



COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

AGENDA

October 18, 2018 – Hearing Room 2, Churchill Building

9:30 am	Call to Order	3:30 - 3:45 pm	Recess
12 noon - 1:30 pm	Lunch	5:30 pm	Adjournment

MEMBERS

Clr. M. Banga, Clr. M. Nickel, Clr. T. Caterina

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"> September 13, 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 - 2089093 Alberta Ltd., 11630 Kingsway NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.	
3.2	Appeal of Order - M.P., 10851 - 75 Avenue NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.	WITHDRAWN
3.3	Appeal of Order - D.O., 9628 - 100A Street NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.	WITHDRAWN
3.4	Appeal of Order - B. M., 11514 - 93 Street NW, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.	WITHDRAWN
4.	ADJOURNMENT	

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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

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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.	
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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.	
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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., 11318 - 38 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>
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In Favour:

Carried

J. Dziadyk, S. McKeen, T. Caterina

4. ADJOURNMENT

The meeting adjourned at 10:07 am.

Chair

City Clerk



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TRIBUNALS**

Community
Standards &
Licence Appeal
Committee

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Decision of the Committee

Appeal of Order 231054324-003; 12748 – Fort Road NW, Edmonton, Order Pursuant to Section 545(1) of the *Municipal Government Act*

Hearing Date: October 13, 2018

Appellant: 2089093 Alberta Ltd./
, Director

I. ISSUE

Whether the property in question is in a nuisance condition.

II. APPEARANCES AND EVIDENCE

In dealing with the Appeal of Order 231054324-003, the Community Standards and Licence Appeal Committee (the Committee) heard from:

Appellant: _____, Agent for _____, Owner / Director of
2089093 Alberta Ltd.
Written Submission from the Appellant

Respondent: J. Lallemand, Coordinator, Complaints & Investigations
Community Standards Branch, Citizen Services
J. Amerongen, Building Compliance Officer, Complaints &
Investigations, Citizen Services

Exhibit A: Submission from Appellant dated October 17, 2018

III. SUMMARY OF APPELLANT'S POSITION

As discussed at the previous meeting, the appellant hired an engineer to evaluate the structural integrity of the building, which was found to be acceptable. The engineer's report was submitted to David Johnston, City Planning, and the application to designate the building as a historical resource was started. Steps have been taken to ensure the building is not a safety risk to the public.

IV. SUMMARY OF RESPONDENT'S POSITION

City administration spoke with David Johnson, the City of Edmonton's principle heritage planner, who confirmed that the aforementioned application to designate and engineer's report were received the day before the hearing. Without detailed quotes outlining the scope of restoration work, the process cannot be initiated with city council. The application is only considered partial for this reason.

The respondent suggests that, as the property has been secured, the matter be revisited on the December 13, 2018 CSLAC meeting, after the appellant has had a chance to get contractor's quotes and proceed further with the heritage application.

V. DECISION

The committee varies the order.

The property owner shall keep the building secure and ensure the property remains fenced. The property owner shall repair any holes in the roof and structure to ensure animals and moisture do not enter the structure.

The property owner shall ensure that any required repairs are painted or stained in a manner that meets the standard of the neighbourhood.

VI. REASONS

This Committee issued a decision, after a hearing took place on August 16, 2018, that postponed the matter until October 18, 2018. The matter was postponed so that an engineer's report could be obtained, and that steps could be taken towards seeing whether a heritage designation was appropriate. This was done in the hopes that the property owner would not be required to take on significant added expenses. This was also done to ensure that the property was not in danger of collapsing.

The engineer's report suggests that there is no danger of the property collapsing. The property owner has now taken some active steps towards designation. The actual designation process will take a number of months and perhaps even longer.

The concerns of the Committee about the property collapsing have been answered with the engineer's report. This Committee does not have the ability to decide whether a property is a heritage property, or to compel a property owner to take steps that would require him to proceed with a heritage designation. Ultimately whether the property is or is not designated will not assist in answering the question about whether the property is a nuisance. The remaining role of this Committee is to determine whether the order that was issued was appropriate in the circumstances and whether the property was a nuisance.

The photographs of the property show a property at the end of its economic life and there is no dispute that the property has seen better days. It is clearly deteriorating and some repairs need to be made to the property. It therefore meets the definition of nuisance in Section 9 of the Community Standards Bylaw which includes: damage to the structure, deterioration within the building, and inappropriate infiltration of air and moisture due to holes etc.

