



# COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

## AGENDA \ SELECTION SHEET

June 27, 2019 – Churchill Building

9:30 a.m.  
12:00 Noon

Call to Order  
Adjournment

### MEMBERS

J. Dziadyk, T. Caterina, S. McKeen

ITEM		ACTION
<b>1.</b>	<b>CALL TO ORDER AND RELATED BUSINESS</b>	
1.1	Call to Order	
1.2	<a href="#">Adoption of Agenda</a>	
1.3	<a href="#">Adoption of Minutes</a>	
	<ul style="list-style-type: none"> <li>May 28, 2019, Community Standards and Licence Appeal Committee meeting minutes</li> </ul>	
<b>2.</b>	<b>EXPLANATION OF APPEAL HEARING PROCESS</b>	
<b>3.</b>	<b>COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS</b>	
<a href="#">3.1</a>	Appeal of Order - 300214738-001, C. J. W. and P. F., 3508 - 41A Avenue NW, Edmonton; Order pursuant to Section 546(1)(c) of the <i>Municipal Government Act</i> .	
<a href="#">3.2</a>	Appeal of Order - 305108556-003, R. C., 10946 - 154 Street NW, Edmonton; Order pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	
<a href="#">3.3</a>	Appeal of Order 303580680-001 - K. D., 226 - Lee Ridge Road NW, Edmonton; Order pursuant to Section 545(1) of the <i>Municipal Government Act</i> .	
<b>4.</b>	<b>ADJOURNMENT</b>	

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# SPECIAL COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

## MINUTES

May 28, 2019 – Churchill Building

### PRESENT

M. Banga, J. Dziadyk, T. Caterina

### ALSO PRESENT

A. Chow / K. Wun, Office of the City Clerk  
 C. Ashmore, Law Branch  
 I. Russell, Office of the City Clerk

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### DECISION SUMMARY

ITEM		DECISION
1.	<b>CALL TO ORDER AND RELATED BUSINESS</b>	
1.1	Call to Order	

M. Banga called the meeting to order at 9:36 a.m.

1.2	<b>Adoption of Agenda</b>	
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**Moved T. Caterina:**

That the May 28, 2019, Agenda be adopted as amended:

Item 3.7 is added  
Item 3.2 will be heard first

**In Favour:**

**Carried**

M. Banga, J. Dziadyk, T. Caterina

**1.3 Adoption of Minutes**

**Moved J. Dziadyk:**

That the April 11, 2019, Community Standards and Licence Appeal Committee minutes be adopted.

**In Favour:**

**Carried**

M. Banga, J. Dziadyk, T. Caterina

**2. EXPLANATION OF APPEAL HEARING PROCESS**

M. Banga, explained the appeal hearing process regarding vehicle for hire appeals 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**

**3.2 Appeal of decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to J. T**

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

K. Johnson, Law Branch, made a presentation on behalf of the Program Manager, Business Licensing & Vehicle for Hire and answered the Committee's questions. The acting Program Manager, W. Ramirez was also present and responded to questions from the Committee.

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

The Committee met in private at 10:12 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 10:45 a.m.

**Moved J. Dziadyk:**

The licence will be granted for the period

applied for in the application. Written reasons to follow.

**In Favour:**

**Carried**

M. Banga, J. Dziadyk, T. Caterina

3.1 **Appeal of Decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw, Bylaw 17400 to M. S [redacted]**

A. Attia, Barrister and Solicitor, appeared to represent M. S [redacted] who was also present. Mr. Attia made a presentation and answered the Committee's questions.

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

K. Johnson, Law Branch, made a presentation on behalf of the Program Manager, Business Licensing & Vehicle for Hire and answered the Committee's questions. The acting Program Manager, W. Ramirez was also present and responded to questions from the Committee.

The Committee met in private at 11:49 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 12:15 p.m.

**Moved M. Banga:**

That the decision to refuse to issue a City of Edmonton Driver's Licence to M. S [redacted] be upheld. The conviction relates to the duties and functions of the operation of a Vehicle for Hire. Written reasons to follow.

**In Favour:**

**Carried**

M. Banga, J. Dziadyk, T. Caterina

3.3 **Appeal of Order - 4787861 Alberta Ltd., 15815 - Stony Plain Road, Edmonton; Order pursuant to Section 546(1) of the *Municipal Government Act*.**

The Appellant, R. Colistro, submitted a letter advising that he was withdrawing his appeal. The hearing of this matter has therefore been cancelled.

