edmonton Order Pursuant to Section 546(1)(c) of the *Municipal Government Act*.**

**Hearing Date: February 2, 2017**

**Appellant:**

#### **I. ISSUE**

Whether the Order was properly issued and if an extension of time should be granted to comply with the Order issued by the City of Edmonton.

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

In dealing with the Appeal of Order 173615231-001, the Community Standards and Licence Appeal Committee (the Committee) heard from:

Appellant:

Respondent: T. Courtoreille, Citizen Services, Community Standards Branch  
J. Amerongen, Citizen Services, Compliance Officer Program (Lead)

The Committee viewed two sets of photographs of the subject property taken on June 3, 2015, and on February 1, 2017.

Photographs were also provided by the Appellant.

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

He reviewed Items (a) to (i) listed on the Order and advises some of the items have been completed and he doesn't see others as an issue. He believes the cladding is weather tight and would like to know exactly where the rot is. He does not believe there are problems with the doors and windows. The hole in the roof has been repaired. The 30 day time line for demolition is not realistic.

The subject structure currently provides some protection for his mother's residence next door from the many transients in the area. The building is also being used to store inventory for his brother's business.

had planned on demolishing the building last year but due to his mother's health issues this plan was put on hold. His mother is the other title holder on the property and his first priority is to take care of her. He owns six out of the eight properties along the block. He plans to purchase the remaining two properties and develop but the time is currently not right.

Since the building is approximately 100 years old it is pretty much at the end of its life cycle and is not very attractive but he believes it is structurally solid. It would be very costly to tear it down and put up a fence before he is ready to develop. In the meantime he is open to taking some remedial actions to make the exterior of the building look less derelict such as fixing the sign. He would like to do this work himself rather than hiring a contractor but his work schedule does not allow him to undertake this work until the summer. Also such work is more difficult to do in the winter than in the summer.

The pallets are stacked at the back door for safety reasons. There was an attempted break in a few years ago and they are trying to prevent future break-in attempts. The hole in the chimney has been there for at least 25 years. Some recent damage to the chimney resulted in a pile of bricks coming down to the ground.

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

Mr. T. Courtoreille of Community Standards Branch and Mr. J. Amerongen who is with the Building Compliance Officer Program represented the Respondent. Mr. Amerongen is tasked with investigating and mitigating vacant and /or derelict commercial properties.

In the past, this building housed a small commercial grocery and sports card store. The business licence was cancelled in 2015 and the store may have closed as early as 2014.

A *Municipal Government Act* Order was issued in June of 2015 to remediate the property to an acceptable standard or demolish it. A demolition permit was taken out in December of 2015, but the building was never demolished. Since so much time had passed, a decision was made to issue a second *Municipal Government Act* 546 Order on January 7, 2017.

Section 546 of the *Municipal Government Act* provides the authority for a designated officer to issue a written order to require the owner to improve the appearance of a structure which is in an unsightly condition and detrimental to the surrounding area. The officer may also order a structure whose exterior shows signs of significant physical deterioration to be removed or demolished.



This property has a history of bylaw infractions and nine separate investigations have been conducted in regards to property standards. In 2014 a complaint was received from the surrounding community about the derelict condition of the building, in particular the roof. The other complaints were directly related to nuisance property conditions such as graffiti and weeds.

The items required to bring the building up to a satisfactory community standard are listed on the Order although there could be additional issues which could only be discovered through an interior inspection. If the City were to step in it would first contract a structural engineers report. Costs to bring the property up to a base standard would be checked against demolition costs and the cheaper route would be taken. Most likely the building would have to be demolished. Costs associated with the engineer's report and demolition would ultimately be charged to the property owner's tax roll.

