



COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

AGENDA

September 13, 2018 – Room 2, Churchill Building

9:30 a.m.	Call to Order	3:30 p.m. - 3:45 p.m.	Recess
12 noon - 1:30 p.m.	Lunch	5:30 p.m.	Adjournment

MEMBERS

Clr. J. Dziadyk, Clr. T. Caterina, Clr. 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"> August 16, 2018, 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 - B.M., 10904 - 75 Street NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.	
3.2	Appeal of Order - M.B., 11318 - 38 Street NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.	
4.	ADJOURNMENT	

View the interactive agenda at www.edmonton.ca/meetings



COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES (Draft)

August 16, 2018 – Churchill Building

PRESENT

M. Banga, S. McKeen, T. Caterina

ALSO IN ATTENDANCE

S. Kaffo, 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 Decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to P. T. (225276549-001)	2	
3.2	Appeal of Decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to A. M. (286148259-001)	3	
3.3	Appeal of Decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to F. F. (223098015-001)	4	
3.4	Appeal of Decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to B. M. (170159931-001)	4	
3.5	Appeal of Order - M. B., 12006 - 65 Street NW Edmonton, AB, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	5	
3.6	Appeal of Order - 2089093 Alberta Ltd., 12748 - Fort Road NW, Edmonton, AB, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	6	

3.7	Appeal of Order - E. R., 11223 - 86 Street NW, Edmonton, AB, Order Pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i> .	7	
3.8	Appeal of Debt Recovery Invoice 37932984 - Weed Mowing - K. P.	7	
4.	ADJOURNMENT	8	

DECISION SUMMARY

ITEM		DECISION
------	--	----------

1. CALL TO ORDER AND RELATED BUSINESS

1.1 Call to Order

M. Banga called the meeting to order at 9:39 a.m.

1.2 Adoption of Agenda

Moved S. McKeen:

That the August 16, 2018, Community Standards and Licence Appeal Committee meeting agenda be adopted.	
---	--

In Favour:

Carried

M. Banga, S. McKeen, T. Caterina

1.3 Adoption of Minutes

Moved T. Caterina:

That the July 12, 2018, Community Standards and Licence Appeal Committee meeting minutes be adopted.	
--	--

In Favour:

Carried

M. Banga, S. McKeen, T. Caterina

2. EXPLANATION OF APPEAL HEARING PROCESS

M. Banga 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 Decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to P. Thakur (225276549-001)**

P. T., Appellant made a presentation and answered the Committee's questions.

W. T. Ramirez, General Supervisor, Business Licensing, Inspections and Compliance made a presentation and answered the Committee's questions. N. Jacobson, Law Branch, answered the Committee's questions.

The Committee met in private at 10:19 a.m. pursuant to Section 20 (Disclosure harmful to law enforcement) of the *Freedom of Information and Protection of Privacy Act*.

The Committee met in public at 11:10 a.m.

Moved M. Banga:

The Committee grants the appeal and a City of Edmonton Driver's Licence will be issued for one year. Written reasons to follow.	Business Licensing and Vehicle For Hire
---	---

In Favour:

M. Banga, T. Caterina

Carried

Opposed:

S. McKeen

3.2 **Appeal of Decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to A. M. (286148259-001)**

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

W. T. Ramirez, General Supervisor, Business Licensing, Inspections and Compliance made a presentation and answered the Committee's questions.

N. Jacobson, Law Branch, answered the Committee's questions.

The Committee met in private at 11:31 a.m., pursuant to section 20 (Disclosure harmful to law enforcement) of the *Freedom of Information and Protection of Privacy Act*.

The Committee met in public at 11:43 a.m.

Moved S. McKeen:

The Committee denies the appeal. Written reasons to follow.	Business Licensing and Vehicle for Hire
---	---

In Favour:

Carried

M. Banga, S. McKeen, T. Caterina

3.3 Appeal of Decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to F. F. (223098015-001)

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

W. T. Ramirez, General Supervisor, Business Licensing, Inspections and Compliance made a presentation and answered the Committee's questions.

