



COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

AGENDA

December 13, 2018 – Hearing 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

M. Banga

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"> October 18, 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 Decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to Rakesh Somaia (007465909-00)	
3.2	Appeal of Order - 487867 Alberta Ltd., 15815 Stony Plain Road NW, Order Pursuant to Section 546(1) of the <i>Municipal Government Act</i>.	
3.3	Appeal of Order - Edith B Rizzo, 11223 - 86 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

December 13, 2018 – Hearing Room 2, Churchill Building

PRESENT

M. Banga, T. Cartmell, A. Paquette

ALSO IN ATTENDANCE

C. Ashmore, Law Branch
 A. Chow, Office of the City Clerk
 G. Dziwenka, Office of the City Clerk
 B. Webster, 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	1	
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 Banga called the meeting to order at 9:45 a.m.	
1.2 Adoption of Agenda	

Moved M. Banga:

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

In Favour:

Carried

M. Banga, T. Cartmell, A. Paquette

1.3 [Adoption of Minutes](#)

Moved :

That the October 18, 2018 Community Standards and Licence Appeal Committee meeting minutes be adopted.

In Favour:

Carried

M. Banga, T. Cartmell, A. Paquette

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 Decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to R. S. \(007465909-00\)](#)

R. Nanda, legal counsel, made a presentation on behalf of R. S. and answered the Committee's questions and provided a letter to the Committee dated December 12, 2018.

Wai Tse Ramirez, Business Licensing, made a presentation and answered the Committee's questions.

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

The Committee met in public at 10:42 am.

Moved M. Banga:

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

In Favour:

Carried

M. Banga, A. Paquette

Opposed:

T. Cartmell

3.2

[Appeal of Order - 487867 Alberta Ltd., 15815 Stony Plain Road NW, Order Pursuant to Section 546\(1\) of the *Municipal Government Act*.](#)

The appellant requested the hearing be postponed until March 2019 due to ongoing litigation.

The respondent did not object.

Moved M. Banga:

The hearing of this matter will be postponed to March 2019.

In Favour:

Carried

M. Banga, T. Cartmell, A. Paquette

3.3

[Appeal of Order – E. R., 11223 - 86 Street NW, Order Pursuant to Section 545\(1\) of the *Municipal Government Act*.](#)

E. R., Appellant, made a presentation and answered the Committee's questions. An undated set of photos were provided.

Chantel Perizzolo and Justin Lallemand, Citizen Service Department, made a presentation and answered the Committee's questions.

Two sets of photographs taken on October 16, 2018 and December 12, 2018 were provided to the appellant, Members of the Committee, and the Office of the City Clerk.

The Committee met in private at 11:07 am. pursuant to Section 20 of the Freedom of Information and Protection of Privacy Act.

The Committee met in public at 11:18 am.

Moved M. Banga:

The Committee varies the order. You are therefore ordered to:

Due Date:
June 7, 2019

Remove the ornamental trees, umbrellas,

metal pieces, wood pieces, clothes hangers, plastic bins, tarps, drink containers, shower curtains, plastic sheets, household cleaning tools, pop can tabs, books, binders, flower pots, stools, plastic jugs, wooden signs, towels, plastic crates, and all other loose debris and loose litter from the entire property, whether tarped or untarped.

Ensure the removal of any other assorted nuisance materials from the entire property and take any actions or remove any other items that are contributing to the unsightly condition of the property.

And thereafter maintain the property to prevent the reoccurrence of any unsightly condition detrimental to the surrounding area.

In Favour:

Carried

M. Banga, T. Cartmell, A. Paquette

4. ADJOURNMENT

The meeting adjourned at 11:20 a.m.

Chair

City Clerk



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

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 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.	
--	--

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.	
---	--

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 Policella, 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



Decision of the Committee

Appeal of Decision to Refuse to Issue a City of Edmonton Driver's Licence Pursuant to Section 42 of the *Vehicle for Hire Bylaw* 17400 City File No. 007465909-00

Hearing Date: December 13, 2018

Appellant:

I. ISSUE

Should a Driver's Licence be issued to _____ pursuant to the Vehicle for Hire Bylaw 17400?