3.4 **Appeal of Order, M. B [redacted], 4605 - 117 Avenue, Edmonton;**

**Order pursuant to Section 545(1) of the *Municipal Government Act*.**

M. Banga, explained the appeal hearing process regarding appeals pertaining to MGA Orders and asked if anyone objected to any Member of the Community Standards and Licence Appeal Committee hearing the appeals. No one objected.

M. B [redacted], Appellant, did not appear and the Committee relied on his written submissions.

C. Perizzolo, Community Standards Branch, made a presentation and answered the Committee's questions.

Two sets of photographs dated October 17, 2018 and November 1, 2018, were provided to the Appellant, members of the Committee and the Office of the City Clerk.

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

The Committee met in private at 2.07 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 2.25 p.m.

**Moved T. Caterina:**

That the Committee uphold the Order.	
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**In Favour:**

**Carried**

M. Banga, J. Dziadyk, T. Caterina

**3.5 Appeal of Order – C [redacted] J [redacted] W [redacted] and P [redacted] FI [redacted], 3508 - 41A Avenue NW, Edmonton; Order pursuant to Section 546(1)(c) of the *Municipal Government Act*.**

[redacted], Appellant, advised she had only taken the morning off of work and was unable to stay for the afternoon.

She requested a Postponement to another date.

C. Perizzolo, Community Standards Branch, agreed to a postponement to the next Community Standards and Licence Appeal Committee meeting scheduled for June 27, 2019.

**Moved T. Caterina:**

The Committee grants a Postponement to June 27, 2019.	
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**In Favour:**

**Carried**

M. Banga, J. Dziadyk, T. Caterina

P. F subsequently requested a further postponement to August 22, 2019.

C. Perizzolo, Community Standards Branch opposed this request.

**Moved T. Caterina:**

That a further Postponement be granted to August 22, 2019.	
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**In Favour:**

**Lost**

(None)

**Opposed:**

M. Banga, J. Dziadyk, T. Caterina

3.6	<b>Appeal of Order - K. H [redacted], 5905 - 90A Avenue NW, Edmonton; Order pursuant to Section 545(1) of the <i>Municipal Government Act</i>.</b>
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The Appellant was unable to attend today's hearing due to medical issues and submitted a written postponement request.

C. Perizzolo, Community Standards, had no objections to the Postponement request.

**Moved J. Dziadyk:**

That a Postponement be granted and the appeal hearing be scheduled for August 22, 2019	
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**In Favour:**

**Carried**

M. Banga, J. Dziadyk, T. Caterina

3.7	<b>Appeal of Order - M. and J. C [redacted]; 7604 - 132 Avenue NW, Edmonton; Order pursuant to Section 545(1) of the <i>Municipal Government Act</i>.</b>
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**Government Act.**

This item was to be scheduled to the June 27, 2018, Community Standards and Licence Appeal Committee. The Appellants requested a postponement as they are part of a wedding party at that time. They submitted a written postponement request.

C. Perizzolo, Community Standards had no objections to the postponement.

**Moved T. Caterina:**

That a Postponement be granted and the appeal hearing be scheduled for August 22, 2019.	
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**In Favour:**

**Carried**

M. Banga, J. Dziadyk, T. Caterina

**4. ADJOURNMENT**

The meeting was adjourned at 2:29 pm

\_\_\_\_\_  
Chair

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





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## **Decision of the Committee**

**Appeal of Order 300214738-001; 3508 – 41A Avenue NW, Edmonton, Order  
Pursuant to Section 546(1)(c) of the *Municipal Government Act***

**Hearing Date: June 27, 2019**

**Appellant:**

### **I. ISSUE**

Whether the property in question is in an unsightly condition.

### **II. APPEARANCES**

In dealing with the Appeal of Order **300214738-001**, the Community Standards and Licence Appeal Committee (the “Committee”) heard from:

Appellant:

Respondent: C. Perizzolo, General Enforcement A/Coordinator, Complaints & Investigations, Community Standards and Neighbourhoods

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

1. The Appellant started cleaning up the property in December 2018 when she was first contacted by the City. She was unable to complete the job as there was a snow dump and she also became very ill.
2. She acknowledges that there are a lot of toys in her yard. She is in the process of cleaning and selling them but has not been able to complete the work. She is feeling overwhelmed as she works full time, has three young sons and her husband is only in town two days a month. She feels she is being targeted as other properties in her



neighbourhood are in a similar or worse state. She had submitted photos of other properties.

