



City of Moose Jaw

COMMUNICATION # CC-2019-0164

TITLE: Request to Address Re: Property Maintenance and Nuisance Bylaw

TO: City Council

FROM: City Clerk/Solicitor's Department

DATE: August 29, 2019

PUBLIC: PUBLIC DOCUMENT

RECOMMENDATION

THAT Ms. Kathi Hagman be allowed to address members of City Council.

THAT this report be received and filed.

TOPIC AND PURPOSE

The purpose of this report is to transmit a Request to Address City Council submitted on August 27, 2019 from Ms. Kathi Hagman regarding a decision by City of Moose Jaw Bylaw Enforcement related to Bylaw No. 5484, Property Maintenance and Nuisance Bylaw, Section 12 "Light", and Bylaw No. 5346, Zoning Bylaw, Section 4.25 "Site Lighting".

BACKGROUND

Ms. Hagman, owner and resident of a condominium in Moose Jaw, would like to appeal to City Council regarding a decision by Bylaw Enforcement to close the file on her complaint regarding the brightness of lights in the condominium parking lot, which she claims are lighting up living areas of her condo unit in contravention of City Bylaws.

Bylaw No. 5484, Property Maintenance and Nuisance Bylaw Section 12 "Light" states:

"No owner of a property shall cause or allow any light fixture attached to that property or illuminated signage to shine directly into the living or sleeping areas of an adjacent dwelling house or to cause a nuisance to an adjacent property."

Bylaw No. 5346, Zoning Bylaw Section 4.25 "Site Lighting" states:

"Outdoor lighting for all developments shall be located and arranged so that no direct rays of light are pointed at nearby properties, or interfere with the safe operation of nearby roadways or traffic control devices."

After investigation of the matter by Bylaw Enforcement, including site visits, consultation with the Condominium Corporation, and consultation with the Assistant City Solicitor, the following determination was made and communicated to Ms. Hagman:

- There is no contravention of any City Bylaws.
- The attached light is not directed at any building. Rather, the lighting installed provides safety and security for residents using the building entrance and parking lot and is directed downward.
- The Bylaw Department is not able to assist any further on the matter.

The Bylaw Enforcement Department encouraged Ms. Hagman to seek a dispute resolution with the Condo Association in order to resolve the matter privately. Ms. Hagman finds the outcome unsatisfactory and has requested to address City Council during the regular Council meeting on September 9, 2019.

DISCUSSION

As this matter has been investigated by Bylaw Enforcement and the decision has been reviewed by the Director of Planning and Development Services, the recommendation is to receive and file the report. Administration has reviewed the matter and is of the view that this is a civil matter between Ms. Hagman and her Condominium Corporation and that there is no further role for the City to play.

PRESENTATION

VERBAL: Ms. Michelle Sanson, Director of Planning and Development Services, will be available to answer questions from Council.

ATTACHMENTS

- i. Correspondence from Ms. Kathi Hagman dated August 27, 2019
- ii. Ms. Hagman's PowerPoint presentation

REPORT APPROVAL

Written by: Maureen Latta, City Council Support
Reviewed by: Tracy Wittke, Assistant City Clerk
Approved by: Myron Gulka-Tiechko, City Clerk/Solicitor
Approved by: Jim Puffalt, City Manager
Approved by: Fraser Tolmie, Mayor

To be completed by the Clerk's Department only.

Presented to Regular Council or Executive Committee on _____
No. _____ Resolution No. _____

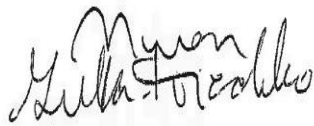
Report Approval Details

Document Title:	Request to Address Council - Property Maintenance Bylaw - CC-2019-0164.docx
Attachments:	- Attachment i Request to Address.pdf - Attachment ii K. Hagman PowerPoint.pdf
Final Approval Date:	Sep 5, 2019

This report and all of its attachments were approved and signed as outlined below:



Tracy Wittke



Myron Gulka-Tiechko



Jim Puffalt



Fraser Tolmie