



COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

AGENDA

August 22, 2019 – Churchill Building

Call to Order: 9:30 a.m.

Adjournment: 4:30 p.m.

Lunch: 12:00 Noon to 1:30 p.m.

MEMBERS

M. Banga, J. Dziadyk, A. Knack

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"> June 27, 2019, Community Standards and Licence Appeal Committee meeting minutes 	
2.	EXPLANATION OF APPEAL HEARING PROCESS	
3.	COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS	
	<u>Appeals Scheduled for 9:30 a.m.</u>	
3.1	Appeal of Order – K. H.; 5905 - 90A Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.	
3.2	Appeal of Order – M.C. and J. C.; 7604 - 132 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.	WITHDRAWN
3.3	Appeal of Decision to Impose Conditions on Business Licence #178367075-003 Issued to Alibi Ultra Lounge Ltd. located at 10004 - Jasper Avenue.	
	<u>Appeals Scheduled for 1:30 p.m.</u>	
3.4	Appeal of Order – D. H.; 4808 - 32 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the <i>Municipal Government Act</i>.	
3.5	Appeal of Order - 1510837 Alberta Ltd.; 12555 - 50 Street NW, Edmonton, Alberta, Order pursuant to Section 545(1) of the <i>Municipal Government Act</i>.	WITHDRAWN

ITEM		ACTION
4.	<u>ADJOURNMENT</u>	

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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.	CALL TO ORDER AND RELATED BUSINESS	
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, 2018, and June 26, 2018, 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.	Due Date: 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.	Due Date: 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



**EDMONTON
TRIBUNALS**
*Community
Standards &
Licence Appeal
Committee*

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Decision of the Committee

**Appeal of Order 300685226-001; 5905 – 90A Avenue NW, Edmonton, Order
Pursuant to Section 545(1) of the *Municipal Government Act (MGA)***

Hearing Date: August 22, 2019

Appellant:

I. ISSUE

Whether the property in question is in a nuisance condition.

II. APPEARANCES

In dealing with the Appeal of Order **300685226-001**, the Community Standards and Licence Appeal Committee (the Committee) heard from:

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

III. SUMMARY OF APPELLANT'S POSITION

1. The Appellant did not appear. Administration attempted to contact him via telephone 30 minutes after the scheduled start time and was not able to make contact with him. The Committee proceeded in his absence.

IV. SUMMARY OF RESPONDENT'S POSITION

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

Jan 7, 2019 A follow-up inspection was conducted and the officer noticed no change. The file was extended to the spring due to the weather.

April 1, 2019 An inspection showed that voluntary compliance had not been achieved. 11 photographs were taken.

April 2, 2019 A 545 *Municipal Government Order (MGA)* was issued.

3. Three sets of photographs taken on December 17, 2018, April 1, 2019 and August 21, 2019 are before the Committee today.
4. 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, appliances, household goods and damaged, dismantled and derelict vehicles.
5. Section 545(1) of the *MGA* states that, if in the opinion of a designated officer, a person has violated a bylaw or enactment the officer is allowed to enforce, that person may be directed by written order to remedy the infraction.
6. Based on the above information and the photos provided to the Committee administration is satisfied that the Appellant has contravened Section 6(1) of the *Community Standards Bylaw* and is asking that the Order be upheld.
7. Ms. Perizzolo provided the following responses to questions from the Committee:
- a. The officer and the area supervisor met with Mr. Haddad yesterday. None of the items listed on the Order have been removed. They are now stored between the garage and the fence but are still highly visible to neighbours.
 - b. If this appeal is denied and the Order upheld another follow-up inspection would be conducted in 37 days from the date of the written decision. If the Order still has not been complied with Community Standards would proceed with clean-up at the cost of the property owner.

- c. Community Standards has been dealing with this Appellant since 2011 and has attended the property 13 times in response to citizens' complaints. There have been a total of four Orders issued, they have met with the Appellant multiple times and have had to do a previous clean-up.
- d. The Appellant has denied any assistance offered to him with clean-up. He feels his site is in an acceptable condition and that it has no negative impact on anyone.

