

# MEETING MINUTES



<b>MEETING</b>	<b>Property Standards Committee Meeting</b>		
<b>DATE</b>	March 23, 2015		
<b>LOCATION</b>	Committee Room C		
<b>TIME</b>	7:00 PM		
<b>PRESENT</b>	Committee members:	B. Foster (BF), R. Gibson (RG), J. Hebden (JH), K. Lammer (KL), D. Smith (DS)	
	Property Standards Officer:	Rob Reynen (RR)	
	Property Standards Inspector:	Jason Lapier (JL)	
	Zoning Inspector:	Bruce Aubrey (BA)	
	<b>Legal Representative of The City of Guelph</b>	Susan Smith (SS) <i>Note-present to provide information on case law only</i>	
	Secretary-Property Standards Committee:	Christine Lalonde	
	<b>PSC-15-004</b>	Appellants:	Gizela Jagodic (GL),
	<b>PSC-15-003</b>	Appellants:	Syed Danyal Hyder (DH), Syed Ijlol Hyder (IH) and Munira Hyder
	<b>PSC-15-006</b>	Appellants:	Stefano Fava (SF)
		Appellant Solicitor:	Kevin Thompson (KT)

## DISCUSSION ITEMS

ITEM #	DESCRIPTION
1	<b>Appointment of Chairperson:</b> Ryan Gibson (RG) appointed Chairperson
2	<b>Disclosure of Pecuniary Interest:</b> There were no declarations of pecuniary interest
3	<b>Approval of February 9<sup>th</sup> Minutes:</b> Moved by J Hebden and seconded by K Lammer to approve the minutes from February 9 <sup>th</sup> , 2015
4	<b>PSC- 15-005 - 171 Ironwood Road</b> Meeting called to order at 7:00PM Meeting attendees and City staff was invited to join the meeting. Introductions of the Committee, City Staff and the appellants of PSC-15-005 were made.
3	<b>Chair (RG) asked City to present its case.</b> B. Aubrey (BA) -Inspected due to complaint from another zoning inspector who let him know there might be basement finishes with no permit.

During the inspection noticed a window which when measured did not meet the egress requirements. Issued order to have window replaced

**The Chair (RG) asked the Committee for questions for the City:**

BF – why not building code instead of Property Standards? BA – said he did both.  
RR – explained process for Building Services – Immediate order to comply due to safety concerns for egress windows where someone is sleeping in the basement

KL – issue is that the egress is not large enough – RR – yes, just the window

Owner said that there are actually two windows.

**The chair (RG) asked the appellants to present their case:**

- Owner said he had changed the windows 2-3 years ago but did not know the size requirement. Did not change anything, just replaced like for like.
- Said getting only two weeks to get the work done in the middle of winter they were not able to comply. Spoke to inspector and he told them to appeal for more time

**The chair (RG) asked the committee for questions for the Appellants:**

RG – asking if may/June would be good, owner said yes but they are also looking at the window.

KI – is the person in the basement related – No. Is she sleeping in the basement? Yes. Is there somewhere else she can sleep? Yes upstairs.

Do you have companies to do the work? Yes a couple of companies. Have they given you a time frame? No, no time frame, call in April.

BF – Does staff have a recommendation – Rob said it is up to the committee but city is concerned with the safety of the person sleeping down there.

KL – is the order tied to property – yes.

JH – if they do not sleep downstairs is the order null and void? RR –yes it would be but we have other issues building services.

Why two weeks? Normally 3 weeks but very concerned with someone sleeping down there.

Owner: speaking about sleeping in the basement – for personal use not allowed? RR- read out the pertinent part of the bylaw.

**The chair asked for anymore questions from the committee to any of the parties:**

None

**The chair closed the meeting and let the attendees know they were welcome to**

	<b>stay while the committee deliberated and reached a decision.</b>
<b>4</b>	<p><b>DECISION PSC 15-004</b></p> <p>This decision was concurred by <b>unanimously</b> of the members who heard this appeal.</p> <p>In the matter of an Appeal of an Order issued by the Property Standards Officer on <b>January 29, 2015</b> regarding <b>171 Ironwood Road</b>, being PLAN 697 PT LOT 4 RP 61R2825 PART 6 , it is the decision of the Committee that <b>Order 15-000624 CP</b> be <b>confirmed</b>.</p>
<b>5</b>	<p><b>PSC-15-004 Adjourned at 7:28 pm</b> Chair called a 5 minute recess.</p>
<b>6</b>	<p><b>PSC 15-003 – 80-84 Norfolk St.</b></p> <p><b>Meeting called to order by Chair at 7:32pm</b></p> <p><b>DS – speaking about rendering decision and what needs to happen. Chairs switching temporarily to JH as he was chair at last meeting.</b></p> <p>Introductions of the Committee, City Staff and the appellant of PSC-15-003 were made</p>
<b>8</b>	<p><b>PSC 15-003 – 80-84 Norfolk St. – Continuation from February 9<sup>th</sup>, 2015</b></p> <p>JH – were you able to get survey?</p> <p>DH – Explained that they seeked legal advice and was told that a survey would cost \$4000+ and the onus is on the neighbour to get the survey or prove the wall has moved on to their property. They feel it is unfair. On the survey from 2005, it clearly shows the ownership. It is up to the neighbour to prove otherwise.</p> <p>JH- referring to the sketch? Yes – Interim survey.</p> <p>DH – cost is very large and this sketch establishes where the wall lies. IH – he needs to prove ownership of the wall.</p> <p>KL- Read statement that she prepared (see attached)</p> <p>DS – did they let the City know about not getting survey? RR yes let us knows they got legal advice.</p> <p>BF – do not need to get a full survey just a letter which should not be as expensive.</p> <p>IH – speaking about still paying student loans and money makes a difference.</p> <p>JH – asked if SS has anything to offer.</p> <p>SS – can offer as reference on City staff, talking about case law – onus is on whoever is asking order to be rescinded to get the required information. Test for this is balance of</p>

