

MEETING MINUTES



MEETING	Property Standards Committee Meeting	
DATE	November 29, 2017	
LOCATION	Committee Room C	
TIME	7:00 PM	
PRESENT	Committee members	Jon Hebden, Katharine Lammer, Bob Foster
	Program Manager Bylaw Compliance, Security and Licensing	Randy Berg
	Property Standards Inspector	Stephen Jamieson and Jason Lapier
	Secretary-Property Standards Committee	Rebecca Smith
	PSC-17-008 Appellant:	Tony Wong, Laura King and Eric Davis
	PSC-17-009 Appellant:	Jacek Dec
	PSC-17-010 Appellant:	Shugang Li

DISCUSSION ITEMS

ITEM #	DESCRIPTION
1	<p>Appointment of Chair Person:</p> <p>B. Foster appointed Chairperson</p>
2	<p>Disclosure of Pecuniary Interest:</p> <p>There were no declarations of pecuniary interest.</p>
3	<p>PSC 17-008 – 9 Elizabeth St</p> <p>Meeting called to order at 7:00 pm</p> <p>Introductions of the Committee, City Staff and the appellant of PSC-17-008 were made</p> <p>Chair (B. Foster) asked City to present its case.</p> <p><u>Background:</u></p> <p>S. Jamieson – Attended the property a week and a half ago and no progress has been made</p> <p>The chair (B. Foster) asked the committee for questions for the City:</p> <p>K. Lammer – Can you comment on the bylaw information sent from the City?</p> <p>S. Jamieson – Section 4 of the Stormwater Disposal Bylaw deals with storm water from roofs. And forms part of the reason our engineering department went with the solution they did.</p>

4.2 Run-off from the roof areas of every single detached dwelling and every semidetached dwelling, including any accessory building covering more than fifteen square metres, shall be collected in suitable eavestroughs and discharged through Roof Water Downspouts, into a Storm Water Disposal System connected to a Municipal Storm Drainage Facility.

E. Davis – The Order is under the Property Standards bylaw is it not

R. Berg – We may enforce under the storm water bylaw at another time

B. Foster – We can only deal with the appeal we have before us at this time

Chair (B. Foster) asked the appellants to present their case:

E. Davis – It is important to walk through the Order and Bylaw to show why the municipality does not have authority to issue this Order.

First part of the Order states

1. Install an evestroughing system adequate to collect any rainwater runoff from the roofs at the rear of this property.

The specific section it stated is section 3.14, which reads;

3.14 If an adequate storm water disposal system or an adequate municipal storm drainage facility is not available to the property, storm water shall be disposed of in a manner acceptable to the Director of Engineering.

If we then look at the term for storm water disposal system, it states:

2.14 "Storm Water Disposal System" means all connected piping, including building storm drains, a building storm sewer, storm drainage piping, subsoil drainage pipes, sump pump piping, catch basins, manholes, water courses, ditches, ponds and drainage swales used to convey storm water from private lands to a municipal storm drainage facility

If you examine 3.14 it has nothing to do with eaves, it deals with piping of the system as a whole. This section would not apply to rainwater hitting off the roof of the building.

Part two of the Order states

2. Direct the outputs of the above evestroughing system to discharge at Duke street.

This is quoting 4.7, which states;

4.7 Roof drainage shall not be discharged directly from any building onto any walkway, stair, or adjacent property.

In 4.6 they mention eavestrough and downspout, which they do not in section 4.7, if they meant to include eavestrough and downspout in 4.7 they would have mentioned it here, but they do use the word discharge. If you use the dictionary definition of discharge it typically means the collection of something and the discharge of something out of a particular point. In our opinion rain falling off the roof is not discharging

If we look at other parts of the bylaw where "discharge" is used, they include:

3.15 Every building sump pump shall discharge water to a storm water disposal system.

3.16 If there is no storm water disposal system on the property, the building sump pump is to be discharged to the rear yard and/or front yard unless site specific conditions dictate otherwise.

4.9 Sanitary sewage from a fixture shall be discharged through a water seal trap to the municipal sanitary sewer or an approved sewage system.

The section says you cannot discharge onto the neighbouring properties and in the case the rain is not falling onto the adjacent properties, it may flow underground from this property, but it is not discharging onto the adjacent property.

