



**The Corporation of the Township of Tay
Property Standards Committee**

Hearing – 85 Todd Lane

**Municipal Office, Council Chambers
Agenda**

March 21, 2018

5:30 p.m.

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- 1. Call to Order**
 - 2. Disclosure of Interest**
 - 3. Requests for Deferral or Withdrawal**
 - 4. Public Hearing**
 - 4.1 Report from the Property Standards Officer
 - 4.2 Presentation - Appellant, 85 Todd Lane
 - 5. Closed Session**
 - 6. Decision**
 - 7. Adjournment**



STAFF REPORT

Department/Function: Fire

To: Property Standards Appeal Committee

Meeting Date: February 21st, 2018

Subject: **85 Todd Lane-Notice of Appeal to Property Standards Committee regarding an Order to Remedy Non Conformity with the Property Standards By-law.**

RECOMMENDATION:

That the Property Standards Committee confirms the Order dated December 6th, 2018 be completed.

INTRODUCTION/BACKGROUND:

The owner of 85 Todd Lane has appealed a Property Standards Order issued December 6th, 2018.

The Committee of Adjustment was appointed the Township's Property Standards Committee by By-law 2015-14. Appeals to orders issued by By-law Enforcement Staff are to be heard by the Property Standards Committee in accordance with legislation and the Property Standards By-law.

A Property Standards Order was sent to the owner on December 6th, 2018 and required that the building be re-sided or painted within 30 days, all openings in the roof/soffit needed to be repaired within 30 days and the porch on the side of the dwelling needed to be repaired within 30 days.

ANALYSIS:

The By-Law Department received a complaint on November 2nd, 2017 in regards to a house on Todd Lane that was in disrepair. It was described as looking "abandoned" and that it looked like no work has ever been done on the property. The By-law department opened a Clean Yards and a Property

Standards file on this property on that same day after attending and taking photos.

During the first visit, no one answered the door when the MLEO knocked on the door. The MLEO took photos of the dwelling which did appear as though no one was living in it due to the state of the property. The grass in the rear of the property looked to not have been cut all year, there was a significant amount of debris in the driveway and around the property and the dwelling looked as though there had been no effort to repair anything in the recent past. As a result of the investigation, a Notice of Violation was sent via registered mail to the registered owner on November 3rd, 2017 giving 30 days to fix the soffit and to re-side or repaint the dwelling. That Notice of Violation was sent back in the mail as "unclaimed".

A second visit to the property was conducted on December 5th, 2017 and it was found that no effort had been taken to repair or clean up the property. At that time, it was also noticed that the deck that lead to the side door had now fallen in and was not structurally sound. Again, the MLEO knocked on the door with no answer but a light was on inside of the dwelling. Photos were taken of the dwelling again during that visit. After leaving the property and proceeding down the road it was noticed by the MLEO that a male came out of the driveway of 85 Todd Lane on foot and proceeded to pace back and forth on the road in front of the address. An Order to Remedy Violation of Standards of Maintenance and Occupancy was sent to the registered owner on December 6th, 2017 via registered mail again giving 30 days to fix the soffit, re-side/ repaint the dwelling and fix the deck. That Order was also sent back in the mail as "unclaimed".

After the Order had been sent back unclaimed, it was posted on the front door of 85 Todd Lane on January 2nd, 2018 and the next day, January 3rd, 2018, the owner contacted the Municipal Law Enforcement Officer regarding the Order.

At the time of the conversation it was admitted by the owner that he is "bad at picking up mail" and that is why he never received either the Notice of Violation or the Order. The MLEO advised the owner that since he had only seen the order a few days ago he would still be granted the option to appeal the Order even though the 14 day period to appeal was past due. The owner was advised that no action would be taken until the winter months had passed but in order for him to have more time to remedy the outstanding issues he would need to appeal the Order. The owner agreed with the assessment and on January 5th, 2018 an appeal to the Order was received by the MLEO for 85 Todd Lane.

Action to be taken - Exterior of the building to be re-sided or painted

- The soffit around the entirety of the building needs to be repaired
- The deck which leads to the side door needs to be repaired







Municipal By-laws

The pertinent sections of Property Standards By-law #2006-47, as amended that relate to the order are;

Section 3.07

Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

Section 3.09

Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

Section 3.12

Exterior walls of a dwelling and their components, including soffits, fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

Section 3.14

Where exterior walls have been painted or otherwise treated, they shall be maintained so as to be free of peeling paint or other coatings.

Provincial Legislation

The Ontario Building Code Act, 1992 allows municipalities to pass Property Standards By-laws, the following are excerpts from the Act that relate to orders and rights to appeal;

Content of Order

(2) an officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

(a) stating the municipal address or the legal description of the property;

(b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;

(c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and

(d) indicating the final date for giving notice of appeal from the order 1997, c. 24, s. 224 (8).

Service and posting of order

(3) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property. 1997, c. 24, s. 224 (8).

Appeal of order

15.3 (1) An owner or occupant who has been served with an order made under subsection 15.2 (2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days being served with the order. 1997, c. 24, s. 224 (8).

Duty of Committee (Property Standards Committee)

(3) The committee shall hear the appeal. 2002, c. 9, s. 24.

Powers of Committee

(3.1) On appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement;

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c. 9, s. 24.

Appeal Court

(4) The municipality in which the property is situated or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c. 9, s. 24.

Public Input:

N/A

Internal/External Consultation:

N/A

CONCLUSION:

The violations outlined in the order must be addressed to bring the building/property into compliance with the Property Standards By-law 2006-47, as amended.

The state of the deck could cause injury for anyone who attends the property and does not notice that the deck has fallen in. The soffit that has decayed and fallen out needs to be replaced as damage to the inside of the building could be prevalent due to rodents/insects allowed to enter through the many openings as well as the winter weather could also create a significant amount of moisture inside the dwelling causing the structure to deteriorate at a faster rate.

If the Committee upholds the order, the owner does have the right to appeal to the Superior Court of Justice.

Prepared by:

Date Prepared: February 12th, 2018

Rob Kennedy
Municipal Law Enforcement Officer