3. Time is an issue. By the time she comes home from work, cooks supper and assists her children with homework, it is late. She does have some time off in July and her children will not be in school at that time, so she will be able to resume work on her yard.
4. She is committed to getting the yard cleaned up and is willing to work with City staff.
5. The paint cans listed on the Order are no longer on the property and have been taken to the Eco Station.

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

6. The Respondent provided the following timeline of events leading up to the 546 Order being issued:

Dec. 17, 2018: A bylaw officer attended the property in response to a citizen's complaint. The officer observed an unsightly and untidy condition which included boxes, furniture, bags, plastic, cardboard, and other debris in the front and side yards. One photograph was taken and a Notice to Comply was issued.

Jan. 23, 2019: A follow-up inspection was conducted and the officer noted no change to the property. Due to the winter season the file was extended to the spring.

March 27, 2019: A follow-up inspection was conducted and compliance had not been achieved. Twenty-one photographs were taken.

March 28, 2019: The section 546 *Municipal Government Act* Order, which is the subject of today's appeal, was issued.

June 26, 2019: A third set of photographs was taken depicting an accurate condition of the property.

7. Three sets of photos taken on December 17, 2018, March 27, 2019 and June 26, 2019 are before the Committee today.

8. Section 546 of the *Municipal Government Act* states that, if in the opinion of a designated officer, a property is detrimental to the surrounding area and is in an unsightly condition showing signs of serious disregard for general maintenance or upkeep that the designated officer, by written order, can require the owner to improve the appearance of the property in the manner specified.
9. Based on the above information and the photographs provided, administration is satisfied that the current condition of the property fits the situation described under section 546, and asks that the order be upheld.
10. Ms. Perizzolo confirmed that the reason for the initial inspection was a complaint from a neighbour.
11. There were two previous infractions at this property, one in 2012 and one in 2016. Compliance was achieved both times and the files were closed.
12. Prior to the 2019 Order being issued, an officer attempted to contact the Appellant via email, offering to attend the site. Ms. Perizzolo learned from speaking to the Appellant this morning that she does not always receive her emails.
13. The next steps would be for herself or an officer to attend the site, assess the property with the Appellant, provide suggestions for alternative storage and determine what can stay. She would reach out to her partners at Capital City Clean Up to assist with removing the remainder of the items.
14. If the Order is upheld, Administration would be willing to extend the timelines and continue working with the Appellant as long as there are continuous signs of improvement.

**V. REBUTTAL OF APPELLANT**

15. The Appellant disputes that nothing has been done since December and advises she has done some clean-up. She has disposed of the paint cans and has organized the material in the front yard. She has gone through the extra flower pots and while she cannot afford to plant in them right now, she does not want to get rid of them.
16. There are no closet doors and broken cribs in the yard. The Order makes it sound like the yard is a complete junk yard.
17. She agrees that there are some bigger items of toys but she has three children who use the yard. There is only so much that can be put away as they have no garage.

18. She would be willing to meet with Ms. Perizzolo next week; however, she is unable to take time off work to do so.

## **VI. REBUTTAL OF RESPONDENT**

19. Ms. Perizzolo agreed that things do look more organized in the front yard. However, the rear yard needs more work. Grass needs to be trimmed and loose litter needs to be picked up.
20. She is willing to adjust her shift in order to meet with the Appellant outside of regular business hours.

## **VII. DECISION**

The Order is upheld.

You are therefore ordered to:

- Remove all pails, flower pots, metal, trellis, plastic containers, wood, boards, furniture, plastic crates, plastic, lids, paint cans, kids toys, closet doors, window frames, pallets, tomato holders, dismantled crib, shutters, hose, wire, tree stumps, 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.

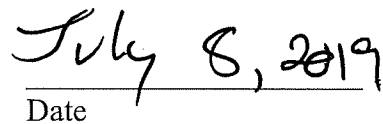
## **VIII. REASONS**

21. There is no real debate in this case that the property falls below the standards of the community and is therefore in an unsightly condition. The Appellant has indicated difficulty cleaning the property due to various circumstances including working a full time job, having three boys, and simply not having enough time in the day to deal with matters.
22. There is clearly an excessive accumulation of material throughout the property with many items being inappropriately being stored outside. In some of the pictures, there is so much material that it is unclear what is on the property. The order was therefore properly issued.
23. However, the Committee acknowledges that given the circumstances of the Appellant, that there are some mitigating circumstances here. While we are upholding this order, it is under the understanding that City Administration will work

with the Appellant to provide some clarity as to the type of material that would need to be removed, and attempt to help the Appellant in locating assistance to remedy the problems. This appeared to have been agreed to during the hearing. For example, while the amount of toys being stored outdoors is clearly excessive, some toys could remain outside and this could be worked out with City Administration.