N. Jacobson, Law Branch, answered the Committee's questions.

The Committee met in private at 12:01 p.m. pursuant to Section 20 (Disclosure harmful to law enforcement) of the *Freedom of Information and Protection of Privacy Act*.

The Committee met in public at 12:16 p.m.

Moved T. Caterina:

The Committee grants the appeal and a City of Edmonton Driver's Licence will be issued for one year. Written reasons to follow.	Business Licensing and Vehicle for Hire
---	---

In Favour:

Carried

M. Banga, T. Caterina

Opposed:

S. McKeen

3.4 Appeal of Decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to B.M. (170159931-001)

V. M. made a presentation on behalf of B. M., the Appellant, who was also present. V. M. and B. M. answered the Committee's questions.

W. T. Ramirez, General Supervisor, Business Licensing, Inspections and Compliance made a presentation and

answered the Committee's questions.

N. Jacobson, Law Branch, answered the Committee's questions.

The Committee met in private at 1:55 p.m., pursuant to section 20 (Disclosure harmful to law enforcement) of the *Freedom of Information and Protection of Privacy Act*.

The Committee met in public at 2:00 p.m.

Moved T. Caterina:

The Committee grants the appeal and a City of Edmonton Driver's Licence will be issued for one year. Written reasons to follow.	Business Licensing and Vehicle for Hire
---	---

In Favour:

M. Banga, T. Caterina

Carried

Opposed:

S. McKeen

3.5 Appeal of Order - M. B. - 12006 - 65 Street NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the *Municipal Government Act*.

C. Ashmore advised the Committee that M. B., the Appellant, was not in attendance and had provided a written presentation.

Moved T. Caterina:

That Item 3.5 be moved to the last item of today's Agenda

In Favour:

M. Banga, T. Caterina, S. McKeen

Carried

C. Ashmore, Law Branch, provided a summary of the material contained in Mr. B's written submission and answered the Committee's questions.

C. Perizzolo, General Enforcement Coordinator, complaints and Investigations, made a presentation and answered the Committee's questions.

T. Courtoreille, former General Enforcement Coordinator, Complaints and Investigations, answered the Committee's questions.

Photographs taken on June 15, 2018, and August 15, 2018, were provided to the members of the Committee and

the Office of the City Clerk.

Moved T. Caterina:

<p>The Committee upholds the Order. You are therefore ordered to Remove all large appliances, washing machines, dryers, dishwashers and televisions. Cut and maintain all unkempt, long grass and weeds throughout the property. 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>Citizen Services Dept. Due Date: July 12, 2018</p>
--	---

In Favour:

Carried

M. Banga, S. McKeen, T. Caterina

3.6 Appeal of Order - 2089093 Alberta Ltd., 12748 - Fort Road NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the Municipal Government Act.

M. Banga 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.

L. P. appeared on behalf of 2089093 Alberta Ltd. He was accompanied by T. B., the corporation's architectural representative. L. P. and T. B. made a presentation and answered the Committee's questions.

T. Courtoreille, former General Enforcement Coordinator, Complaints and Investigations, Citizen Services, and J. Amerongen, Citizen Services, made a presentation and answered the Committee's questions.

Photographs taken on July 6, 2015, June 19, 2018 and August 15, 2018, were provided to the Appellant, members of the Committee and the Office of the City Clerk.

C. Ashmore, Law Branch, provided information and answered the Committee's questions.

Moved T. Caterina:

<p>The Committee postpones the hearing of this matter to October 18, 2018. The following items are to be completed</p>	<p>Citizen Services Dept.</p>
--	-------------------------------

<p>prior to the October 18, 2018 hearing:</p> <ol style="list-style-type: none"> 1. Obtain an engineer's report and provide copies of this report to T. Courtoreille / J. Amerongen and to D. Johnston, Heritage Planner. 2. Submit a formal application for heritage designation. 	<p>Due Date: October 18, 2018</p>
--	--

In Favour:

Carried

M. Banga, S. McKeen, T. Caterina

3.7 Appeal of Order - E. R., 11223 - 86 Street NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the *Municipal Government Act*.

The Committee was advised that Administration has withdrawn Municipal Government Act Order 176747649-001 and will be pursuing this matter at a later date.