II. APPEARANCES AND EVIDENCE

In dealing with this appeal, the Community Standards and Licence Appeal Committee (the Committee) heard from:

Appellant: Mr.
Mr. Rahul Nanda (representing the Appellant)

Respondent: Ms. Wai Tse Ramirez, General Supervisor, Business Licensing,
Inspections and Compliance
Ms. Nancy Jacobsen, City of Edmonton Law Branch

III. SUMMARY OF APPELLANT'S POSITION

Mr. Nanda spoke on behalf of the Appellant, Mr. _____ who was also present.

Mr. Nanda has had a vehicle for hire licence for over 18 years with no complaints against him and no sanctions against him. In August 2016, Mr. _____ was convicted of assault causing bodily harm and served a 90-day intermittent sentence with probation. He has never been charged with anything in relation to his employment.

The Appellant submits that the conviction concerns incidents of domestic assault that do not relate to Mr. [REDACTED] employment as a taxi driver. Section 33.1(1) of the Vehicle For Hire Bylaw explicitly states that the offence must be “related to the functions, duties, or business of a vehicle for hire or driver”.

The altercation had taken place between Mr. [REDACTED] and his ex-common law spouse. This was a volatile relationship and unrelated to his duties as a driver. Mr. [REDACTED] has held himself to a high standard and has never let his personal life affect his career as a driver. When Mr. [REDACTED] lost his vehicle for hire license, he continued to work in car dealerships and public relations. Mr. [REDACTED] holds an AMVIC license and has had no complaints or sanctions against him.

In addition, Mr. [REDACTED] has taken reasonable steps to rehabilitate himself into the community. Mr. [REDACTED] is no longer in the relationship. He is currently in a long-standing relationship with his common-law partner who is fully aware of his charges. In addition, he has attended the Changing Pathways intensive program. His certificate of completion was provided to the Committee.

The Appellant submits that Mr. [REDACTED] has done everything in his capacity to prove that he is not a threat to the citizens of Edmonton. Furthermore, the charge of assault causing bodily harm will not and has not affected the way he treats his clients while working. The incident was a one-off situation that took place while Mr. [REDACTED] was in a volatile relationship. Mr. [REDACTED] has taken steps to rehabilitate himself to be a better person.

IV. SUMMARY OF RESPONDENT’S POSITION

Ms. Wai Tse Ramirez, General Manager of Business Licensing, Inspections and Compliance and Ms. N. Jacobsen, Law Branch, explained why the decision to deny Mr. [REDACTED] application for vehicle for hire driver’s licence was reasonable and in the public’s best interest.

The Vehicle for Hire Program and associated Vehicle for Hire Bylaw is how the City of Edmonton regulates businesses that transport passengers in exchange for a fee. The Bylaw prohibits a person from driving a vehicle for hire if that person, during the past 10 years, was convicted of any offence under the Criminal Code that is related to the functions, duties or business of a vehicle for hire. This includes any offence of a violent nature.

The Vehicle for Hire Program is a service to the public and it is reasonable to expect greater scrutiny in order to obtain a City of Edmonton driver’s licence. The public expects that licencing decisions are made to ensure safe and reliable transportation services. The information provided in Mr. [REDACTED] police information check raised a public interest concern. Applications are automatically refused if the driver has any

type of criminal conviction within the past 10 years as per Section 33 of the Vehicle for Hire Bylaw which came into effect on July 15, 2017.

Section 33.1 of the Vehicle for Hire Bylaw includes items (a) to (e) which specifically enumerate convictions automatically included as relating to the functions, duties or business of a vehicle for hire driver. Professional drivers must be held to a higher standard as they interact with the public in fairly confined spaces and that is why any violent offences must be considered as per Section 33.1(1)(a).

Allowing a person convicted of a serious offence against another person to operate a vehicle licenced by the City undermines the fundamental goal of the City's Vehicle for Hire program of ensuring public safety and confidence in those licenced by the City to provide services. The Program Manager therefore submits that the decision to refuse to issue a vehicle for hire driver's licence to Mr. _____ was reasonable and appropriate given the nature of the conviction disclosed, and should be upheld by the Committee.

