



“City Bylaws – What you don’t know
can cost you money”

Working Cooperatively with City of Calgary Bylaw Services

Presentation to the Calgary Apartment Association
October 20th, 2005



Role of Bylaw Services



Bylaw services provides legislative controls regarding public safety, environmental protection, protection of infrastructure, and control of nuisance or problematic behavior

Importance Of Bylaws

- Bylaws play an important role in helping us all live together as neighbors.
- By setting a minimum standard within communities, a balance of respect and tolerance can be achieved.



Community Standards Bylaw 5M2004

- The owner of any real property as registered on title at the Land Titles Office is ultimately responsible for all activities on the property.
- Costs from any corrective action taken by The City and/or its contractors will be billed back to the property owner.
- In cases where the invoice is not paid, all costs incurred will be added to property tax.



The Community Standards Bylaw 5M2004

- The provisions in the Community Standards Bylaw are grouped in Parts and address the following:

Untidy Properties

- accumulated and prohibited materials
- Appliances
- storage of building materials

Fire on Premises

- restricted burning material
- fire pit regulations
- fire bans

Graffiti Prevention and Abatement



The Community Standards Bylaw 5M2004

Composting Regulations

Noise Regulations

- noise from vehicles on premises
- activities in residential developments



The Community Standards Bylaw 5M2004

Nuisances Escaping Property

- directing water and downspouts
- smoke
- dust
- Light
- flyers and debris

Weeds and Grass

- grass height

Maintenance of Accessory Buildings, Structures and Fences

Excavations and Ponding Water

Addressing

Untidy Properties

Accumulation of Material Visible from off Property

The following cannot accumulate on property if visible from outside:

- Garbage
- Bottles, cans, boxes, packaging materials
- Furniture
- Automobile parts
- Machinery/equipment
- Yard Waste



Untidy Properties

Storage of Appliances

Appliances may not be stored on property if visible to a person viewing from outside the property.



Graffiti Prevention And Abatement

Failure to Remove Graffiti

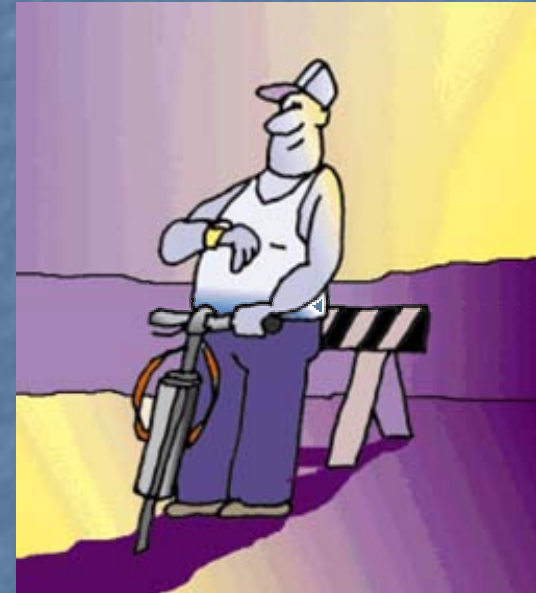
Graffiti placed on property must be removed, painted over, or permanently blocked from public view.



Noise

Prohibited Activities in Residential Developments during the night-time

Operating a lawn mower, motorized garden tools, and power tools is prohibited between 10 p.m. and 7 a.m. on weekdays and between 10 p.m. and 9 a.m. on weekends.



Nuisances Escaping Property

Directing Water to Adjoining Premises/ Improper Direction of Downspout

A flow of water from a hose or similar device shall not be directed towards an adjacent premises.

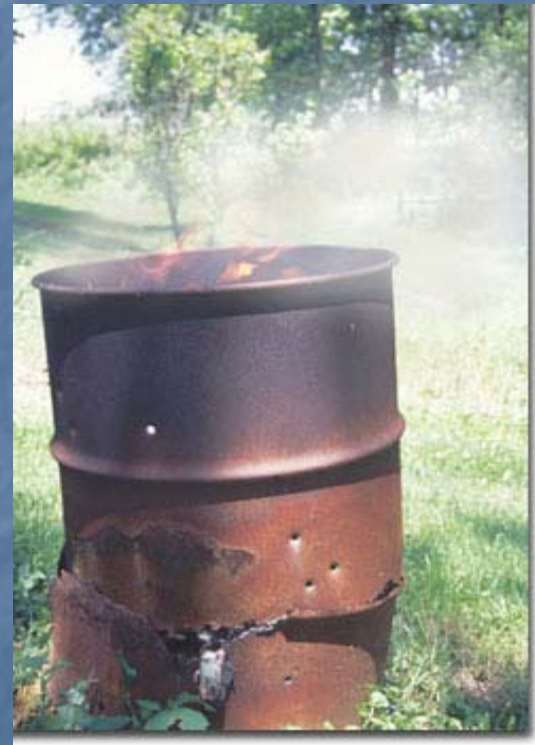
Rainwater downspouts or eavestroughs shall not be directed towards an adjacent premises.