IV. DECISION

The Appeal is denied and the Order is upheld.

You are therefore ordered to:

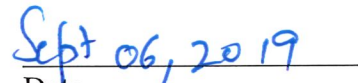
Remove all wood, boards, lumber, metal, items under tarps, pails, baskets, pots, dirt (soil) bags, cardboard, tree stumps/limbs, tools, bicycle, foam, cushions, furniture, dolly, pipe, barrel, ladders, derelict/damaged vehicle, television, loose litter and debris and other assorted materials from the entire property and take any actions or remove any other items that are contributing to the unsightly condition of the property.

V. REASONS

8. The Committee decided to proceed in the Appellant's absence. The Appellant had originally informed the Committee that he would be 15 minutes late. The Committee waited a half hour before beginning the hearing.
9. The sole issue in this hearing is whether the property is a nuisance pursuant to the Community Standards Bylaw. The pictures show a large amount of materials including appliances, wood, tools, litter etc. strewn throughout the backyard of the property. This accumulation of material clearly constitutes a nuisance under the bylaw and the order is therefore upheld.
10. Based on the photographs, it appears that the only thing that the property owner has done to try and remedy the situation is to move some materials into an area close to a fence beside the garage. This is not sufficient. There is a responsibility on homeowners to ensure that the yards are kept up to a standard where neighbors do

not have to stare at an endless array of materials in a backyard. The amount of material on this property far exceeds what is acceptable.


Councillor M. Banga


Date



Decision of the Committee

Appeal of Decision to Impose Conditions on Business Licence 178367075-003 Issued to Alibi Ultra Lounge o/a Alibi Ultra Lounge 10004 – Jasper Avenue NW

Hearing Date: August 22, 2019

Appellant: Alibi Ultra Lounge

I. ISSUE

Whether the conditions imposed on the business licence should be cancelled.

II. APPEARANCES

In dealing with the Appeal of the Decision to impose conditions on Business Licence **178367075-003** the Community Standards and Licence Appeal Committee (the Committee) heard from:

Appellant: S. Quraishi, Alibi Ultra Lounge

Respondent: S. Renouf, Legal Counsel for the Public Safety Compliance Team
(the PSCT)
Acting Sergeant D. Williams, Edmonton Police Service

III. SUMMARY OF APPELLANT'S POSITION

1. S. Quraishi, one of the owners, appeared on behalf of Alibi Lounge.
2. He disagrees that there was an escalation in violence at Alibi due to the business licence conditions being removed at the time of renewal in October, 2018.
3. The real issue is that security at the time was heavily mismanaged. New security staff members were not being properly trained and Alibi was issued a warning and paid a cash fine as a result of a patron not being wanded (a pat down had been

performed on this individual). The head of security at this time was relieved of his duties in November, 2018.

4. Alibi opted to hire a new security team but the change came with challenges. Violence did not increase but was not effectively managed. Alibi attempted to communicate with the PSCT for suggestions as to how to improve operations but did not receive any beneficial feedback; Alibi is always open to implementing new safety measures and protocols.
5. There was nothing Alibi could have done to prevent the shooting that occurred on December 2, 2018. All security protocols were followed – the shooter was scanned, wanded and patted down. He was removed from the premises later in the evening and complied peacefully. There was nothing Alibi staff could have done to prevent this person from going to his vehicle, getting a firearm and shooting the security staff member. Mr. Quraishi personally met with the PSCT after the shooting, provided them with video footage and asked for suggestions as to what could have been done differently. No feedback was received.
6. Alibi has recently made further changes to security and the owners now personally manage the security and have taken measures to tighten any gaps. The entire staff, not only the security staff, are correctly trained and provided with manuals.
7. The Appellants agree with all of the conditions imposed on their business licence other than two of the items under Condition No. 3; specifically that patrons must be scanned again upon re-entry and that the hand held scanner used at the second entrance is not sufficient. While all patrons are wanded as well as patted down, a pat down is often more effective in detecting items individuals are trying to conceal and it should be the security guard's discretion to determine the best way to ensure the safety of the patrons.
8. All patrons are scanned upon their initial entry into the venue; however, scanning patrons upon re-entry poses greater security risks. The Patron Scan system is designed to display a "Double Scan" warning on any ID scanned more than once. Numerous individuals re-enter the venue after the initial scan due to smoke breaks or moving from venue to venue, etc. during an evening. The frequent double scan warnings would result in it no longer being a "warning" to be concerned about. Alibi's security personnel have indicated that this practice distracts them from their intended purpose and does not help with safety.
9. The Appellant provided the following responses to questions from the Committee:
 - a. The Appellant confirmed that he is not disputing any of the conditions other than No. 3; specifically the scanning upon re-entry and the condition that the hand-held scanner is not acceptable. The hand held scanner used at the second entrance captures the same information as the main scanner and reads a patron's Alberta Driver's Licence or any other type of government issued identification.

