

**TOWN OF CANMORE
MINUTES**

Enforcement Appeal Review Committee
Council Chamber at the Civic Centre, 902 – 7 Avenue
March 11, 2025 at 2:00 p.m.

COMMITTEE MEMBERS PRESENT

Sally Caudill Chief Administrative Officer (Chair)
Scott McKay General Manager of Municipal Services
Jeff Hilstad Councillor

ADMINISTRATION PRESENT

Greg Burt Municipal Enforcement Supervisor
Ben Stiver Municipal Clerk (recorder)

A. CALL TO ORDER AND APPROVAL OF AGENDA

1. Call to Order

The Chair called the March 11, 2025 Enforcement Appeal Review Committee to order at 2:00 p.m.

2. Approval of the Agenda

2-2024ENF

Moved by the Chair that the Enforcement Appeal Review Committee approve the agenda for the March 11, 2025 meeting as presented.

CARRIED UNANIMOUSLY

3. Overview of Hearing Procedure

The Chair described the order of business for hearing the appeal.

B. APPEAL HEARING

Order to Remedy Non-Compliant Property (2025-0105)

1. Appellant Submission

The appellant, Ashley and Liam Toohey, spoke to the reasoning behind their appeal and their requests from the committee.

2. Municipal Enforcement Submission

Officer Jaiden Hayward, the officer who issued the order to the appellant, is away on a leave of absence and was not able to submit or present a written submission.

3. Decision to Hear from Other Persons Present

The Chair granted permission to Greg Burt, Municipal Enforcement Supervisor, who presented the context and reasoning behind the order issuance, on behalf of Officer Hayward.

The Chair granted permission to Emerson Brooks, an adjacent neighbour, who spoke to the reasoning behind their complaints.

Minutes approved by:

The Chair also granted Terry Sieben, Bow Valley local and father of Ashley Toohey, who spoke in support of the appellant's request.

4. Questions from the Committee

The Committee asked questions of clarification for both the appellants and Officer Burt.

5. Decision

The Chair requested that the additional pass-over documentation from the RCMP be submitted for review and the Committee will provide a decision within 5 days.

C. ADJOURNMENT

The Chair adjourned the March 11, 2025 Enforcement Appeal Review Committee at 3:07 p.m.

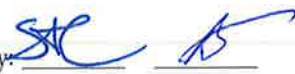


Sally Caudill
Chief Administrative Officer (Chair)



Ben Stiver
Municipal Clerk

Minutes approved by:





ENFORCEMENT APPEAL REVIEW COMMITTEE DECISION

2025-0105

Ashley & Liam Toohey

143 Moraine Road, Canmore, Alberta T1W 1J6

Formal appeal of the order to remedy the non-compliance property.

Hearing Date: March 11, 2025

The Enforcement Appeal Review Committee has decided to deny the appeal and uphold Order 2025-0105 to remedy the compliant property at 143 Moraine Road.

This decision was based on the appellant submission, statements made at the hearing, and the RCMP Passover Reports. There is a clear pattern of observed loud and disruptive noise coming from 143 Moraine Road, often after 10pm, which is a reasonable time for neighbours to expect quiet and a violation of Canmore's Community Standards Bylaw (2022-16).

The Committee finds no evidence of selective targeting, bias, or unfair enforcement by Officer Hayward. We find that she has been doing her job by responding to complaints (from several neighbours), which have been witnessed and deemed credible by RCMP officers on multiple occasions. RCMP records indicate that they have spoken to the property owners at 143 Moraine Road numerous times and advised them of the need to reduce noise and not disrupt neighbours.

The Committee defers decisions on assignment of the file to Municipal Enforcement Supervisor Greg Burt.

Noise expectations are defined in Bylaw 2022-16. Officer Burt provided examples of noise thresholds during his presentation at the committee hearing. The occupants of 143 Moraine Road are advised to keep noise emanating from their property no louder than normal conversational speaking, especially between 10pm – 7am.

The appellants have requested mediation with neighbours at 139 Moraine Road. As those owners are unwilling to mediate, no mediation facilitation can be provided. The Committee wishes to note that complaints have been registered from multiple neighbours. Despite the attempts of the owners of 143 Moraine Road to provide phone numbers as a way to avoid involving the RCMP, the noise issue has been occurring for so long and without consistent resolution, that the ability for this to be managed through mediation or a reasonable neighbour relationship has significantly deteriorated. This is unfortunate and could have been avoided if noise had been managed. Disruptive noise is now a serious legal and financial issue for the property owners at 143 Moraine Road.

The Enforcement Appeal Review Committee implores the owners to comply with Order 2025-0105.

A handwritten signature in blue ink that reads "Sally Caudill".

Sally Caudill
Chair, Enforcement Appeal Review Committee

Date: March 13, 2025