Nuisances Escaping Property

Smoke or Dust Escaping Property

No owner or occupier of a premises shall engage in an activity likely to allow smoke, dust or other airborne matter to escape the premises without taking precautions.



Weeds And Grass

Over-height Grass

Grass height shall not exceed 15 centimeters.

NOTE: This shall **not** apply to golf courses, natural park areas and areas under the control of Calgary roads.



Maintenance Of Accessory Buildings, Structures And Fences

Accessory Building, Structure or Fence Safety Hazard or Unsightly

Accessory buildings, structures or fences shall not become a safety hazard or become unsightly.



Snow and Ice Control

Owners/occupants are responsible for the complete removal of snow and ice from all sidewalks adjacent to their property within 24 hours of a snowfall

Must be removed to bare concrete



Enforcing The Bylaw

INVESTIGATING ACTIVITIES ON PRIVATE PROPERTY

- A written warning is issued to the property to have a situation corrected within a reasonable time.
- If compliance is not achieved, in most cases a Remedial Order is issued to have the situation corrected within 14 days. Snow and Ice orders are given 24 hours and emergency situations may be acted on immediately. Generally, a Remedial Order is a second step if a warning was not complied with.
- An Order can be appealed with 14 days of issuance.



Remedial Orders

In cases where enforcement is needed:

- Officers issue written orders (Remedial Orders) which gives a property owner 14 days to comply.
- The Remedial Order indicates how the Premises fails to comply with the bylaw and the nature of the remedial action required.
- A person may seek review of this Order by filling an appeal in writing with the City clerk within 14 days of the receipt of the Remedial Order.
- Appeals are presented to a Committee of Council.

Legal , Illegal and Non-conforming Suites

- The City of Calgary responds to complaints about illegal suites and inspects properties to establish if there is a violation of the Land Use Bylaw. Development Inspectors, through field investigations, determine the date of construction and apply the rules.
- If the owners fail to comply, legal action may be taken.
- The City of Calgary will not inspect properties for the benefit of lawyers, realtors, or perspective buyers to determine the legal status of a suite, nor will the City provide a "letter of comfort" for this purpose.

Legal Suites

These suites were constructed with proper permits and met all the rules at the time they were constructed.

These suites still meet the present day rules as set out by the Land Use Bylaw 2P80.

They may also have been approved via a Development Permit allowing relaxations of the Bylaw rules.

Illegal Suites

- These suites were built illegally without all the required permits and/or did not meet the Bylaw rules. These suites are often referred to as mother-in-law suites. This type of suite is illegal.

Non Conforming Suites

This type of suite was built legally at the time of construction. However, they do not meet the present day rules of the Land Use Bylaw.

- Non-conforming suites are usually the result of the land use (zoning) being changed or the rules of the governing Bylaw being changed.
- Suites such as these are often referred to as "legal" non-conforming because they are considered to be legal despite not meeting the rules of the Bylaw.
- Non-conforming status may be lost if a building is renovated, destroyed or damaged to more than 75% of its value or if the use is discontinued for more than 6 months (i.e. the suite is not occupied).
- The bylaws, rules and definitions controlling private property have changed over the years. The following three categories identify the changes in a simple way. This is also the criterion that Development Inspection Services utilizes when inspecting complaints of illegal dwelling units

Non Conforming Suites Continued

- **Prior to 1970:** The courts have determined that anything constructed or in use prior to 1970 is considered to be non-conforming.
- **1970 to 1983:** The bylaws in effect at that time stated that cooking facilities (such as a stove, 220 volt wiring, hot plate, microwave oven or toaster oven) were not allowed in a basement suite.
- **1983 to Present:** The current Land Use Bylaw states that a kitchen (cooking facilities as above but also including sinks, lower cabinets and counter tops) is not allowed in a basement suite.
- If a violation is found, the property owners are required to remove either the full kitchen or just the cooking facilities (i.e. stove, microwave, 220-volt wiring).



Questions and Contact Info

Bill Bruce

Director, Animal & Bylaw Services

The City of Calgary

268-5811

www.calgary.ca

Bill.Bruce@calgary.ca