V. DECISION

The Committee grants the appeal and a City of Edmonton Driver's Licence will be issued. Written reasons to follow.

VI. REASONS

Councillor Banga and Councillor Paquette

The appellant has one criminal offense within the last 10 years and it is undisputed that this relates to a domestic violence situation. He has been a vehicle for hire driver for a substantial portion of his working life and there is evidence that there are no complaints or issues that have arisen in the course of those duties.

The provision in the bylaw that we are tasked with interpreting is Section 33.1 of Vehicle For Hire Bylaw 17400 which reads as follows:

33.1 (1) No person may drive a vehicle for hire if, during the past 10 years, the person was convicted of an offence under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada) that is related to the functions, duties, or business of a vehicle for hire or driver, which includes, but is not limited to:

- (a) any offence of a violent nature, including firearms and weapons offences;

- (b) any offence involving sexual assault, sexual exploitation, sexual interference, procuring or invitation to sexual touching;
- (c) trafficking;
- (d) any offence involving fraud or fraudulent transactions, conspiracy to defraud, the use of false pretences, bribery, extortion, or theft; or
- (e) any offence relating to the unlawful operation of a motor vehicle.

The purpose of this provision clearly relates back to public safety. We must ask ourselves whether Edmonton City Council intended that any offense that is listed in the subsections automatically disqualifies a license from being issued, or whether the offence must still relate to the functions, duties, or business of a vehicle for hire before a license will be refused.

There are many offenses that would be captured in the list, such as common assault, which would not seem serious enough to create a risk to public safety in the operation of a vehicle for hire. A refusal of a license also means that the appellant loses his livelihood and would have to take on a different career. Given the severity of the provisions, if there is any ambiguity in the bylaw, it should be interpreted in a way that least impacts his rights. We would therefore prefer the interpretation that requires a tie between the criminal code offense and the functions, duties, or business of a vehicle for hire driver. This interpretation means that a driver would not lose his livelihood over a single criminal code offense that is unrelated to the operation of a vehicle for hire. In our view, the various subsections of Section 33.1 simply provide examples of offenses that “may” be associated with a vehicle for hire, but there still needs to be some type of connection in order to deny the license.

Our view is supported by the fact that a driver that has had one episode of domestic violence would not necessarily be a danger to the public. There is simply no tie in this scenario to the functions, duties, or business of a vehicle for hire that would create this danger that would warrant the refusal. It would be different if this was a conviction that took place while the Appellant was operating a vehicle for hire. It would also be different if this was a situation where a driver had shown a pattern of violent episodes on more than one occasion, since this could demonstrate a propensity for violence that could be seen as a danger to the public. Each of these cases must be examined on its own merits to determine whether there is enough of a tie to the functions of a vehicle for hire that the driver would form some sort of danger to the public.

Without something more to connect this single offense to the operation of a vehicle for hire, our interpretation of the bylaw would not prohibit granting a license in this case. The appeal is therefore granted and the license should be issued.

Notwithstanding that this is our finding, it is clear that the bylaw could have multiple interpretations. This Committee does not have the ability to amend the bylaw to make it any clearer. An amendment to clarify the bylaw must be left with Edmonton City

Council, but our advice is that Edmonton City Council should consider an amendment to ensure that there is only one interpretation.

Dissenting reasons of Councillor Cartmell

I would interpret the bylaw in a different manner. The various subsections within Section 33.1 provides a list of offenses that are deemed to relate to the functions, duties, or business of a vehicle for hire driver. There is no discretion in the bylaw. There is therefore no requirement to find that a particular offense must still be found to relate to the operation of a vehicle for hire. The bylaw does not talk about having to establish a pattern of conduct, or consider each case on its own merits, but instead contemplates that a single conviction is enough to deny a license if the offense is one that is listed in Section 33.1.