- b. They would gladly abide by a list provided by the PSCT of people that are not allowed into the venue. They have never received such a list.
- c. They do not believe that just using a metal detector (wand) as stipulated in Condition No. 4 is sufficient. It is better to have a physical pat-down in addition to using the wand. A metal detector will not detect non-metal blunt objects or illicit drugs.
- d. Currently the first doorman looks at a patron's identification, ensures they are of age and actually the person shown on the ID. The ID is then scanned through the patron scanning system, a photo is taken of both the patron and the ID and if the scanner lights up green the person can go through. The patron then goes through the coat check and the pat down.
- e. People often try to get in using a friend's ID. The first person will go through the scanning process and then will go out for a smoke and provide their ID to a friend. When the second person enters using that same ID it shows up as a double scan. The photos of the people will not match so security or someone from management will have to go and find the offender.
- f. General entry is through the main entrance. The hand held scanner is used at the secondary door which is the VIP entrance for people with table reservations. This smaller unit also scans ID's and takes a photo of the patron's face and will flag any issues or bans. The Appellant stated that patrons coming in via the secondary door are subject to all of the same security measures as those arriving through the main entry.
- g. If a person goes out and tries to come in again they will either have a stamp or a wristband which was provided to them upon their initial entry. They are still wanded and a pat down is performed but their ID is not re-scanned.
- h. Alibi has no problem with maintaining daily logs and already does this every night they operate.
- i. While the conditions were removed from Alibi's licence in October, 2018, they were added to their control plan. While the PSCT believes that conditions imposed on a licence will improve safety at the venue, all conditions (other than the two disputed above) are already being implemented as they are incorporated in their control plan.
- j. Their issue with the hand held scanner versus a fixed scanner for the secondary entrance is not a matter of cost. They do not see a need for change as the hand held scanner is exactly the same tool and performs the same functions as the scanner at the main door and is connected to the same network.

IV. SUMMARY OF RESPONDENT'S POSITION

10. S. Renouf advised he will be representing the PCST and would be assisted by Acting Sergeant D. Williams. He confirmed that the Committee had received the written submissions of the Respondent as well as their response to the Appellant's written submission.
11. There was an error in the Respondent's written submission in saying that there are condos in the same building as Alibi Lounge. Two residential condo buildings are located on the same block; however, there are no residential condos in the same building as Alibi.
12. Alibi Lounge is located in one of the hospitality cores of Edmonton, kitty corner to the MacDonald Hotel and across the street from the Westin Hotel. There is a lack of appreciation regarding the seriousness of the shooting that occurred on December 2, 2018. There were bullets flying in the laneway behind Alibi and it is fortunate that a stray bullet did not strike other patrons, staff, passersby, out of town visitors and residents of the condos. This shooting was directly associated with this venue.
13. The PSCT is appreciative of the fact that there seems to be a change in Alibi's position. Originally Alibi appealed against the imposition of all of the conditions.
14. Alibi's business licence initially contained conditions as it was a new licence with new ownership. When the conditions were removed in October, 2018, the PSCT noted ongoing problems with irregular patron scanning and high risk individuals gaining access to the venue. There was also an escalation in violence at the venue. Mr. Renouf referred the Committee to pages 9 to 11 of his written submission which details these incidents. High risk individuals are drawn to bars that have irregular or inadequate scanning systems as it improves their chances of getting in.
15. There have been written complaints from members of the public – Mr. Renouf believes they came from residents of Cambridge Loft, the condo building nearby.
16. Due to the above concerns the PSCT has requested to have conditions placed on Alibi's licence.
17. Acting Sgt. Williams explained that having conditions imposed on a licence is superior to a control plan. A control plan can be altered by the venue at any time while conditions are always there and everyone knows what they are. Also, while Alibi is saying they can live with condition No. 1, what they have been doing in the past has been less detailed than what is being sought.
18. The issue of not re-scanning patrons upon re-entry is of particular concern to the PSCT. He has never witnessed wristbands used at this venue and stamps can be rubbed off or altered.

