

On April 7, 2019 - attempts were made to report an excavation failure and property damage to a 311 Agent. It was learned:

Movement of the sidewalk is observed.

“the City cannot intervene in civil matters between neighbours and infill owners & builders,” which was a surprise to the neighbour.



Sloughing of excavation walls is also observed.



On April 8, 2019

- A 311 report is emailed documenting, with photos, multiple infractions in both the public & private realm.
- An urgent response is requested for a Safety Codes Officer to investigate an excavation failure in progress.
- Occupational Health & Safety is notified who respond and issue an immediate stop work order.
- The builder is also notified.

An April 9, 2019 email from Safety Codes Officer states:

“As a Safety Codes Officer, I am responsible for enforcing the Alberta Building Code with respect to the building structure and the fencing on this Property....I have already contacted the contractor regarding the gaps in the fencing.”

[Parkallen Personal FOIP 2019, 87]

On April 15 - Occupational Health & Safety issues a second stop work order.

Fencing is no longer secure



Failure continues and a tree falls over



On April 15, 2019 the Safety Codes Officer notes:

“Was informed that the site conditions had deteriorated. . . . The whole north side of the north neighbour's property alongside his house is beginning to fail . . . a 30 foot high cedar tree is similarly leaning towards the excavation. This entire section of soil could fail completely at any moment.

On April 16, 2019 this is what the excavation failure and damage to adjacent property and building looked like.



On April 16, 2019 Paul Chang, Provincial Building Administrator, responding to an email, explains:

“It is the City of Edmonton’s Jurisdiction to enforce their bylaws including the Safety Codes Act”

He forwards to highlighted excavation provisions from the Building Code.

A November 3, 2017 Safety Codes Council Report, states:

“The City’s enforcement of the Act in relation to infill excavation is based on its interpretation that the Code does not regulate construction excavation for infills beyond the property line.

The outcome of this investigation does suggest the need for the City to revisit its position on excavations during infill construction to ensure that it includes all relevant sections of the Code.”

Safety Codes Council FOIP, 1089-1092

On April 16, 2019

After the Building Code's excavation provisions are brought to his attention, the Safety Codes Officer issues an order to

IMMEDIATELY: Correct the stability of the open sides of the excavation on the construction site as per the Alberta Building Code, Division B including Article 8.2.2.2, that states:

“If the stability of adjoining buildings may be endangered by the work of excavating, adequate underpinning, shoring or bracing shall be provided to prevent: a) damage to, or movement of, any part of the adjoining building.”

On April 19, 2019 – A neighbour emails his Councillor

“I’m betting you wouldn’t want to be living in my neighbour’s home right now; you really have to see it.

It seems to me the City’s [laws] aren’t protecting the [adjacent] neighbouring homes enough. With the depth of today’s excavations it leaves us with a situation where the contractor is trying to get the foundation in as quickly as possible HOPING that they’ll backfill before damage occurs.

They’re left gambling with OUR homes.”

On April 23, 2019

Community representatives, in response to this infill incident, present recommendations to Urban Planning Committee to improve the infill experience for neighbours and suggest the City apply and enforce the Building Code, resulting in a motion:

“that Administration work with community stakeholders to explore their suggestions.”

Former Development Services Branch Manager, David Hales

“Urgent – can you get me an update on this please? . . . I’d like to understand how they are dealing with the perched slab (which is extremely unsafe) and the restoration of the neighbour’s property.”

[Parkallen Personal FOIP, 206]

“I dropped by the site yesterday and it is a disgrace. On a positive note . . . they had stripped the forms and once they get enough cure on the concrete they can get it backfilled and start resolving the mess.”

[Parkallen Personal FOIP 2019, 254]

The Safety Codes Officer continues to inspect but does not enforce his order.

May 10, 2019 – *“The collapsed sidewalk is still in the same position as it was several weeks ago. No work has been done yet to address the sidewalk that was sliding into the excavation.”*

June 3, 2019 –The builder blames the neighbour for the delay.

June 7, 2019 – *“the excavation still has yet to be backfilled.”*

June 24, 2019 – *“the leaning sidewalk is still leaning.”*

[Parkallen Personal FOIP, 108]

This July 9, 2019 photo shows the concrete slab is in the same place. Backfilling is still not done and there is water accumulation in the excavation.



On October 11, 2019 – The Order is vacated. There is no enforcement and no evidence compliance to the April 16, 2019 order occurred. It appears delays enabled the builder to complete the infill project and backfill before addressing the excavation failure and damage to neighbouring property.

“ Due to compliance of the requirements of our Safety Act Order dated, April 16, 2019 our file on this matter is now closed.”

[Parkallen Personal FOIP 2019, 168]

2020 – Impacts continue

Nothing was done, by either the City or the builder, to ensure risk was mitigated and damage resolved for this neighbour. Instead, the infill project was allowed to proceed, leaving the neighbours property exposed to ongoing risk and further damage.

In 2020, the neighbour sold the home he grew up in and moved. He suffered great stress, uncertainty and anxiety - in addition to damage to his property. These incidents can and must be prevented. Apply the law and enforce it!

In 2020 settlement of the backfill has resulted in changes to surface grading that interfere with drainage and resulted in flooding of the new neighbour's home in July 2020. The saga continues.