24. The Appellant also believes that she is being targeted, and points to the condition of other properties in the neighborhood as being worse than her property. She is not sure why she is being singled out. There is no question that some of the properties that she points to would also be unsightly, or contain nuisance conditions. This however does not mean her property is not unsightly. There may very well be other nuisance properties in the neighborhood. Some may already be under investigation. Others may need to be investigated. In any event, notwithstanding the condition of other properties, this Committee does not have the jurisdiction to deal with an argument about being targeted. Further, given that the property is clearly unsightly, it does not appear that City Administration has taken any inappropriate action. We would expect that City Administration, having now seen the condition of these other properties, would take appropriate action where necessary.
25. We wish the Appellant well, and hope that circumstances improve to remove some of the stressors in her life.

  
Councilor J. Dziadyk

  
Date





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## Decision of the Committee

### Appeal of Order 305108556-003; 10946 – 154 Street NW, Edmonton, Order Pursuant to Section 545(1) of the *Municipal Government Act*

Hearing Date: June 27, 2019

Appellant:

#### I. ISSUE

Whether the property in question is in a nuisance condition.

#### II. APPEARANCES

In dealing with the Appeal of Order **305108556-003** the Community Standards and Licence Appeal Committee (the “Committee”) heard from:

Appellant:

Respondent: J. Lallemand, Coordinator, Complaints & Investigations,  
Community Standards and Neighbourhoods

#### III. SUMMARY OF APPELLANT’S POSITION

1. was accompanied by .
2. The Appellant questioned the timing of the photographs. He acknowledges that there was plywood on the property at one time; however, this was due to a structure being torn down. The photographs were taken before this plywood could be cleaned up.



3. The Appellant would like clarification as to why a previous Order was withdrawn and then, on the same day, a new Order as well as a ticket was issued. Now he is told the yard is adequate and wonders if another Order and ticket will be issued.
4. The Appellant is in his seventies, lives on old age pension and has very limited funds. He also has mobility issues.
5. While he has lived at this location for some time he has only owned the property for about a year as a result of an inheritance. Virtually none of the items listed on the Order belong to him. He has had problems with prior occupants of the home coming and dumping stuff on his property. While he has contacted police about this problem, police were unable to assist him with any enforcement until he actually became the owner of the property.
6. He is here today to obtain an explanation as to what is going on.

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

7. The Respondent advised that yesterday's inspection showed that the property has been cleaned and the Order is complied with. No further action will be taken related to this Order and the file has been closed.
8. The area Bylaw Officer had received a complaint from a neighbour regarding nuisance on land. This property has an extensive history with 27 bylaw complaints over a three year period.
9. On May 9, 2019, a Bylaw Officer attended the property as part of a joint inspection which included Alberta Health Services, Edmonton Police Service, Development Compliance and Building Safety Codes.
10. The Bylaw Officer confirmed that a nuisance condition was present and noted scrap wood, bicycle parts, boxes, furniture, tires, shopping carts, and other debris throughout the property. As a result, on May 10, 2019, the Officer issued an Order pursuant to section 545 of the *Municipal Government Act*.
11. The Bylaw Officer has been working with various referral agencies to assist the Appellant.
12. Two sets of photos dated May 9, 2018, and June 26, 2018, are before the Committee today.
13. Section 6 of the *Community Standards Bylaw* identifies nuisance on land as 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. For further clarification, *the Bylaw* lists examples of nuisance conditions that include excessive accumulation of material including but not limited to building materials, vehicles

parts, tires, boxes and household goods. All of these were present on this property on May 9, 2019.