My interpretation is based on the fact that citizens and visitors to the City of Edmonton would expect that safety is of the highest importance when the City grants a license to operate a vehicle for hire. Citizens should be guaranteed that licensed operators of vehicles for hire are only of the best character and that there is no risk that the driver has a history of violence, fraud, or some other serious criminal activity. The bylaw was therefore drafted in a way that essentially gives that guarantee. Any citizen that would read this bylaw would expect that drivers of a vehicle for hire would not have even a single conviction that fell within the list found in Section 33.1. This is the best way to ensure public safety in the vehicle for hire context.

In this case, there is a conviction of a violent nature. That conviction falls within the list found within Section 33.1(a) and therefore prohibits the issuance of a license. I would therefore deny the appeal.

I would agree that Edmonton City Council should review this bylaw to eliminate the uncertainty that it is creating.



Councillor M. Banga

Jan 28, 2019
Date



**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 279096345-001; 15815 Stony Plain Road, Edmonton, Order Pursuant to Section 546(1) of the *Municipal Government Act*

Hearing Date: December 13, 2018

Appellant: 487861 Alberta Ltd.

I. ISSUE

Whether the property in question is in a nuisance condition.

II. APPEARANCES AND EVIDENCE

In dealing with the Appeal of Order 279096345-001, the Community Standards and Licence Appeal Committee (the Committee) heard from:

Appellant: Ralph Colistro, for 487867 Alberta Ltd.

Respondent: J. Lallemand, Specialized Program Coordinator, Complaints & Investigations, Community Standards Branch, Citizen Services
C. Perizzolo, Acting Coordinator, Complaints & Investigations, Community Standards Branch, Citizen Services

III. SUMMARY OF APPELLANT'S POSITION

The appellant requests the hearing be postponed until March 2019.

IV. SUMMARY OF RESPONDENT'S POSITION

The Respondent consents. The Postponement request is due to ongoing litigation.

V. **DECISION**

The Committee grants a postponement.

VI. **REASONS**

The Appellants in this case are requesting a postponement and the Respondents are in agreement that the matter can be postponed. The Committee has been told that there is some type of ongoing litigation that may impact matters before this Committee. The Committee therefore agrees to postpone this matter to March 2019.



Councillor M. Banga

Jan 28, 2019

Date



**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 176747649-003; 11223 – 86 Street NW, Edmonton, Order Pursuant to Section 545(1) of the *Municipal Government Act*

Hearing Date: December 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 176747649-003, the Community Standards and Licence Appeal Committee (the Committee) heard from:

Appellant:

Respondent: J. Lallemand, Specialized Program Coordinator, Complaints & Investigations, Community Standards Branch, Citizen Services
C. Perizzolo, Acting Coordinator, Complaints & Investigations, Community Standards Branch, Citizen Services

III. SUMMARY OF APPELLANT'S POSITION

Ms. asked the Committee for more time to comply with the order due to her medical condition. Ms. stated that it is difficult for her to be outside in the winter time due to her medical conditions.

Ms. acknowledged that the property likely needed to be cleaned up but that certain items such as the umbrellas were necessary.

IV. SUMMARY OF RESPONDENT'S POSITION

Ms. Perizzolo advised the Committee that the property has a lengthy history with Community Standards dating back to April 4, 2005. Since April 4, 2005, due to ongoing Community Standards and nuisance property complaints, the Respondent has conducted approximately 40 site inspections and four orders. Of these four orders, two were appealed and denied. The property has been remediated by the City on three occasions.

The last remedial clean-up was August 2017 and since then the property standards have begun to decline. The by-law officer has reached out to agencies such as Alberta Health Services and Sage to provide support to the Appellant; however, Ms. [redacted] has to this point refused support from these agencies.

The Respondent provided two sets of pictures taken October 16, 2018 and December 12, 2018. The pictures were taken from neighboring properties. Section 6(2) of Community Standards Bylaw 14600 defines nuisance as land that shows signs of serious disregard for general maintenance and upkeep. A number of examples of what constitutes a nuisance are found within the bylaw and one of those examples relates to an excessive accumulation of material.