Mr. Amerongen, former Deputy Chief with Edmonton Fire Rescue Services, voiced the following concerns created by this vacant commercial structure:

- A statistic from the National Fire Prevention Association shows that 75% of vacant or derelict properties encounter a fire at some point.
- The rear exit of this property is blocked which could be a hazard to fire fighters.
- The roof structure is a concern as 100 gallons of water could easily be put on the roof in less than 10 seconds while fighting a fire. One gallon of water weighs ten pounds.
- The rear of the property contains pallets and other combustible materials. These are a fire hazard, especially given the number of transients attracted to this property.
- If a fire occurred at the subject property it could easily spread to the home occupied by the Appellant's mother.

Mr. Courtoreille acknowledges there is significant work to be undertaken at this site and it is not just a weekend project. He would support varying the Order to complete demolition by the summer. He is willing to work with the Appellant to expedite the issuing of a demolition permit.

In the interim he would like to see the back area cleared of the wooden pallets and other combustible materials. The property should also be kept well maintained and kept free of graffiti and weeds.

### **Rebuttal**

The 2014 complaint regarding the hole in the roof was dealt with and there have been no additional complaints regarding this building since then.

Some of the other complaints mentioned had to do with parking on his adjacent lots. He was ticketed and ordered to stop parking for Oiler games. The court ruled in his favour and said he didn't require a development permit for parking.

He feels he has been targeted by this Order. A lot of assumptions are being made regarding the possibility of fire and the structural integrity of the building. He also has questions regarding the process and doesn't understand why he has been told he needs a building permit to demolish a building.

Upon questions from the panel he felt he could have the building demolished by the end of summer. The summer is a more realistic time line as it would allow him to put up a fence and would fit in with his work schedule.

**V. DECISION**

<p>The Committee varies the Order.</p> <p>You are therefore ordered to:</p> <p>(a) Remove all wooden pallets and any other combustible materials from the entire property by February 28, 2017</p> <p>AND</p> <p>(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.</p>	<p>Citizen Services Dept.</p> <p><b>Due Date:</b></p> <p>(a) February 28, 2017</p> <p>(b) August 31, 2017</p>
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**VI. REASONS**

The building in dispute in this hearing is essentially derelict and is at the end of its useful life. The property owner had, in the past, applied for a demolition permit but did not end up demolishing the building. He still has plans to demolish the building but is waiting for the time when it makes economic sense to do so.

The problem is that the property is unsightly since it is clearly showing signs of significant physical deterioration as evidenced by the photographs of the property. While there might not be any direct evidence that it is detrimental to the surrounding area, there is little question that most neighbors would not want a structure of this nature in their neighborhood, and the Committee therefore finds that it is detrimental to the surrounding area.

Given the findings that the property is unsightly and detrimental to the surrounding area, the real issue becomes whether the Order, as it was issued, is vague or unclear as alleged by the Appellant.

The Order has been drafted in such a way that it attempts to clearly list out the various items that would need to be fixed to place the property into such shape that it is no longer unsightly. As such, it is not vague. However, given the number of items on the list, and the future plans to demolish the building, it does not appear to be economically feasible to put the level of money and effort into the building only to have it demolished in short order.

During the course of questioning it became apparent that the property owner is willing to demolish the building by the end of summer. Since there are no long term plans to use the building, and the property owner has essentially agreed to demolish the building if given enough time to do so, it appears that the easiest way to deal with this property is to vary the Order such that the list of items that need to be completed on the property to bring it up to the level that it is no longer unsightly are all deleted, and to require the demolition to take place before the agreed date of August 31, 2017.

The second issue with this property is the pallets that were placed to block off access to the rear door after a robbery attempt. The Committee heard evidence that in the event of a fire, these pallets could prove to be dangerous to fire crews. There is also some other loose combustible material near this area. The property owner has agreed to remove these pallets and any other combustible material in short order after being made aware of the concerns that were raised.

The Decision of the Committee is therefore to vary the order to require the removal of all pallets and combustible materials from the yard by February 28, 2017 and to require the demolition of the building, including the levelling of the site, by August 31, 2017.



Councillor T. Caterina

FEB 21 2017

Date



# COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

## MINUTES

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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### 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:</p> <p>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.</p> <p><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