In the Order when it states install an evestroughing system adequate to collect any rainwater runoff from the roofs at the rear of this property. That does not give the City authority to require that. As for installing eves, the City can amend section 3.14 of the bylaw to include eves.

The neighbouring property is experiencing water issues in their rear yard, there is no proof showing drainage is the cause of this. It is the belief that the Order was respectfully issued in error and that the City does not have the authority to issue this Order.

The City has other means to deal with this matter and the owners are willing to work to find a solution.

The chair (B. Foster) asked the committee for questions for the Appellants:

J. Hebden – (S. Jamieson) Do you have pictures of where the water was discharged?

S. Jamieson – Provided pictures of affected areas

K Lammer – How far is the building from the property line?

E. Davis – We did not have a survey done

B. Foster – The building appears to be a foot from the property line.

K. Lammer – S. Jamieson – Were any measurements taken?

S. Jamieson – There were not

J. Hebden – The survey on file shows the building 1.6 Feet off the lot line. From the pictures of the roof that overhang, how would this not be discharge

E. Davis – There is no evidence that water is discharging off the roof, yes the building is close to the property line, but there are no evestroughing and no evidence to show rainwater is going onto the neighbouring property.

K. Lammer – If water falling off the roof is not discharge then what is?

E. Davis – If there was eves then it would be discharge

B. Foster – The engineer gave expert opinion on where discharge is.

E. Davis – With respect to the engineer that is one singular opinion and there is no engineers report.

K. Lammer – Previously we adjourn so that the owner could gain the opinion of an engineer?

E. Davis – The owners have contacted engineers and REEP, but did not have enough time to get a stamped report.

K. Lammer – The committee was given time for the owner to get an opinion, it did not need to be stamped.

T. Wong – Went to numerous engineers, none were able to assist and REEP does not stamp documents.

K. Lammer – We have the opportunity to quash or amend the order to deal with the rainwater.

E. Davis – The owner would require time to get through the winter period, as the weather poses a challenge

K. Lammer – How long would you need?

E. Davis – The owner would like until May to comply with the Order

The chair (B. Foster) asked for any more questions from the committee to any of the parties:

B. Foster – Does the City have anything to add?

R. Berg – With regards to section 3.14 we respectfully disagree with Mr. Davis interpretation, we believe they are accurate and reflect what we are trying to enforce. For item 4.7 and the request not to discharge with respect to eves, we feel this is the correct place to enforce.

Our property standards officer has video of the rainwater discharging onto neighbouring properties, if the committee has doubts as to the testimony of the inspector we can arrange to have the videos shown.

Property standards inspectors do not get involved in neighbour disputes, we responded to a complaint – if there is not an infraction we would not have been involved.

Legal non-conforming does not have a place in property standards. There is the requirement to meet certain standards.

We feel this matter has gone on long enough.

B. Foster – Is there anything that presents the eves from being installed in the winter

S. Jamieson – To my knowledge, no

	<p>B. Foster – Swales are mentioned in the bylaw to re-direct water. Remind me again the opinion of the engineer; he did not think a swale could be added in the 1.5 foot area?</p> <p>S. Jamieson – Correct.</p> <p>B. Foster – Any other Question?</p> <p>None</p> <p>The chair (B. Foster) closed the meeting and let the attendees know they were welcome to stay while the committee deliberated and reached a decision.</p>
<p>4</p>	<p>DECISION PSC 17-008</p> <p>Motion by K. Lammer and seconded by J. Hebden.</p> <p>In the matter of the Appeal of the Order of the Property Standards Officer issued on September 7, 2017 regarding 9 Elizabeth Street, being PLAN 161 PT LOT 28, the Committee decided that item one of the Order 17-005606 CM is amended to, “Install an adequate stormwater disposal system to collect any rainwater runoff from the roofs at the rear of this property in compliance with section 4.7 and the compliance date extended to March 31, 2018. Item two shall be removed from the Order.”</p>
<p>5</p>	<p>PSC 17-009 – 132 Kortright Rd W</p> <p>Meeting called to order at 8:10 pm</p> <p>Introductions of the Committee, City Staff and the appellant of PSC-17-009 were made</p> <p>Chair (B. Foster) asked City to present its case.</p> <p><u>Background:</u></p> <p>J. Lapier – An inspection of 132 Kortright Rd W was completed and it was determined that an egress window was required. As a result of the inspection an order was issued to:</p> <p>1. Provide / install an egress window or an exterior door (on this floor level) having a minimum unobstructed openable area of 0.35 square metres (3.8 square feet) and a minimum dimension of 0.38 metres (15 inches) in the basement. Refer to the attached egress window detail for further reference to item #1 above including sill height recommendations. Note: A larger window is /may be required for an accessory apartment.</p> <p>After communication with the owner it was determined that a larger window was required by the building department, which would require a permit. It should be noted that there were other matters on the Order that have been complied with.</p> <p>R. Berg – We recognize that an extension is needed and have no doubt that the work will be complete from our conversations with the owner.</p>

