

SUMMER VILLAGE OF SUNRISE BEACH

REVIEW BY COUNCIL

PURSUANT TO SECTION 547(1) MUNICIPAL GOVERNMENT ACT
ENFORCEMENT ORDER AGAINST PLAN 892 1503, BLOCK 1, LOT 28

DATED JANUARY 30, 2020

A G E N D A

DATE: Tuesday, January 26, 2021

TIME: 7:00 P.M.

PLACE: 4808 – 51 Street
Onoway, Alberta

1. Call to Order and Opening Remarks
2. Introductions
3. Adoption of Agenda
4. Public Hearing

Request for review of the Order, issued by the Designated Officer for the Summer Village of Sunrise Beach and dated December 30, 2020, with respect to the unsightly condition of the property located at Plan 892 1503, Block 1, Lot 28 : 5128 Everett Road (the "Lands").

- a) Presentation by Development Authority
- b) Presentation by Appellant(s).

5. Adjourn the Public Hearing
6. Council Decision
 - a) Finding of Fact
 - b) Motion
7. Adjournment

Council Review
Tuesday, January 26, 2021

EXHIBITS

- Exhibit 1 Enforcement Order – Dated December 30, 2020.
- Exhibit 2 Letter of Request for Review – – Received January 18, 2021.
- Exhibit 3 Notice of Review by Council – Review Date January 26, 2021.

REVIEW BY COUNCIL
PURSUANT TO SECTION 547(1) MUNICIPAL GOVERNMENT ACT
ENFORCEMENT ORDER AGAINST PLAN 892 1503, BLOCK 1, LOT 28 :
5218 Everett Road
January 26, 2021

Subject: Request for a review of the Order, issued by the Designated Officer for Summer Village of Sunrise Beach and dated December 30, 2020 with respect to the unsightly condition of the property located at Plan 892 1503, Block 1, Lot 28 : 5128 Everett Road (the "Lands").

The following is a submission on behalf to the Designated Officer for the Summer Village of Sunrise Beach regarding the request by appeal by of the issuance of an Order, pursuant to Section 546 of the Municipal Government Act.

BACKGROUND:

On December 8, 2020 a review of aesthetic condition of properties within the Summer Village of Sunrise Beach was undertaken by the Development Officer. The subject Lands were noted to contain two (2) dismantled or wrecked vehicles which appeared inoperative or abandoned, and as such, the Officer took photographs to document the condition of the property.

December 30, 2020 - An Order pursuant to Section 546 of the Municipal Government Act (the "Order") (Exhibit 1) was issued against the Lands with respect to the existence upon the Lands of two (2) dismantled or wrecked vehicles which appeared to be in inoperative or abandoned condition. In the opinion of the Designated Officer, the presence of these vehicles upon the Lands detracts from the aesthetics of the community and has a detrimental effect on the surrounding lands.

January 18, 2021 - The Summer Village of Sunrise Beach receives what has been deemed a request for a Review by Council, pursuant to Section 547(1), of the subject Order against the Lands (Exhibit 2).

January 23, 2021 - Updated site photographs taken by the Designated Officer (Exhibit 3).

January 26, 2021 - Review by Council scheduled with respect to the Order issued by the Designated Officer.

DESIGNATED OFFICER POSITION:

- A. No person being the owner of any land or premises within the Summer Village of Sunrise Beach shall permit the land or premises to be or remain in a Nuisance, Unsightly or Untidy condition, in accordance with Section 546 of the Municipal Government Act.

- B. Reason for issuance to the Order, pursuant to Section 546 of the Municipal Government Act:
 - 1. The existence upon the Lands of two (2) dismantled or wrecked vehicles which appeared to be in inoperative or abandoned condition. (See photographs attached to the Order - Exhibit 1).

C. Applicable Legislation:

Section 546 of the *Municipal Government Act* states that:

If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order:

- a) require the owner of the property that is in an unsightly condition to
 - (i) improve the appearance of the property in the manner specified, or
 - (ii) if the property is a structure, remove or demolish the structure and level the site.

REASONS FOR APPEAL:

The appellant has provided a letter outlining his grounds for appeal; and has indicated that he will speak to it at the Review by Council.

DETERMINATION:

1. The photographs taken by the Development Officer, on December 8, 2020 and January 23, 2021, depict two (2) dismantled or wrecked vehicles which appeared to be in inoperative or abandoned condition have been allowed to remain.

CONCLUSION:

Therefore, the Designated Officer for the Summer Village of Sunrise Beach respectfully requests that Council give consideration to uphold the decision to issue the Order, dated December 30, 2020. It would seem appropriate to amend the compliance date of the Order to a date amenable to Council.