3.8 Appeal of Debt Recovery Invoice 37932984 - Weed Mowing – K.P.

K. P. made a presentation and answered the Committee's questions.

C. Perizzolo, General Enforcement Coordinator, Complaints and Investigations, made a presentation and answered the Committee's questions.

Copies of the following documents were provided to the Appellant, members of the Committee and the Office of the City Clerk:

- Local Authority Notice dated June 25, 2018
- Photographs taken on July 13, 2018, and July 20, 2018
- A copy of the contractor's Invoice dated July 23, 2018
- A copy of the debt recovery invoice 37932984

T. Courtoreille, former General Enforcement Coordinator, Complaints and Investigations, answered the Committee's questions.

C. Ashmore, Law Branch, provided information to the Committee.

The Committee met in private at 3:35 p.m. pursuant to Sections 20 (Disclosure harmful to law enforcement) of the *Freedom of Information and Protection of Privacy Act*.

The Committee met in public at 3:30 p.m.

Moved S. McKeen:

The Committee varies the invoice to \$267.16 and the \$500.00 appeal fee will be refunded.	
--	--

In Favour:

Carried

M. Banga, S. McKeen, T. Caterina

4. ADJOURNMENT

The meeting was adjourned at 4:04 p.m.

Chair

City Clerk



**EDMONTON
TRIBUNALS**

Community
Standards &
Licence Appeal
Committee

10019 – 103 Avenue NW
Edmonton, AB T5J 0G9
P: 780-496-5026 F: 780-496-8199
cslac@edmonton.ca
edmontoncslac.ca

Decision of the Committee

Appeal of Order 287632052-001; 11512 - 93 Street NW, Edmonton Order Pursuant to Section 545(1) of the *Municipal Government Act*

Hearing Date: September 13, 2018

Appellant:

I. ISSUE

Whether the property in question is in a nuisance condition.

II. APPEARANCES AND EVIDENCE

In dealing with the Appeal of Order 287632052-001, the Community Standards and Licence Appeal Committee (the Committee) heard from:

Appellant: (written submissions only)

Respondent: Chantel Perizzolo, Complaints & Investigations
Citizen Services, Community Standards Branch

Exhibit A: Written submission from Appellant

Exhibit B: Copy of the Order and photographs from Community Standards

III. SUMMARY OF APPELLANT'S POSITION

The appellant indicated in his written submission that the nuisance bylaw is ill defined, and thousands of homeowners could be considered in violation of it weekly. The mess on his property is caused by city garbage collectors not doing their job by collecting all of the garbage, resulting in people and/or animals tearing apart what is left and making a mess. Therefore in his view, the mess is caused by the city not providing the service he is paying for, and the matter is out of his control.

He also argued it is unreasonable to expect him to ensure his multiple properties are not in contravention of city bylaws, and the burden placed on him by this expectation actually outweighs any harm done.

IV. SUMMARY OF RESPONDENT’S POSITION

On July 16th a bylaw officer entered the property in response to three citizen complaints regarding the untidy and unsightly condition of the property. The officer noted the condition of the garbage area was in a nuisance condition. Photographs were taken and a Notice to Comply was issued to the landlord and tenant. Voluntary compliance was not obtained by the due date, and as such an MGA 545 Order was issued on August 7th, 2018.

An internal review shows 22 bylaw complaints since the parcel of land was purchased by the appellant.

Section 6 defines nuisance on land as land that “shows signs of a serious disregard for general maintenance and/or upkeep whether or not it is detrimental to the surrounding area.” Section 545 of the MGA states that if, in the opinion of the designated officer, a person has violated a bylaw or an enactment, the officer is allowed to enforce, and that person may be directed by written order to remedy the infraction.

Based on that information and the photos provided to the committee, administration is satisfied that the appellant has violated section 6.1 of the Community Standards Bylaw and administration asks that the Order be upheld.