The order provides a checklist of a number of items that would have to be completed to remedy the nuisance. The view of the Committee is that the order is overly broad, and remedying the nuisance and taking away the risk could be accomplished in two easy steps.

First, in order to ensure that the property does not start to attract squatters or drug dealers it needs to be secure. The property is not currently being used for anything, and there are no immediate plans to change that. There is already fencing in place that secures the property and it appears that the property owner is in agreement that such fencing should remain in place to maintain the security on the property. Thus the Committee orders that the property owner must ensure that the property remains secure by maintaining the fence.

Second, there are elements of the property that are in need of immediate repair to ensure that animals cannot enter the property and that water cannot infiltrate the property. This should be done immediately. Further these repairs need to be done in a way wherein the property does not become an eyesore. Whatever repairs are done should be painted or stained in a way that it matches the building and meets the standards of the building and the neighborhood.

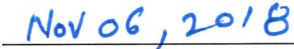
It is the view of the Committee that if these steps are taken, the property will no longer be a nuisance under the terms of the bylaw. Ultimately this would mean that all holes/damage are repaired, there is no longer a way for water to get in, and the more serious damage to the structure is fixed.

There is no way for this Committee to force the property owner to use the property or to make more extensive repairs at this time. There is also no current reason to think that the property owner is simply waiting for the property to collapse. Instead, it appears that the property owner is in the process of gathering information to decide how to use the property in the future, or whether to tear it down. There is nothing wrong with this as long as the property is not a nuisance. Of course, it is expected the the City will continue

to monitor the state of the property. If the property continues to deteriorate, or again becomes a nuisance, it may be necessary that City officials will take additional action such as issuing more orders in the future.



Councillor M. Banga



Date



COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES

October 18, 2018 – Hearing Rm 2, Churchill Building

PRESENT

M. Banga, S. McKeen, T. Caterina

ALSO IN ATTENDANCE

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

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DECISION SUMMARY

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

Councillor Banga called the meeting to order at 9:34 am.

1.2 Adoption of Agenda

Moved T. Caterina:

That the October 18, 2018, Community Standards and Licence Appeal Committee meeting agenda be adopted.	
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In Favour:

M. Banga, S. McKeen, T. Caterina

Carried

1.3 [Adoption of Minutes](#)

Moved :

That the September 13, 2018, Community Standards and Licence Appeal Committee meeting minutes be adopted.	
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In Favour:

M. Banga, S. McKeen, T. Caterina

Carried

2. EXPLANATION OF APPEAL HEARING PROCESS

Councillor Banga explained the appeal hearing process and asked if anyone objected to any Member of the Community Standards Licence Appeal Committee hearing the appeals. No one objected.

3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS

3.1 [Appeal of Order - 2089093 Alberta Ltd., 12748 Fort Road NW, Edmonton, Alberta, Order Pursuant to Section 545\(1\) of the *Municipal Government Act*.](#)

Mr. L P., appellant, made a presentation and answered the Committee's questions.

Mr. J. Lallemand and J. Amerongen, Citizen Services Department, made a presentation and answered the Committee's questions.

The Committee met in private at 10:21 am, pursuant to Section 20 of the Freedom of Information and Protection of Privacy Act.

The Committee met in public at 10:45 am.

Moved M. Banga:

The committee varies the order.

The property owner shall keep the building secure and ensure the property remains fenced. The property owner shall repair any holes in the roof and structure to ensure animals and moisture do not enter the structure.

The property owner shall ensure that any required repairs are painted or stained in a manner that meets the standard of the neighbourhood. The Committee grants the appeal and a City of Edmonton Driver's Licence will be issued for one year. Written reasons to follow.

In Favour:

Carried

M. Banga, T. Caterina, M. Nickel

3.2

[Appeal of Order - M.P., 10851 - 75 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545\(1\) of the *Municipal Government Act*.](#)

The Committee was advised that Administration has withdrawn *Municipal Government Act* Order 291034977-001.

3.3

[Appeal of Order - D.O., 9628 - 100A Street NW, Edmonton, Alberta, Order Pursuant to Section 545\(1\) of the *Municipal Government Act*.](#)

The Committee was advised that Administration has withdrawn *Municipal Government Act* Order 290667073-001.

3.4

[Appeal of Order - B. M., 11514 -93 Street NW, Edmonton, Alberta, Order Pursuant to Section 545\(1\) of the *Municipal Government Act*.](#)

The Committee was advised that Administration has withdrawn *Municipal Government Act* Order 293757612-001.

4. ADJOURNMENT

The meeting adjourned at 10:47am.

Chair

City Clerk