14. Section 545 of the *Municipal Government Act* states that, if in the opinion of a designated officer, a person has violated a bylaw or enactment that the officer is allowed to enforce, that person may be directed by written order to remedy the infraction.
15. Based on the above information and the photographs provided, City Administration is satisfied that Section 6 of the *Community Standards Bylaw* was contravened and requests that the Order be upheld.
16. The Respondent confirmed that there were some earlier Orders issued this year. In an effort to work with the Appellant, those Orders were cancelled. There was a \$250.00 ticket issued which is still before the courts. The ticket is a separate matter from the subject Order before this Committee.
17. The Respondent is committed to working with the Appellant and will arrange to have the ticket cancelled.
18. While the Order has been complied with, it has not been cancelled or withdrawn. Due to the history on this property, Administration requests that the Order remain on the record should there be future issues at this property. If an Order remains on a file for two years, a “forward looking statement” can be placed on any subsequent Orders.

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

19. As far as the history of the property goes he did not own the property until about a year ago. Since that time, the police have been assisting him with enforcement issues. Tickets have been issued and the offenders who had been dumping on his property have stopped coming around.

#### **VI. DECISION**

The Order is upheld.

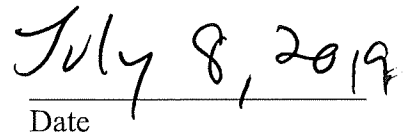
You are therefore ordered to:

Remove all scrap wood, bike parts, cardboard boxes, furniture, tires, shopping carts, motors, Styrofoam, auto parts and all debris and 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.

**VII. REASONS**

20. Here, the Appellant has appealed an Order, but compliance with the Order has already been achieved. What appears to be happening is that the Appellant is seeking some clarity on matters associated with the Order and with a ticket related to a nuisance condition on his property. There does not appear to be a dispute about the general condition of the property.
21. While there was a great deal of discussion about the surrounding circumstances, the actual issue before this Committee is a simple one: at the time the Order was issued, was the property in a state of nuisance?
22. The photographs clearly show a property that was in a nuisance state at the time that the Order was issued. There is an excessive accumulation of material, and there is a lot of material that appears to be garbage. This nuisance has since been remedied.
23. The Appellant indicated that he was not the cause of these materials being on his property. This may be true, but this does not invalidate the Order. There was still a nuisance on a property he owned and therefore the nuisance was his responsibility.
24. The Committee is satisfied that the Appellant has now been able to engage the services of other organizations to assist him in maintaining his property in a good condition. As long as this is done, his issues with the City would now appear to be concluded.

  
Councillor J. Dziadyk

  
Date



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## **Decision of the Committee**

### **Appeal of Order 303580680-001; 226 Lee Ridge Road NW, Edmonton, Order Pursuant to Section 545(1) of the *Municipal Government Act***

**Hearing Date: June 27, 2019**

**Appellant:**

#### **I. ISSUE**

Whether the property in question is in a nuisance condition.

#### **II. APPEARANCES**

In dealing with the Appeal of Order **303580680-001** the Community Standards and Licence Appeal Committee (the “Committee”) heard from:

Appellant:

Respondent: C. Perizzolo, General Enforcement A/Coordinator, Complaints & Investigations, Community Standards and Neighbourhoods

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

1. Mr. [redacted] provided a written submission and several photographs.
2. The Appellant does not conduct illegal activities on his property, does not produce or store illegal materials, and his property poses no risk of harm or damage to neighbouring properties or to any member of the public walking by his property. His property is clearly marked with “No Trespassing” signs.
3. His property is targeted on a continual basis by Community Standards for “nuisance” and has been deemed a “problematic property”. On almost all occasions the Notices

to Comply he has received have been issued during the spring thaw or in the middle of a renovation project. He has always complied with such notices, most times before the written notice was even received in the mail.

4. When he received the latest Notice to Comply in January 2019, he attempted to speak to the Compliance Officer but reached a supervisor instead. He was assured that the officer would contact him the following week; however, no follow-up call was ever received.
5. Other properties in his neighbourhood are in non-compliance with various regulations but notices are never issued to these property owners. A new home across the street has been under construction for over three years; construction materials are stored on the property. A home based business is being run a few doors away and no neighbours were ever notified. Another neighbour has four commercial vehicles at his property including a converted ambulance. Three properties immediately to the west of the Appellant allow grass and weeds to grow for weeks on end without mowing. Another neighbour lives out of his car in the garage. The City of Edmonton turns a blind eye to these infractions while unfairly targeting the Appellant's property.
6. He referred the Committee to the photos he submitted, which include views of his own property as well as those of the neighbours mentioned above.
7. The white truck with the wheelbarrow on it is his work truck. The damaged vehicle shown on the Respondent's May 9 photographs was removed on May 10. It could not be moved prior to that due to an insurance claim.
8. There are no longer any tires on the property. The damaged truck shown in the photographs belongs to his step-father and is operable, registered and insured.
9. He acknowledges that there are still some small pieces of brick present as he just started working on his patio. These will be going to the concrete recycling yard today. He is continually cleaning up as he works.
10. He has been out of the City for the past 17 days for work. He mowed the back of his property yesterday evening. There is not much more work to be done.
11. The wheels of the truck are blocked because he hit a pothole on Monday and damaged the rim. He is changing out the tire but needs to get the rim re-built.