19. If a double scan shows up the onus is on security to ensure that it is the same individual and if not they would have to find out who the fraudulent individual is. Acting Sgt. Williams is not sure why this is a concern. The main priority is to ensure that an ID is not used a second time by a different person.
20. The Respondents provided the following responses to questions from the Board:
 - a. He has never seen a venue that uses wristbands; however, many venues use stamps.
 - b. It only takes a few seconds to re-scan a patron upon re-entering a venue.
 - c. Alberta Gaming, Liquor & Cannabis (AGLC) provides examples of incident logs but it is up to each venue to decide exactly what to document. Detailed incident logs are required and all incidents must be recorded. Complaints have been received from the public of incidents at Alibi that were never recorded.
 - d. The problem with the hand held scanner is that it does not have the optical character recognition technology that the main stand-alone scanner has. While details are captured off of the ID, no actual photo of the ID is taken. You could be searching for a person under the wrong name because a false ID was used and there is no way to verify it against the photo of the patron. It is important to have an image of the ID for court purposes.
 - e. Someone could slip the doorman \$100.00 and present an ID that is not theirs. The false ID could still be scanned through the hand held scanner even though the doorman knows it does not match the person since no photo of the ID is taken.
 - f. Acting Sgt Williams explained that with the main machine a photo of both the person and the ID are taken at the time of initial entry. Upon re-entry another photo of the ID and patron would be taken and a bright yellow screen displays if this ID was already previously scanned. The person manning the machine would immediately be able to compare the images, side by side, to make sure they match without having to leave their post. If it is revealed that two different people used the same ID it should be the responsibility of the bar to rectify the situation and remove the person who entered under false pretenses.
 - g. Closed circuit security cameras are not sufficient as they are usually mounted higher up and do not capture a clear image of a patron's face. Also time would be lost when searching through a video. The cost difference between a hand held unit versus a fixed unit is negligible.
 - h. A VIP entrance is not just for regular patrons. All it means is that the people entering by this door have spent a lot of money on bottle service. All patrons should be scanned upon re-entry, even if they are regular patrons. It is only a 3 to 5 second process.

- i. If a person uses two separate photo ID's they will not flag in the system as being the same ID. The system does have shortfalls. Exhibit A was submitted which is an overview of how the Servall system works.
- j. A license to operate a business carries with it a moral obligation to assist police, especially in a high risk area. It is all about accountability and public safety.