The photographs of this property provide clear evidence on the state of the property. Upon inspecting the property, the property was found to be in a nuisance on land condition and an Order was issued pursuant to section 545(1) of the *Municipal Government Act*.

Based on this information and the photographs provided, the administration is satisfied that the Appellant has contravened section 6(1) of the Community Standards and the administration is asking that the Order be upheld.

Ms. Perizzolo acknowledged that remedial action would be difficult in the winter. The administration consented to wait until the spring and to accept an extension until the first week of June.

V. DECISION

<p>The Committee varies the order. You are therefore ordered to:</p> <p>Remove the ornamental trees, umbrellas, metal pieces, wood pieces, clothes hangers, plastic bins, tarps, drink containers, shower curtains, plastic sheets, household cleaning tools, pop can tabs, books, binders, flower pots, stools, plastic jugs, wooden signs, towels, plastic crates, and all other loose debris and loose litter from the entire property, whether tarped or untarped.</p> <p>Ensure the removal of any other assorted nuisance 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>And thereafter maintain the property to prevent the reoccurrence of any unsightly condition detrimental to the surrounding area.</p>	<p>Citizen Services Dept.</p> <p>Due Date: June 7, 2019</p>
---	---

VI. REASONS

Section 6(1) of Community Standards Bylaw 14600 prohibits a person from having a nuisance on their property. Section 6(2) defines a nuisance as land that shows signs of serious disregard for general maintenance and upkeep. A number of examples of what constitutes a nuisance are found within the bylaw and one of those examples relates to an excessive accumulation of material:

6(2)(a) Excessive accumulation of material including but not limited to building materials, appliances, household good, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not.

The photographs of this property provide clear evidence about the condition of the property. There are various materials strewn everywhere, including refuse, household goods, and other types of materials that are harder to identify by looking at a photograph. There is no question that this property falls within the definition of nuisance under the bylaw given the amount of material in the photographs.

Part of Ms. argument appears to be that she does not believe the property is that bad. She said that everyone's opinion is different about what constitutes a nuisance and to some extent she is correct about that. The role of this committee is to decide whether the

property meets the definition of nuisance in the bylaw, which is intended to reflect the standards of the community. This Committee finds that there is no question that this property does not meet community standards. Even Ms. _____ herself has admitted that, at least to some extent, the property needs to be cleaned up.

The nature of this nuisance is also such that it would be difficult for emergency personnel to access the property should that be necessary. To some extent, this problem therefore raises issues of public safety. This makes it even more important to remedy the nuisance.

The Appellant asked this Committee to provide an extension on the order in order to allow her time to clean the property up after the winter months end. Given the ice and snow on the ground, this extension is reasonable and the order will be varied to allow until June 7, 2019 for the nuisance to be remedied.

The Committee was also forced to decide whether the ongoing provision in the order, that the property should continue to be maintained in the future, is warranted. There is evidence that this property has been an issue since 2005 with 4 orders being issued and 2 appeals being denied. The property has been remediated by the City on 3 occasions. There is thus a pattern of ongoing behavior, and a lot of municipal resources have already been spent on this property. The provision that the property must be maintained in the future will reduce the need to issue future orders if the property again falls into a nuisance state and is thus warranted.

The Committee has sympathy for Ms. _____ given her medical conditions and her desire to spend a lot of time outside. She clearly requires some assistance in the maintenance of her yard. We would strongly urge her to accept the assistance of organizations such as SAGE or Alberta Health Services to keep her property in a clean state. We also strongly urge Ms. _____ to take valuable household items (things that are usually found indoors) and move them back indoors. This will ensure that they are not inadvertently discarded when the property is remediated.

It should be noted that when the property is remediated, some element of reasonableness must still come into play. Ms. _____ has indicated that she needs an umbrella in her yard as a result of medications. It is not unusual to have umbrellas in the backyards of City of Edmonton homes. There would therefore be nothing wrong with Ms. _____ continuing to have an umbrella in her yard to provide shade. These types of enforcement decisions would have to take place when the clean up is occurring.


Councillor M. Banga

Jan 28, 2019
Date