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ENFORCEMENT ORDER

**Section 546, *Municipal Government Act*
RSA 2000, c. M-26.**

HAND DELIVERED

REGISTERED MAIL

December 30, 2020

Dear Sir / Madam:

RE: PLAN 892 1503, BLOCK 1, Lot 28 : 5128 EVERETT ROAD

In my capacity as a Designated Officer of the Summer Village of Sunrise Beach I am issuing this Enforcement Order to you pursuant to s.546 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, with respect to the following lands:

**Plan 892 1503
Block 1
Lot 28**

Excepting Thereout all Mines and Mineral

(the "Lands")

Section 546 of the *Municipal Government Act* states:

- (1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order
 - (a) require the owner of the structure to
 - (i) eliminate the danger to public safety in the manner specified, or



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- (ii) remove or demolish the structure and level the site;
 - (b) require the owner of the land that contains the excavation or hole to
 - (i) eliminate the danger to public safety in the manner specified, or
 - (ii) fill in the excavation or hole and level the site;
 - (c) require the owner of the property that is in an unsightly condition to
 - (i) improve the appearance of the property in the manner specified, or
 - (ii) if the property is a structure, remove or demolish the structure and level the site.
- (2) The Order may
- (a) state a time within which the person must comply with the Order;
 - (b) state that if the person does not comply with the Order within a specified time, the municipality will take the action or measure at the expense of the person.

In my opinion, as a Designated Officer of the Summer Village of Sunrise Beach, I find that the Lands are in an **unsightly condition** as a result of:

The existence upon the Lands of two (2) dismantled or wrecked vehicles, as depicted in the attached photographs. The presence of these vehicles detracts from the aesthetics of the community and has a detrimental effect on the surrounding lands.

You are hereby ordered to remedy the Unsightly Condition by:

Removing from the Lands the two (2) dismantled or wrecked vehicles, as depicted in the attached photographs.

The above work must be completed on or before 4:30 P.M. on January 29, 2021.

Pursuant to s.550(1) of the *Municipal Government Act*, you are hereby advised that the Summer Village may take whatever actions or measures are necessary to address the unsightly condition of the Lands. If you do not comply with this Enforcement Order within the specified time, the Summer Village may take the action necessary to clean up the Lands at your expense, including proceeding before the Court for a Court Order in support of the enforcement of this Enforcement Order. Please be advised that the



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expenses and costs of actions or measures taken by the Summer Village under this section are an amount owing to the Summer Village by you.

Pursuant to s.553.1(1)(c) monies owing to the Summer Village may be added to the tax roll of **any property** within the Summer Village for which you are the assessed person.

An owner or occupier or other person to whom this Enforcement Order is directed and who considers themselves aggrieved by the Enforcement Order, may by written notice request that the Municipal Council review the Order within Seven (7) days of the date the Order is received This appeal may be sent to the Summer Village at:

Summer Village of Sunrise Beach
Box 1197
Onoway, Alberta
T0E 1V0

Yours truly,

Summer Village of Sunrise Beach

Per:

Tony Sonnleitner, Designated Officer



Summer Village of Sunrise Beach

Photographs of the subject development upon lands described as Plan 892 1503, Block 1, Lot 28 : 5128 Everett Road (the "Lands"), taken by the Designated Officer, on December 8, 2020.



To: Council Members of Sunrise Beach

I am writing to appeal the order to remove two vehicles from my yard. When told to do something in August I covered the front of the vehicles so they could not be seen from the road. This last letter which I received January 14th Tony had to get out of his car and walk down the right of way to get the pictures. Tony also told someone that if he removed his truck into the back yard it would be okay and he would not have to remove it. Where my cars are is my back yard. I do not wish to build a six foot fence to hide the cars in my yard because I think this would look worse.

I have not worked on my car for the last two years because I was busy with my landscaping and additions to my building. All of my yard looks neat and tidy except for what Tony considers are junk cars. These are not junk cars but cars I use for parts for the car I am restoring. I have attached some pictures to show this. One picture shows a swing that I wish to build also with the parts. The car I am working on looked like the two cars outside. Every piece was taken apart and refurbished. Lots of time I used a part from these cars. Parts are very expensive and difficult to get.

I hope to finish this car in 2021 and then will sell what other parts I can and get rid of the rest. Things do not go as fast we hope, therefore I would like to ask if I can leave the cars there till July of 2022. This will give me lots ^{of} ~~to~~ time to get things finished.

I am available for an appeal hearing anytime in January.





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Photographs of the subject development upon lands described as Plan 892 1503, Block 1, Lot 28 : 5128 Everett Road (the "Lands"), taken by the Designated Officer, on January 23, 2021.

