



**THE CITY OF EDMONTON
BYLAW 19003
COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE BYLAW**

Edmonton City Council enacts:

PART I - INTERPRETATION

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| PURPOSE | 1 | The purpose of this bylaw is to establish the Community Standards and Licence Appeal Committee as a council committee with delegated authority to decide appeals on behalf of Council. |
| DEFINITIONS | 2 | <p>(1) Unless otherwise specified, words used in this bylaw have the same meaning as defined in the Municipal Government Act.</p> <p>(2) In this bylaw:</p> <ul style="list-style-type: none">(a) “City” means The City of Edmonton;(b) “City Manager” means the City’s chief administrative officer or delegate;(c) “Council” means the City’s council;(d) “CSLAC” means the Community Standards and Licence Appeal Committee established by this bylaw;(e) “licensing decision” means a decision of the City Manager to refuse, cancel, suspend, or impose conditions on a licence issued pursuant to the City’s:<ul style="list-style-type: none">(i) Animal Licensing and Control Bylaw, Bylaw 13145;(ii) Business Licence Bylaw, Bylaw 13138; or(iii) Vehicle for Hire Bylaw, Bylaw 17400.(f) “Municipal Government Act” means the <i>Municipal Government Act</i>, RSA 2000, c M-26 and its regulations; and(g) “order” means a written order or notice issued to a person pursuant to: |

- (i) section 545 of the Municipal Government Act;
- (ii) section 546 of the Municipal Government Act;
- (iii) section 29.2 of the City’s Community Standards Bylaw, Bylaw 14600; or
- (iv) the *Weed Control Act*, SA 2008, c W-5.1.

RULES FOR INTERPRETATION

- 3 (1) The marginal notes and headings in this bylaw are for ease of reference only.
- (2) Sections 4(2), 4(3), 6, 7(2), 9, 10, 11(c), 11(e), and 12 of the Council Committees Bylaw, Bylaw 18156, do not apply to CSLAC.

PART II - MEMBERSHIP

MEMBERSHIP

- 4 (1) Council will appoint up to 10 individuals as members of CSLAC.
- (2) Members of CSLAC will be appointed for up to one-year terms, up to a maximum of 9 consecutive years.
- (3) Council will designate one member of CSLAC as chair for up to a one-year term.
- (4) Notwithstanding section 4(2), members serving as of January 1, 2020, are not included in the calculation of terms identified in section 4

REMUNERATION

- 5 Members of CSLAC will be paid the amounts prescribed in Schedule A - Remuneration.

INELIGIBILITY

- 6 (1) Councillors and City employees are ineligible as members of CSLAC.
- (2) Former City employees whose role included matters within the mandate of CSLAC are ineligible as members of CSLAC for at least 2 years following the end of their employment.

PANELS

- 7 (1) Members of CSLAC will meet in panels of 3 members as assigned by the chair.

- (2) One or more panels may meet simultaneously.
- (3) A panel has all of the same powers, duties, and functions of CSLAC, and a decision of a panel is deemed to be a decision of CSLAC.

PART III - APPEALS

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| JURISDICTION | 8 | <ul style="list-style-type: none"> (1) CSLAC may decide appeals of: <ul style="list-style-type: none"> (a) licensing decisions; and (b) orders. (2) When deciding an appeal of a licensing decision or a written notice under section 29.2 of the City’s Community Standards Bylaw, Bylaw 14600, CSLAC has the same authorities granted to the City Manager under the applicable bylaw. |
| ADDRESS FOR SERVICE | 9 | Notices of appeal and other legal documents may be served on CSLAC at the address listed on its website. |
| PANEL CONVENED | 10 | <ul style="list-style-type: none"> (1) Upon receipt of a notice of appeal, the chair will convene a panel to hear the appeal. (2) If the chair is a member of a panel, the chair will be the presiding officer for that panel. (3) If the chair will not be a member of the panel, the chair must also appoint a member to act as presiding officer for the panel. |
| INTERIM STAY | 11 | <ul style="list-style-type: none"> (1) Upon acceptance of a notice of appeal, an interim stay on the licensing decision or order under appeal will automatically be granted until a final decision on the appeal is issued by CSLAC. (2) Notwithstanding subsection (1), an interim stay granted pursuant to this bylaw may be revoked by CSLAC on application by a party to the appeal if CSLAC is satisfied that: <ul style="list-style-type: none"> (a) there has been a material change in circumstances that warrants revoking the interim stay; (b) the conduct of the appellant warrants revoking the stay; or |

(c) the operation of the interim stay creates or contributes to a situation of imminent danger to public safety.

APPEAL PROCEDURES

- 12 (1) The chair may approve hearing procedures for CSLAC.
- (2) Panels may modify, waive, or supplement any procedures approved by the chair.

QUORUM

13 Quorum for a panel is three members.

PART IV - GENERAL

DELEGATION

14 The chair may delegate any of their powers, duties, or functions under this bylaw to any individual.

CONSEQUENTIAL AMENDMENTS

- 15 (1) Bylaw 13138, Business Licence Bylaw, is amended by deleting and replacing section 10(2) with:
- (2) Notwithstanding subsection (1), no appeal exists where the City Manager's reason for refusing, cancelling, or suspending a Licence is:
- (a) the failure to pay any required fee;
 - (b) the failure to satisfy any mandatory Licence application requirements; or
 - (c) by operation of sections 38.3, 38.5, or 38.7.
- (2) Bylaw 17400, Vehicle for Hire Bylaw, is amended by deleting and replacing section 40(b.1) with:
- (b.1) failure to satisfy any mandatory licence application requirements;
- (3) Bylaw 17400, Vehicle for Hire Bylaw, is amended by adding section 42(3) following section 42(2):
- (3) Notwithstanding subsection (1), no appeal exists where the City Manager's reason for refusing, cancelling, or suspending a licence is:

- (a) the failure to pay any required fee;
- (b) the failure to satisfy any mandatory licence application requirements; or
- (c) by operation of sections 29, 33, or 33.1(2)(b).

REPEAL 16 Bylaw 15166, Community Standards and Licence Appeal Committee Bylaw, is repealed.

COMING INTO FORCE 17 This bylaw comes into force on January 1, 2020.

READ a first time this 10th day of September 2019;
 READ a second time this 10th day of September 2019;
 READ a third time this 10th day of September 2019;
 SIGNED AND PASSED this 10th day of September 2019.

THE CITY OF EDMONTON

Andrew Knack.....

MAYOR

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*A/*CITY CLERK

SCHEDULE A - REMUNERATION

Presiding Officer	Member
<ul style="list-style-type: none"> a) \$230 for up to and including 4 hours in any day, or b) \$425 for 4 to 8 hours in any day, or c) \$662 for over 8 hours in any day 	<ul style="list-style-type: none"> a) \$170 for up to and including 4 hours in any day, or b) \$320 for 4 to 8 hours in any day, or c) \$470 for over 8 hours in any day

The presiding officers and members are paid for attending hearings, writing decisions, completing case records or other hearing-related matters at the rates established above.

In addition to the rates set out above, the chair is paid \$425 each month the chair performs administrative duties associated with the chair role.

The chair is paid at the presiding officer remuneration rate and other members are paid at the member remuneration rate for attending meetings and professional development sessions.

The presiding officers and members are paid at the applicable remuneration rate where the individual was scheduled to attend a hearing and less than 24 hours notice of cancellation was given.

Parking expenses necessarily incurred in relation to activities of the board may be reimbursed. Payment may be refused for activity that has not been pre-authorized.