V. REBUTTAL OF THE APPELLANT

21. It is not uncommon for 100 patrons to exit and re-enter the venue during the evening. If that double scanning keeps popping up it is going to be ignored and will not be a deterrent anymore.
22. Mr. Quraishi or another manger personally go through all of the scans so there is another set of eyes making sure there are no issues. In addition to the scanning system there are three security cameras outside of the venue and five inside.
23. Regarding the night of the shooting that patron was scanned in with no issues. Mr. Quraishi already knew who the shooter was within a space of 5 to 10 minutes. Alibi could not have done anything differently than any other establishment would have. How are you supposed to deter someone from leaving a venue and returning with a gun? After this incident, security measures and emergency procedures were tightened.
24. The PSCT's statement that Alibi is a violent place with high risk patrons or gang members is completely false. All of the original conditions are being followed to a tee. If there is any other direction that the PSCT can provide, Alibi would gladly incorporate it in their control plan.
25. Of all of the tickets Alibi has received only one infraction has not been beaten in court. Alibi paid the fine for this ticket and rectified the issue.
26. Public safety is Alibi's No. 1 concern. They do not believe the hand held scanner poses a huge public safety risk. The doorman at the entrance where the hand held scanner is used manually compares the photo on the ID to the person presenting it to ensure they match. This type of hand held scanner is being used by various other venues nearby such as the Shaw Conference Centre and Hudson's.
27. Re-scanning takes a lot more time; their goal is to get patrons in as quickly as possible, but safely.
28. The following responses to questions from the Committee were provided:
 - a. The cost of a scanner is approximately \$3,000 to \$4,000.

- b. Management is now overseeing how security is run and is looking over everyone's actions. There are multiple screens in the back that managers monitor; beat officers have expressed surprise at the quality of the video footage from the closed circuit cameras. Management takes pride in the venue and how they do business. They can't afford to have another shooting occur and are doing everything possible to avoid such an occurrence in the future.

VI. REBUTTAL OF THE RESPONDENT

29. The PSCT is always examining appropriate conditions and appropriate recommendations to make to licensed establishments.
30. Acting Sgt. Williams acknowledged that there are patron scanning variations across the City and it depends on the nature of the venue. The conditions imposed on Alibi are appropriate to this particular venue given its history and the relatively new management. Other venues mentioned that use the hand held scanners didn't have incidents of violence or are not required to scan in patrons and chose to implement a scanning system on their own. There is a difference between going for dinner at 6:00 p.m. as opposed to going to a nightclub.
31. Acting St. Willams anticipates that the PSCT is going to be requesting that the scanning at other venues in the City is brought up to the level requested of Alibi. Having a more robust scanning system discourages the bad apples from frequenting businesses. These type of people look for the loopholes.
32. The Appellant expressed concern about the time it takes to re-scan patrons yet they do a pat down of everyone even though they are only required to wand them.
33. Several of the tickets issued to Alibi were not dismissed as suggested but were withdrawn by the prosecutor.
34. The two conditions being appealed make up 80 percent of the concern of the PSCT. The PSCT had made the recommendation to the City Manager that the conditions be imposed on Alibi's licence and the program manager made the determination that these conditions were warranted. The PSCT requests that the appeal be dismissed and the conditions be upheld.

VII. DECISION

The appeal is denied and all of the conditions imposed on Alibi Lounge as per the June 4, 2019, letter from the Acting Program Manager, Business Licensing & Vehicle For Hire, will come into effect on October 22, 2019.

VIII. REASONS

35. This appeal relates to the imposition of conditions on a business license. After receiving submissions from both parties, the Program Manager of Business Licensing and Vehicle for Hire decided to put conditions on the business license of this lounge. The business appealed all the conditions. At the hearing it became apparent that the business was not disputing most of the conditions, and there were really only two conditions that were under dispute.

Scanning upon Re-entry

36. One of the conditions requires patrons that have left the establishment to be rescanned on the approved patron scan system if they leave the establishment and return. The concerns of the business appear to center around the fact that this creates a “double scan” in the system. If this happens too often, the business feels that the security staff would simply ignore the double scan. Instead the business believes that watching re-entries manually as well as using a stamp system (or wristband system) is as effective as re-scanning upon re-entry.
37. The Committee disagrees. While it is clear that the patron scan system is not perfect, it is a better double check than someone manually watching cameras to ensure that the people that are leaving are the same as the people that are re-entering. Someone watching cameras can be distracted and easily make a mistake. Similarly, using stamps and wrist bands are also fallible and can be faked. Based on the evidence, the most robust system is to scan every patron whether they enter once or multiple times.
38. The concerns of the business that continuous double scans would mean that the security staff would ignore double scans is a problem with the security staff and not the scanning system. The security staff should be trained not to ignore a double scan, and that training should emphasize what such a “red flag” means in the system and how to deal with it.
39. The Committee accepts the argument that the history of violence at the business is a reason to ensure that the scanning system is as robust as possible. The Committee does not dispute the argument of the business that there are times that the business could not control some of the violence (such as where the shooter came back with a gun located in his vehicle), but making sure that the scanning system is robust will mean that some of the more unsavory individuals that are more likely to offend in this manner will simply avoid the business. To be clear, this is the type of business where a robust scanning system is necessary to ensure that the criminal element will not be attracted to attempt to get into the business.