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

12. The Respondent provided the following timeline of events leading up to the Section 545 Order being issued:

- Jan. 28, 2019: A Bylaw Officer attended the property in response to a citizen's complaint. The Officer confirmed a nuisance condition was present which included vehicle parts, bricks, wood, metal and other debris. Photographs were taken.
- Jan. 29, 2019: A Notice to Comply was issued.
- Feb. 6, 2019: The area supervisor contacted Mr. Dunbar and provided direction as to how to fix the nuisance condition. The Appellant explained that the items were only being temporarily stored as he was working on a project.
- March 4, 2019: A follow-up inspection was conducted and the Officer noted no change to the property. Due to the winter season the file was extended.
- May 9, 2019: A follow-up inspection was conducted and compliance had not been achieved. Seven photographs were taken.
- May 10, 2019: The Section 545 Order, which is the subject of today's appeal, was issued.
13. Two sets of photographs taken on May 9, 2019, and June 26, 2019 are before the Committee today.
  14. Section 6 of the *Community Standards Bylaw* identifies nuisance on land as 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. For further clarification the bylaw lists examples of nuisance conditions which include excessive accumulation of material including but not limited to building materials, vehicles parts, tires, damaged, dismantled or derelict vehicles, whether insured, registered or not. All of these items were present on this property on May 9, 2019.
  15. Section 545(1) of the *Municipal Government Act* states that, if in the opinion of a designated officer, if a person has violated a bylaw or enactment that the officer is allowed to enforce, that person may be directed by written order to remedy the infraction.
  16. Based on the above information and the photographs provided, Administration is satisfied that Section 6(1) of the *Community Standards Bylaw* was contravened and requests that the Order be upheld.



17. While the Appellant stated there was no threat or danger to other properties or other people, Section 6 of the *Community Standards Bylaw* defines nuisance. The definition does not identify the presence of a safety risk as a factor. A nuisance condition can impact the property values of neighbours.

**V. REBUTTAL OF APPELLANT**

18. The Appellant objected to the Respondent's statement that the Area Supervisor provided him with direction. She did not instruct or guide him and simply advised that the Officer would follow up, which never happened.
19. He would like clarification as to where in the *Bylaw* it states that Community Standards can determine what constitutes a damaged vehicle. He also could find no information in the City's literature as to how many vehicles are permitted on a property. While he concedes that the white truck with the front end damage is a damaged vehicle, he questions whether chipped paint, and dents in a hood or on the bumper of a truck, constitute damaged or broken vehicles.

**VI. REBUTTAL OF RESPONDENT**

20. Section 6(2) of the *Community Standards Bylaw* states:

(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:

...

(b) damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not;

21. The City's internal policy is to determine whether a vehicle is operable. If the vehicle can be driven, it would be permitted to stay on the property. If the vehicle is not operational, it is considered a "damaged vehicle" and will need to be removed.
22. Her understanding is that one of the cars was removed after the Order was issued. The damaged truck needs to be removed and the other two vehicles can stay.

**VII. DECISION**

The Order is upheld.

You Are Therefore Ordered To:

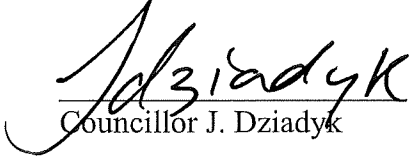
Remove all derelict/damaged/wrecked vehicles, auto parts, items on the utility trailer, machinery, tarps, items under tarps, wood, boards, metal, bricks, pails, loose litter and debris and other assorted materials from the entire property and take any actions or remove any other items that are contributing to the unsightly condition of the property.