	probabilities – if you believe there is sufficient evidence in favor of one to the other.
	<p><b>DECISION PSC 15-003 – 80-84 Norfolk St.</b></p> <p><b>Motion to rescind order by K. Lammer, seconded B. Foster. All in favor except R. Gibson who abstained due to his absence at the February 9<sup>th</sup> meeting.</b></p> <p>In the matter of an Appeal of an Order issued by the Property Standards Officer on <b>December 8<sup>th</sup>, 2014</b> regarding <b>80-84 Norfolk Street</b>, being PLAN 8 PT LOTS 1049 TO 1050 PT LOTS 1054 TO 1055 DES INC RP 61R2785 PART 2, it is the decision of the Committee that the Order is <b>RESCINDED</b>.</p>
	<p><b>Meeting adjourned 7:51</b> <b>Called 5 min recess</b></p>
	<p><b>PSC-15-006 – 7 Crawford</b></p> <p>Called to order: 8:01pm RG –Introductions of committee, staff, appellants</p> <p><b>Chair (RG) asked City to present its case.</b></p> <p>RR – giving history on garage. About complaint, POA action, CofA action, permit issues, some work and then work stopped, more complaints from neighbours, order issued to get work complete. Spoke of case law given out that Property Standards bylaw, overrides building permit. RR does not feel the PS bylaw is asking anymore then the permit is requiring. (Get Rob’s notes). Speaking of how long permits can potentially be open indefinitely as long as work progressing. Requiring exterior work to be completed. Interior does not affect neighbours</p> <p>Jason – background, spoke about condition of property on inspection, order issued Feb. 6, 2015.</p> <p>March 20 follow up inspection – gables clad, dormers not. Jason showed photos of garage taken March 20.</p> <p><b>The Chair (RG) asked the Committee for questions for the City:</b></p> <p>KL – what’s in the pictures tarps? - yes tarps in the windows. The cedar recently completed? Yes between January and March 20. Is plywood acceptable material? RR/JL no. KL how long is indefinitely – after a year or so.</p> <p>September 2014 – construction started and by November had shingles on it. Rear windows have been boarded up long time.</p> <p>DS – what has been going on since 2011 – RR – single storey garage in bad condition.</p> <p>DS – started getting it together in September? RR – felt this permit would cover but it did not.</p> <p>BF – pictures from 2011 (JL looking) NOTE: photos could not be found at this time.</p> <p>BF – did they have to go for COFA? Yes</p>

Windows in rear required? RR – No.  
Can be blocked – with proper material.

**The chair (RG) asked the appellants to present their case:**

KT – giving overview of issue – basically started in September 2014. Says anything prior is irrelevant. Has a series of sequential photos to show, giving out to the committee.

Explaining photos – starting in October on ward.

- 12 windows on order, including two bottom windows.
- Says contrary to assertion nothing has happened, much work has been done, except in Jan Feb due to various issues (death in family, sub trades etc.). Not the most expedient construction project but it is definitely coming along.
- Says assertion that PS doesn't apply is not the case, it does and it will when completed but is progressing without undue delay, hold up is due to having to deal with PS issues. Once complete all will become moot. This is a redundant order causing undue stress. Windows on order including the bottom and PS is welcome to view when it is done.
- Has case law for committee to review and section of the building code. Turn to section 8, sub section 10. Once permit issued there are 5 criteria the permit can be revoked. Turn to paragraph 30-Challenge of the building permit. Know we are not dealing with a revocation but while project is ongoing you need to regard these sections. Read from building code a revoking building permit. Says it is ludicrous for this property standards order. Finally thing to note – case provided by the city – read – section highlight speaking of a six year delay not a permit issued 11 months ago.

**The chair (RG) asked the committee for questions for the Appellants:**

RG – Is order appropriate? – No redundant and unnecessarily alternately asking for extension but redundant.

KL – date for window? - SF – has not spoken to window man but they are being custom built. Should be 4 – 6 weeks before delivered. Tin people/soffit are very busy, cannot get quotes.

DS – period of time for completion – SF – not too long, by end of summer. DS – whole thing or...SF the exterior, interior slowly but entire exterior.

Thinks white cedar exterior is quite aesthetically pleasing. Met OMB heights. Building permit issues April, one previously? (JH) SF – no.

JH – prior complaint on garage, RR yes for roof etc. but became moot,

**The chair asked for any more questions from the committee to any of the parties:**

None

**The chair closed the meeting and let the attendees know they were welcome to stay while the committee deliberated and reached a decision.**

	<p><b>Decision</b></p> <p>Motion by J. Hebden and seconded by K. Lammer, this decision was carried by a <b>majority vote of 3 to 2</b> by the members who heard this appeal at a meeting</p> <p>In the matter of an Appeal of an Order issued by the Property Standards Officer on <b>February 6, 2015</b> regarding <b>7 Crawford Street.</b>, being PLAN 363 LOT 109, it is the decision of the Committee that the Order is <b>RESCINDED</b>.</p>
<p><b>9</b></p>	<p><b>Meeting adjourned at 8:45 pm by motion of K. Lammer and seconded by R. Gibson</b></p>

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