40. Alibi has also indicated that they had prior issues with security through other contractors, and Alibi has now taken over full responsibility for the security. This may be true, but there is not enough of a history to suggest that Alibi taking over responsibility for the security has made any real difference as of yet.
41. It is also important to note that conditions had previously been in place for this business but they had been taken off with the renewal of the business license. Once they were taken off it appeared that issues with violence began to increase. This would also suggest that the conditions are still warranted.

Use of a hand scanner at the VIP entrance

42. Alibi also wants to be able to use a hand scanner at the second entrance which is a VIP entrance. The business feels that the hand scanner is as effective as a full scanning system and indicates that other businesses are able to use a hand scanner.
43. For similar reasons the Committee disagrees. Both the history of violence and the desire to ensure the safety of the public within the facility would indicate that it is desirable to use a full scanning system that takes a picture of the identification. This will act as a deterrent against the criminal element attempting to circumvent the scanning system.
44. While not determinative, the use of the hand scanner creates a hole in the investigative process since a picture of the identification is not maintained. This means that the process is less robust than a full scanner. In this situation, given the history of violence, there is some merit to suggesting that the full scanner is necessary to aid in investigations.
45. It is important to note that some of the other businesses that use a hand scanner do not have the same history of violence as this business, and are not required to use any type of scanning equipment. The different history is the reason Alibi can be treated differently.
46. The Committee also finds that there are no other reasons the business has presented to suggest that the use of a full scanner at the VIP entrance is unfair. There is no real issue about cost here since the cost of the full scanner is not significant. There also does not appear to be any concern about the amount of time it takes to scan someone since scanning can be done quickly and easily on either system.

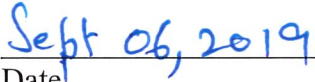
Timelines

47. One of the conditions required updated control plans to be submitted by June 19. Since June 19 has past, it is necessary to provide a new timeline. The Committee feels that a two month period to come into compliance with all of the conditions, including the updated control plans, is fair to the business and will give sufficient

time to obtain a second full scanning system and ensure that all control plans are in place and security staff appropriately trained.

48. The Committee would also note that it is possible that over time the issues with violence may subside and that the conditions may no longer be necessary. However, the Committee would urge the business to continue to do as much as possible to ensure that violence at this business gets down to a minimal level.


Councillor M. Banga


Date



Decision of the Committee

Appeal of Order 324107773-001; 4808 – 32 Avenue NW, Edmonton, Order Pursuant to Section 545(1) of the *Municipal Government Act (MGA)*

Hearing Date: August 22, 2019

Appellant:

I. ISSUE

Whether the property in question is in a nuisance condition.

II. APPEARANCES

In dealing with the Appeal of Order **324107773-001**, the Community Standards and Licence Appeal Committee (the Committee) heard from:

Appellant:

Appellant

Respondent:

C. Perizzolo, General Enforcement, Acting Coordinator,
Complaints & Investigations, Community Standards and
Neighbourhoods

III. SUMMARY OF APPELLANT'S POSITION

1. The Appellant lives at the subject property. He is maintaining a natural landscape to help pollinators and reduce emissions of greenhouse gases, engine noise and carcinogens.
2. believes the Order is arbitrary and feels that his yard is no worse or better than other yards on his block and in his neighbourhood and that it is far less noxious

and unsightly than many properties with higher visibility in the South East quadrant. He submitted four photos to illustrate this point.