V. DECISION

<p>The Committee upholds the order.</p> <p>You are therefore ordered to:</p> <p>Remove all cardboard, plastic, debris and loose litter from the entire property, and take any action or measures necessary to remedy the unsightly condition.</p>	<p>Citizen Services Dept.</p> <p>Due Date: August 29, 2018</p>
---	---

VI. REASONS

The Appellant did not make an appearance but instead submitted 4 pages of written material. From a review of that material the Appellant has raised a number of issues which the Committee would classify as follows:

- The condition of the property does not meet the definition of nuisance.
- The nuisance should be the responsibility of the tenant, and not the owner.
- Trash collection services is not doing its job causing the nuisance.

Is this Property a Nuisance?

The role of this Committee is to determine whether the property was a nuisance at the time that the order was issued. At that time the photographs show that there was a large amount of loose litter and debris that was at the back of the garage beside the alley.

The Community Standards Bylaw (Bylaw 14600) states:

6 (2) For the purpose of greater certainty a nuisance, in respect of land, means land, or any portion thereof, that shows signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:

(a.1) any loose litter, garbage or refuse whether located in a storage area, collection area or elsewhere on the land;

The evidence presented by the Respondent is the only evidence on the condition of the property. All one has to do is look at the photographs to see the loose litter and garbage. This property, at the time that the order was issued, clearly meets the definition of nuisance as outlined in this bylaw.

The pictures that were taken more recently show that a large amount of the material had been cleaned up. Even if the property was entirely clean, this does not mean that the order should not have been issued. It simply means that the order has been complied with. While it is nice to see that a lot of the loose litter has been cleaned up, it is unfortunate that some still remains. However, these more recent photographs are not relevant for the purposes of deciding whether the property was a nuisance at the time that the order was issued.

There is also evidence that this nuisance is impacting the broader community. There have been a number of complaints about this property and this Committee can understand why. There is simply no reason to have loose litter on your property even if you are putting it in the trash. The community around this property should not have to put up with loose litter being strewn about, even if it is in a garbage collection area.

Part of the submissions of the Appellant appear to argue that to be a nuisance requires something more than is outlined in the bylaw. This is similar to arguments that have been made by the Appellant and his family in the past. As this Committee has pointed out on many occasions, the sole definition of nuisance that is relevant in this context is the one found in the bylaw. That is the only one that the Committee shall consider. It does not matter that in different contexts there are other definitions of nuisance.

The Owner's Responsibility

The submission of the Appellant spends a great deal of time arguing that it should be the tenant and not the owner that is responsible for the nuisance condition. He states he cannot control, and cannot evict his tenant, and argues that the City should be going after the tenant. The Appellant does not provide any legislative analysis on which to make this argument.

Section 545 of the Municipal Government Act, RSA 2000 c.M26, allows a municipality to issue an order to require a person responsible for a contravention of a bylaw to remedy that contravention. Section 6 of the Community Standards Bylaw (Bylaw 14600) states as follows:

6 (1) A person shall not cause or permit a nuisance to exist on land they own or occupy.

This section indicates that both the owner and the tenant are equally responsible for the nuisance. It does not let the owner off the hook simply because he is renting out the property. The legislation would not refer to the owner if only the occupier (tenant) was responsible for the nuisance. While the arguments from the Appellant are focusing on the policies of why he should not be responsible, the law is against him, and this Committee does not have the jurisdiction to ignore the law.

Whether he can evict his tenant is also not in the purview of this Committee. It is quite likely that the Appellant has other remedies against the tenant short of eviction pursuant to the terms of the lease, but even this is not relevant. All that matters is that the legislation shows that both the tenant and the owner have shared responsibility in this scenario.

Issues With Trash Collection

The Appellant also argues that the nuisance is somehow caused by the trash collectors failure to pick up the trash. He is wrong. It would be more accurate to say that this issue has been caused by the way the trash has been set out, which allows loose litter to accumulate. In addition to qualifying as a nuisance under the Community Standards Bylaw, the property also fails to meet the requirements for setting out trash in the Waste Management Bylaw (Bylaw 17555). Section 18 and 20 of that bylaw state:

18 Waste set out for collection from residential premises must comply with the following requirements:

(a) waste must be placed in a container or bag;

20 Bags set out for collection must be sturdy, disposable plastic bags, securely tied at the top that meet the following specifications:

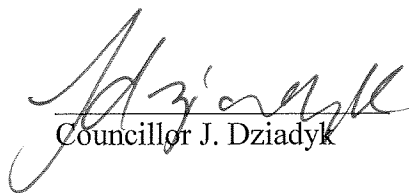
The Waste Management Bylaw partly exists so that trash collection is efficient and effective. If the role of trash collection services were to clean up all the loose litter behind every property, the cost of this program would substantially increase. Property owners and tenants need to take the responsibility to place trash out in a way that it is easy to collect. This can be done with sturdy bags or containers. Collectors are intended to collect trash that is set out in the way that is required in the bylaw and not to clean up loose litter at a property. In other words, the problem at this property is not the responsibility of the collectors.

In fact, if in this case the Waste Collection Bylaw was followed, there would not be any loose litter, and therefore there would likely not be a nuisance. All that it would take for the issues in this hearing to go away would be to invest in a couple of waste collection containers, and to use them to store the waste instead of piling up the material at the back of the property. This Committee would strongly suggest that this investment be made.

Summary

The finding of this Committee is that the property was a nuisance as a result of the loose litter on the property at the time the order was issued. The legislation makes it clear that both the owner and the tenant are responsible for this nuisance. The order is therefore valid.

As an aside, the Committee notes that there was evidence of multiple prior complaints on this property. While this information was not relevant to the determination of the validity of this order, it does indicate a pattern of continuing conduct. If this property continues to be a problem it may be wise to craft an order that requires ongoing maintenance of the property. This may alleviate the need for multiple orders in the future.


Councillor J. Dziadyk

03 Oct 2018
Date



COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES

September 13, 2018 – Hearing Rm 2, Churchill Building

PRESENT

J. Dziadyk, T. Caterina, S. McKeen

ALSO IN ATTENDANCE

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

TABLE OF CONTENTS

ITEM		PAGE	DECISION
1.	CALL TO ORDER AND RELATED BUSINESS	1	
1.1	Call to Order	1	
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	
4.	ADJOURNMENT	3	

DECISION SUMMARY

ITEM		DECISION
1.	CALL TO ORDER AND RELATED BUSINESS	
1.1	Call to Order	
	Councillor J. Dziadyk called the meeting to order at 9:42 a.m.	

1.2 Adoption of Agenda

Moved T. Caterina:

That the September 13, 2018, Community Standards and Licence Appeal Committee meeting agenda be adopted.	
--	--

In Favour:

Carried

J. Dziadyk, S. McKeen, T. Caterina

1.3 Adoption of Minutes

Moved S. McKeen:

That the August 16, 2018, Community Standards and Licence Appeal Committee meeting agenda be adopted.	
---	--

In Favour:

Carried

J. Dziadyk, S. McKeen, T. Caterina

2. EXPLANATION OF APPEAL HEARING PROCESS

Councillor Dziadyk 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 - B.M., 10904 - 75 Street NW, Order Pursuant to Section 545(1) of the *Municipal Government Act*.

The Committee was advised that Administration has withdrawn *Municipal Government Act* Order 288758047-001.

3.2 [Appeal of Order - M.B., 11512 - 93 Street NW, Order Pursuant to Section 545\(1\) of the *Municipal Government Act*.](#)

Mr. M. B., appellant, was absent from the hearing but submitted a written presentation.

Ms. C. Perizzolo, Citizen Services Department, made a presentation and answered the Committee's questions.

Three sets of photographs taken on July 16, August 3, and September 12, 2018, were provided to Members of the

Committee and the Office of the City Clerk.

The Committee met in private at 9:59am, pursuant to Section 20 of The Freedom of Information and Protection of Privacy Act.

The Committee met in public at 10:07am.

Moved T. Caterina:

<p>The Committee upholds the Order. You are therefore ordered to: Remove all cardboard, plastic, debris and loose litter from the entire property, and take any action or measures necessary to remedy the unsightly condition.</p>	<p>Citizen Services Dept. Due Date: August 29, 2018</p>
---	---

In Favour:

Carried

J. Dziadyk, S. McKeen, T. Caterina

4. ADJOURNMENT

The meeting adjourned at 10:07 am.

Chair

City Clerk