**VIII. REASONS**

23. The Appellant raises various issues and questions the ability of City Administration and City Council to make decisions relating to whether his property is a nuisance.
24. Pursuant to Section 7 of the *Municipal Government Act*, City Council has the ability to pass bylaws respecting nuisances and unsightly properties. This has been done in the *Community Standards Bylaw*. Section 545 of the *Municipal Government Act* allows a municipality to issue orders when a bylaw has been contravened. Section 547 allows those Orders to be appealed to City Council. Pursuant to the *Community Standards and Licence Appeal Committee Bylaw*, this Committee has been delegated the ability to hear and decide those appeals.
25. It is the responsibility of this Committee to determine whether there was a nuisance condition on the property at the time the Order was issued. Here, there was an excessive accumulation of material on the property and there are clearly damaged vehicles on the property. As an example, one vehicle that has significant damage to its front end has apparently been sitting in the front yard for months. This is clearly unacceptable. The neighbors have a right not to have to put up with these types of conditions on a neighboring property. This property was clearly a nuisance.
26. The Appellant also believes that he is being targeted, and points out issues with several other properties in the neighborhood. There may very well be other properties in the neighborhood that are problematic. Some may already be under investigation. Others may need to be investigated. In any event, notwithstanding the issues with these other properties, this does not mean that the condition of the Appellant's property is acceptable. This Committee is here to deal with this Order and does not have the jurisdiction to deal with the Appellant's allegation that his property is being targeted. However, given that the property is clearly a nuisance,

the Committee would comment that it does not appear that City Administration has taken any inappropriate action.

27. The Order is upheld.

  
Councillor J. Dziadyk

Date July 6, 2019



# COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

## MINUTES

June 27, 2019 – Churchill Building

### PRESENT

J. Dziadyk, T. Caterina, S. McKeen

### ALSO IN ATTENDANCE

C. Ashmore, Law Branch  
I. Russell, Office of the City Clerk  
K. Wun, Office of the City Clerk

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### DECISION SUMMARY

ITEM		DECISION
1.	<b>CALL TO ORDER AND RELATED BUSINESS</b>	
1.1	Call to Order	

J. Dziadyk called the meeting to order at 9:36 a.m.

1.2 [Adoption of Agenda](#)

**Moved S. McKeen:**

That the June 27, 2019, Agenda be adopted

**In Favour:**

**Carried**

J. Dziadyk, T. Caterina, S. McKeen

1.3 [Adoption of Minutes](#)

**Moved T. Caterina:**

That the May 28, 2019, Community Standards and Licence Appeal Committee Minutes be adopted.

**In Favour:**

**Carried**

J. Dziadyk, T. Caterina, S. McKeen

**2. EXPLANATION OF APPEAL HEARING PROCESS**

J. 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 - 300214738-001, C. J. W. and P. F., 3508 - 41A Avenue NW, Edmonton; Order pursuant to Section 546(1)(c) of the *Municipal Government Act*.**

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

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

Three sets of photographs dated December 17, 2018, March 27, 2019 and June 26, 2019, were provided to the Appellant, members of the Committee and the Office of the City Clerk.

**Moved S. McKeen:**

The Committee upholds the Order.

**Due Date:**  
April 16, 2019

**In Favour:**

**Carried**

J. Dziadyk, T. Caterina, S. McKeen

[3.2](#)

**Appeal of Order - 305108556-003, R. C., 10946 - 154 Street NW, Edmonton; Order pursuant to Section 545(1) of the *Municipal Government Act*.**

R. C., Appellant, made a presentation and answered the Committee's questions. He was accompanied by W. M. who assisted with the presentation.

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

Two sets of photographs dated May 9, 2019, and June 26, 2019, were provided to the Appellant, members of the Committee and the Office of the City Clerk.

**Moved S. McKeen:**

That the Committee upholds the Order.	<b>Due Date:</b> June 5, 2019
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**In Favour:**

**Carried**

J. Dziadyk, T. Caterina, S. McKeen

[3.3](#)

**Appeal of Order 303580680-001 - K. D., 226 - Lee Ridge Road NW, Edmonton; Order pursuant to Section 545(1) of the *Municipal Government Act*.**

J. 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.

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

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

Two sets of photographs dated May 9, 2019, and June 26, 2019, were provided to the Appellant, members of the Committee and the Office of the City Clerk.

The Committee met in private at 11:10 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 11:14 a.m.

**Moved T. Caterina:**

That the Order be upheld.	<b>Due Date:</b> June 4, 2019
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**In Favour:**

**Carried**

J. Dziadyk, T. Caterina, S. McKeen

**4. ADJOURNMENT**

The meeting was adjourned at 11:14 a.m.

\_\_\_\_\_  
Chair

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