3. His natural landscape does not impact anyone's line of sight and does not negatively affect pedestrians, pets, cyclists, scooters, drivers or any other passersby.
4. His naturalization project consists of native pollinator-friendly plant species and helps control dandelion and other nuisance or noxious weeds.
5. The pursuit of manicured lawns is silly and results in noise, dust, particulates, noxious exhausts and carbon pollution.
6. The Order contradicts Edmonton's Environmental Strategic Plan *The Way We Green*. The Appellant's natural landscape retains and filters storm water and provides food for himself and for pollinators. This results in increased security and resilience against extreme weather events and other environmental hazards.
7. The Order is technically invalid and unenforceable as "...long grass and weeds" are not mentioned in the *Community Standards Bylaw*. The Appellant requests that the Order be cancelled.
8. The Appellant provided the following responses to questions from the Committee:
 - a. No neighbours have complained to him directly regarding his landscaping.
 - b. The Appellant acknowledges he has different ideas and dislikes lawns with many weeds in them such as dandelions and thistles.
 - c. Now that the clover and purple vetch have stopped flowering he can cut them down. He has recently mowed two mower widths next to the sidewalk.
 - d. He did not have this type of landscape last year and kept his lawn mowed at the four inch limit. He just recently started to think about getting some different colours and flowers.
 - e. Graunke Park and Weinlos Park are not very far from his property. While Graunke Park looks very naturalized, Weinlos Park is a mowed school lot with many weeds. The Appellant is a member of the Grand Key Park Naturalization Community.
 - f. The Appellant believes he is making a meaningful contribution to the City's ecosystem by having his lawn this way.

IV. SUMMARY OF RESPONDENT'S POSITION

9. The Respondent provided the following timeline of events leading up to the 545 Order being issued:
 - July 5, 2019 The officer attended the property in response to a Citizen's complaint. He confirmed the grass was in excess of 10 centimetres and was waist high in some areas. Three photographs were taken.
 - July 8, 2019 A 545 *Municipal Government Act Order (MGA)* was issued.
 - Aug 1, 2019 The area officer attempted to contact the property owner in response to this appeal. A detailed voicemail was left providing criteria for a naturalized yard as well as contact information to discuss further. No response was received.
10. Two sets of photos taken on July 5, 2019 and August 21, 2019 are before the Committee today. In the August 21, 2019, photos, the grass appears shorter than it actually is as it is so long it is starting to fall over.
11. 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 communities. For further clarification the Bylaw lists examples of nuisance conditions which include unkempt grass or weeds higher than 10 centimetres.
12. Section 545(1) of the *MGA* 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.
13. Based on the above information and the photographs provided to the Committee administration is satisfied that the Appellant has contravened Section 6(1) of the *Community Standards Bylaw* and is asking that the Order be upheld.
14. Ms. Perizzolo provided the following responses to questions from the Committee:
 - a. She confirmed that there are other properties like this across the City and long grass complaints are received throughout the summer.

- b. A pamphlet is attached to the photographs submitted to the Committee which provides information as to what a naturalized yard entails. The yard must be structured and can use a combination of native and non-native plants. The yard must be maintained to a certain level, must be aesthetically pleasing and grass must still be maintained to 10 centimetres. Further information can be obtained by visiting the link provided in the pamphlet.
- c. She confirmed that this property does not meet the definition as it is flat and turfed and there is no structure to indicate separate plantings.
- d. Mr. Hay has recently cut one or two swathes around the perimeter of the yard.

V. REBUTTAL OF THE APPELLANT

- 15. The Appellant acknowledged that he received a call from the officer but did not realize he should have called back for further instructions.
- 16. The Appellant responded to further questions from the Committee:
 - a. He estimates it would take approximately four hours to mow the property. He requested that he be permitted to keep his Cinquefoils.
 - b. He confirmed it is his long term intention to convert his property to a naturalized yard.

VI. DECISION

The Appeal is denied and the Order is upheld.

You are therefore ordered to:

Cut all grass and long weeds on the entire property.