	<p>The chair (B. Foster) asked the committee for questions for the City:</p> <p>None</p> <p>Chair (B. Foster) asked the appellants to present their case:</p> <p>J. Dec - The window for the location has been ordered and should be in for tomorrow or early next week, when it will be installed.</p> <p>The chair (B. Foster) asked the committee for questions for the Appellants:</p> <p>K. Lammer – How far along in the permit process are you?</p> <p>J. Dec - Need to provide the City with the correct measurements and then the permit will be approved</p> <p>K. Lammer – Will you need till the end of January?</p> <p>J. Lapier – There is typically a 10 day turnaround with permits</p> <p>B. Foster – Will you need a company to install?</p> <p>J. Dec - I will be completing the install myself.</p> <p>The chair (B. Foster) asked for any more questions from the committee to any of the parties:</p> <p>None</p> <p>The chair (B. Foster) closed the meeting and let the attendees know they were welcome to stay while the committee deliberated and reached a decision.</p>
<p>6</p>	<p>DECISION PSC 17-009</p> <p>Motion by K. Lammer and seconded by J. Hebden, this decision was unanimous</p> <p>In the matter of the Appeal of the Order of the Property Standards Officer issued on October 3, 2017 regarding 132 Kortright Road W, being PLAN 817 LOT 8, it is the decision of the Committee that Order 17-006565 CM is confirmed and the compliance date extended to January 31, 2018.</p>
<p>5</p>	<p>PSC 17-010 – 85 Western Ave</p> <p>Meeting called to order at 8:20 pm</p> <p>Introductions of the Committee, City Staff and the appellant of PSC-17-010 were made</p> <p>Chair (B. Foster) asked City to present its case.</p> <p><u>Background:</u></p>

	<p>J. Lapier - This location has a registered second unit and none of the windows meet the minimum requirement, which is why the Order was issued. I met with the owner to discuss window size. The window is currently on order and set to arrive Friday (December 1, 2017). At this time we are agreeable to an extension.</p> <p>The chair (B. Foster) asked the committee for questions for the City:</p> <p>None</p> <p>Chair (B. Foster) asked the appellants to present their case:</p> <p>S. Li – Met with Jason to discuss window size. The window has been ordered, but need more time to get installed. Only looking for a few days more, as soon as the window arrives, it will be installed.</p> <p>The chair (B. Foster) asked the committee for questions for the Appellants:</p> <p>None</p> <p>The chair (B. Foster) asked for any more questions from the committee to any of the parties:</p> <p>None</p> <p>The chair (B. Foster) closed the meeting and let the attendees know they were welcome to stay while the committee deliberated and reached a decision.</p>
<p>6</p>	<p>DECISION PSC 17-010</p> <p>Motion by K. Lammer and seconded by J. Hebden, this decision was unanimous</p> <p>In the matter of the Appeal of the Order of the Property Standards Officer issued on October 13, 2017 regarding 85 Western Avenue, being PLAN 608 LOT 16, it is the decision of the Committee that Order 17-006824 CM is confirmed and the compliance date extended to December 31, 2017.</p>
<p>7</p>	<p>Approval of Minutes:</p> <p>Motion by K. Lammer and seconded by J. Hebden to approve minutes from October 11, 2017.</p>
<p>8</p>	<p>Meeting adjourned at 8:50 pm by motion of K. Lammer and seconded by B. Foster</p>