

## CITY OF FORT SASKATCHEWAN

### Community Standards Bylaw – Unsightly Premises Review of Order to Comply

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#### **Recommendation:**

That Council confirm the July 28, 2015 Order to Comply for property located at 9605 – 101 Street, with a new compliance date of September 24, 2015.

#### **Purpose:**

To provide information to Council regarding the Community Standards Bylaw Order to Comply to remedy an unsightly premise located at 9605 – 101 Street, which upon request requires Council's review.

#### **Background:**

The *Municipal Government Act* gives a municipal Council the authority to pass bylaws for municipal purposes respecting a number of matters, including unsightly property. On September 11, 2012, Council passed Community Standards Bylaw C16-12. The Community Standards Bylaw, among other things, addresses such issues as yard maintenance, unsightly conditions and length of grass.

On July 27, 2015 Municipal Enforcement received a complaint that the grounds of the residence located at 9605 – 101 Street in Fort Saskatchewan were unsightly. An inspection of the property revealed that unsightly conditions existed contrary to our Bylaw. There was long grass and piles of debris on the boulevard and back yard. Photos were taken and are attached as Appendix "A". On July 28, 2015 an Order under Community Standards Bylaw C16-12, attached as Appendix "B", was prepared for this property. The order was hand delivered to the property owner on July 31, 2015.

Further information on each point of contest noted in the Appeal:

1. Inspection of the property was conducted from the street and back alley, and the Order includes only what was visible from those locations. This inspection does not require any notice to be served upon the owner/occupant as the property was not entered.
2. City Manager's Bylaw C29-95 allows the City Manager to delegate any of the powers, duties or functions given to the City Manager position by bylaw, the *Municipal Government Act* or any other enactment to any employee of the City. It is not required for each of these employees to note that their authority is granted by the City Manager when they are in the course of their duties.
3. Community Standards Bylaw C16-12 addresses such issues as yard maintenance, unsightly conditions, length of grass, etc. These are common issues addressed in similar bylaws in our province and are allowed under the *Municipal Government Act*. The common bylaw standard for grass in our region is 10 – 15 cm length.
4. Section 19 of the Community Standards Bylaw identifies the process for having the Order reviewed, and this is noted in the Appeal. Council is given the authority to review an Order. Excerpts of applicable legislation are included in Appendix "C".

The property owner was informed that should additional time be required to remedy the unsightly conditions, that the City would be happy to make that extension. No request has been made for additional time to complete the work required in the Order to Comply.

The City received an appeal of the Order on August 7, 2015 which is attached as Appendix “D”.

As of September 2, 2015 work completed consists of the cutting of grass in the front and back yards, including the boulevard, although a strip of long grass remains on the boulevard and along the front of the residence. The two trash piles at the rear of the property have yet to be removed. The property remains in an unsightly condition as the Order has not been fully complied with. Photos depicting this condition are attached as Appendix “E”.

**Alternatives:**

1. Confirm the Order to Comply with a new compliance date of September 24, 2015.
2. Vary or substitute the Order to Comply as directed by Council.
3. Cancel the Order to Comply and no further action will be taken.

**Attachments:**

Appendix “A” – Photos taken July 27, 2015

Appendix “B” – Order to Comply

Appendix “C” – Excerpts of Applicable Legislation

Appendix “D” – Request for Review under Community Standards Bylaw C16-12

Appendix “E” – Photos taken August 27, 2015

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Approved by:	Brenda Rauckman General Manager, Corporate & Protective Services	Date: September 2, 2015
Reviewed by:	Kelly Kloss City Manager	Date: September 3, 2015
Submitted to:	Council	Date: September 8, 2015