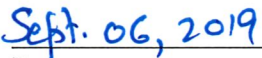
VII. REASONS

- 17. The order that was issued relates to cutting down weeds and grass on the property that is longer than 10 cm. There does not appear to be a dispute about the length of

the weeds and grass and the photographs clearly show excessively long weeds and grass.

18. The *Community Standards Bylaw* clearly indicates that unkept weeds and grass longer than 10 cm are a nuisance under the provisions of the bylaw. This property therefore clearly qualifies as a nuisance.
19. The arguments of the Appellant relate to the fact that he wants to have his property in a natural state and that the way he is doing things is better for the environment. This may or may not be true but this Committee does not have the ability to ignore the terms of the bylaw. The bylaw clearly outlines what a nuisance is and this property qualifies. The arguments of the Appellant need to be made in a different forum.
20. The order is upheld.


Councillor M. Banga


Date



COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES

August 22, 2019 – Churchill Building

PRESENT

M. Banga, J. Dziadyk, A. Knack

ALSO IN ATTENDANCE

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

M. Banga called the meeting to order at 10:02 a.m.

1.2 [Adoption of Agenda](#)

Moved A. Knack:

That the August 22, 2019, Agenda be adopted

In Favour:

Carried

M. Banga, J. Dziadyk, A. Knack

1.3 [Adoption of Minutes](#)

Moved J. Dziadyk:

That the June 27, 2019, Community Standards and Licence Appeal Committee Minutes be adopted.

In Favour:

Carried

M. Banga, J. Dziadyk, A. Knack

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 - K. H.; 5905 - 90A Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545\(1\) of the *Municipal Government Act*.](#)

K. H., Appellant, was not in attendance.

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

Three sets of photographs dated December 17, 2018, April 1, 2019 and August 21, 2019 were provided to the Appellant, members of the Committee and the Office of the City Clerk.

Moved J. Dziadyk:

The Order is upheld and the appeal is denied. Written reasons to follow.

In Favour:

Carried

M. Banga, J. Dziadyk, A. Knack

3.2 [Appeal of Order - M. C. and J. C.; 7604 - 132 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545\(1\) of the *Municipal Government Act*.](#)

The Appellants have advised Administration that they wish to withdraw their appeal and have requested that the hearing of this matter be cancelled.

3.3

[Appeal of Decision to Impose Conditions on Business Licence #178367075-003 Issued to Alibi Ultra Lounge Ltd. located at 10004 - Jasper Avenue.](#)

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.

S. Q., owner of Alibi Ultra Lounge, made a presentation and answered the Committee's questions.

S. Renouf, legal counsel, and A/Sgt. D. Williams, Edmonton Police Service made a presentation on behalf of the Public Safety Compliance Team and answered the Committee's questions.

The Committee met in private at 12:28 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 2:56 p.m.

Moved J. Dziadyk:

The appeal is denied and all of the conditions imposed on Alibi Lounge as per the June 4, 2019 letter from the Acting Program Manager, Business Licensing & Vehicle For Hire, will come into effect on October 22, 2019. Written reasons to follow.

In Favour:

Carried

M. Banga, J. Dziadyk, A. Knack

3.4

[Appeal of Order - D. H.; 4808 - 32 Avenue 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.

D. H., 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 July 5, 2019 and August 21, 2019 were provided to the Appellant, members of the Committee and the Office of the City Clerk.

The Committee met in private at 3:40 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 3:45 p.m.

Moved M. Banga:

The appeal is denied and the Order is upheld. Written reasons to follow.

In Favour:

Carried

M. Banga, J. Dziadyk, A. Knack

3.5

[Appeal of Order - 1510837 Alberta Ltd.; 12555 - 50 Street NW, Edmonton, Alberta, Order pursuant to Section 545\(1\) of the Municipal Government Act.](#)

The Appellant has advised Administration that he wishes to withdraw his appeal and has requested that the hearing of this matter be cancelled.

4.

ADJOURNMENT

The meeting adjourned at 3:46 p.m.

Chair

City Clerk