

**R.M. OF LUMSDEN NO. 189
MINUTES OF THE NUISANCE BYLAW ORDER
APPEAL HEARING
HELD ON OCTOBER 8, 2015**

The Rural Municipality of Lumsden Council convened the Derges Nuisance Bylaw Order Appeal Hearing in the Council Chambers, on the afternoon of Thursday, October 8, 2015 at 2:04 p.m. with Deputy Reeve Kent Farago presiding.

Present:	Deputy Reeve:	Kent Farago
	Councillors:	Al Szeles, Ian White, Cody Jordison
	Asst. Administrator:	Krystal Strong
	Appellant:	Gayla Derges
	Attendees:	Mr. & Mrs. Ray Derges Cameron Johnson
	Chief Administrative Officer:	Darcie Cooper
	Manager of Public Works:	Leighton Watts
Absent:	Reeve:	Jim Hipkin
	Councillor:	Dale Srochenski

The appeal hearing was held due to an appeal launched by Gayla Derges regarding an Order to Remedy issued to her by the Chief Administrative Officer regarding a violation under Bylaw No. 07-2005, being the nuisance abatement bylaw, relating to Ms. Derges' property legally described as Lot 7, Block 4, Plan 00RA29175 (36 Deer Point Place) in Deer Valley.

Deputy Reeve, Kent Farago, welcomed Gayla Derges and Cameron Johnson to the hearing and invited Ms. Derges to present her appeal.

Ms. Derges began by asking council what their objective is in the issuance of the order. Deputy Reeve Farago indicated that it was outlined in the Order that was issued. Ms. Derges didn't bring a copy with her so administration provided copies for everyone. Ms. Derges then proceeded with a PowerPoint presentation, outlining the following:

- Elements of a typical landslide
- The cause of the slope instability affecting her property
- Historical pictures of the affected area, beginning in 2010
- Steps she has taken to remove her home and remediate the property
- Legal proceedings, including the property being turned over to Deer Valley for remediation
- Historic rainfalls and resulting water drainage issues between her property and the neighboring property owned by the Mieyettes
- Points of contention with portions of the P. Machibroda Engineering Ltd. report
- Requesting additional time for Deer Valley to remediate the property
- Concern with the timing of remediation of her lot and the removal of the Mieyette house due to damage that would be incurred to her property if remediated before the Mieyette house is removed.
- Current state of the property

Ms. Derges also submitted a copy of the Installation and Monitoring of Slope Inclinometer report for 30 Deer Point Place by Clifton Associates Ltd, dated August 6, 2010 as well as a copy of her power point presentation.

The following discussion took place:

- Gayla requested that the Order be removed until the lot is turned over to Deer Valley
- Gayla indicated that Elite Trenching has been hired by Deer Valley to perform lot remediation and that Deer Valley has plans to do some remediation this fall
- Gayla requested that Deer Valley be given the time they need to remediate the lot
- Deputy Reeve Kent Farago pointed out that the current vegetation on the lot is entirely weeds and sand, not grass and topsoil

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- Cameron Johnson requested that the vegetation not be removed now and that the lot not be covered with topsoil now because it would run-off the lot in the spring and onto the golf course
- Cameron indicated the lot would be hydro seeded after the winter and sandbags would be placed between Gayla's property and the Miyyette house
- Gayla indicated she has no financial ability to afford the reclamation work
- Kent indicated that the weeds need to be mowed and the northeast area of the lot needed to be backfilled, also, that Council is not prepared to cancel the Order, but may be willing to extend the completion date
- Cameron stated that he is willing to work with the municipality to achieve compliance with the Order.

The appellant, Cameron Johnson and Mr. & Mrs. Ray Derges left the hearing at 2:38pm.

Council reviewed a subsequent engineers report provided by Allnorth Engineering that, due to the lateness in the season, it would be best if the reclamation of the site was deferred until next year but that the vegetation on the property should be trimmed before snowfall.

Order to Remedy – Derges – Modification:

Thorpe: "That, in the matter of the appeal submitted by Gayla Derges regarding the Order to Remedy issued by the Chief Administrative Officer for land legally described as Lot 7, Block 4, Plan 00RA29175 (36 Deer Point Place), we agree to modify the order by adding the following remedial action:

- Mow or cut the vegetation growth on the property to a height of approximately 6 inches, ensuring plants are not uprooted in the process, no later than Saturday, October 17, 2015; and

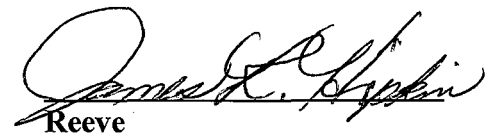
That we further agree to modify the completion date required for the remedial actions outlined in the Order to Remedy issued on September 17, 2015, from Monday, October 12, 2015 to not later than Thursday, June 30, 2016."

CARRIED

Adjournment:

White: "That we adjourn this hearing at 2:50 p.m."

CARRIED


Reeve


Chief Administrative Officer