

# MEETING MINUTES



<b>MEETING</b>	<b>Property Standards Committee Meeting</b>	
<b>DATE</b>	April 5, 2017	
<b>LOCATION</b>	Committee Room C	
<b>TIME</b>	7:00 PM	
<b>PRESENT</b>	Committee members	Douglas Smith, Jon Hebden, Katharine Lammer
	Program Manager Bylaw Compliance, Security and Licensing	Randy Berg
	Property Standards Inspector	Jason Lapier
	Deputy City Solicitor	Jeff Aitkens
	Secretary-Property Standards Committee	Rebecca Smith
	<b>PSC-17-001</b>	Appellant: Lawyer for Appellant:

## DISCUSSION ITEMS

<b>ITEM #</b>	<b>DESCRIPTION</b>
<b>1</b>	<p><b>Appointment of Chair Person:</b></p> <p>J. Hebden appointed Chairperson</p>
<b>2</b>	<p><b>Disclosure of Pecuniary Interest:</b></p> <p>There were no declarations of pecuniary interest.</p>
<b>3</b>	<p><b>PSC 17-001 – 15-17 Gordon St</b></p> <p>Meeting called to order at 7:00 pm</p> <p>Introductions of the Committee, City Staff and the appellant of PSC-17-001 were made</p> <p><b>Chair (J. Hebden) asked City to present its case.</b></p> <p><u>Background:</u></p> <p>J. Lapier – On September 16, 2016 a complaint was received and violations were noted based on an inspection of the one storey building, brick and stone rubble wall along the west side of property at 15-17 Gordon St. There were gaps and cracks and missing rubble in the rubble and brick walls in various areas along length of wall and a section of wood paneling was missing. It appeared that a concrete wall had been poured in front of a 16' section of the wall approximately half way along length of wall to prevent further deflection of section of brick wall that appeared to have deflected up to approximately 2" at south end of the poured concrete wall. There also appeared to be a gap at the top of the concrete between the concrete wall and the brick wall two to three feet long at the south end of the wall. (Pictures showing the wall were presented by</p>

Jason).

There was discussion of ownership of the wall, based on surveys of the wall that were on hand to review. In October, met property owner, Mr. Carere, at property and viewed brick, stone rubble and poured concrete wall, discussed issues. Mr. Carere explained that stone rubble wall and poured concrete wall was on neighbouring property. Mr. Carere explained the need for wall to be built and tied into his building with rebar. There was a marking (cross) on front of 3 storey building in front wall that denotes property line and Mr. Carere indicated the property line for the property starts along front side of brick wall. He also indicated there was a matter of the property line that was resolved through civil court proceedings.

Discussions with City legal staff regarding the property line disputes and it was determined that notices would be sent to both properties as the wall appeared to go through the property line.

In December an inspection was completed and it appeared plywood sheathing/cladding had been replaced on the west facing wall of 1 storey brick building. There were still areas of missing mortar along length of brick wall and gaps/voids between poured concrete wall and brick wall approximately 1-2" wide from top of concrete wall down to grade and brick wall in this area appears to have previously deflected to the west.

As the result of those inspections the order before you was issued to

1. Repair, repoint or reconstruct the stone rubble wall located along the west side of the property that appears to be on the property line and is part of the common wall shared with the adjacent property of 5 Gordon St. Ensure the wall is maintained in good repair, free of defects that may allow the entry of water into the wall and maintained in a structurally sound condition at all times.
2. Repair, repoint or reconstruct the brick wall on the one storey brick addition located along the west side of the property that appears to be located inside or east of the common wall shared with the adjacent property of 5 Gordon St. Ensure the wall is maintained in good repair, free of defects that may allow the entry of water into the wall and maintained in a structurally sound condition at all times.

A similar Order was issued to the property owner(s) of 5 Gordon St. Each property owner is responsible to make sufficient repairs to their portion of the shared common (stone rubble) wall and shall make arrangements agreeable to both property owners should access to the adjacent property be required for said repairs. Cooperation from both property owners is necessary to ensure that the repairs are completed in a satisfactory time and manner.

This was issued on December 14, 2016 with a compliance date of February 1, 2017.

An inspection was completed and the stone rubble wall remains in the same state.

**The chair (J. Hebden) asked the Deputy City Solicitor if he had anything further to add.**

J. Aitkens – I have nothing further from the February 22, 2017 appeal to add. What has been confirmed is that the small claims court ruled that the two owners are tenants in common of the wall. On Page 4 paragraph 3, of the submitted material, "I find that the Plaintiff and the defendant are tenants in common for the wall. I agree with the decision

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Jones V. Pritchard [1907] 1 Chancery, Ch. P. 680 where Parker J. states at page 640 that the burden should be the same on both owners to a party wall by "making each party responsible for his moiety of the wall" and not for keeping up his neighbour's side of the wall." The small claims court does have jurisdiction to deal with these matters so your decision should be consistent with the small claims court.

**The chair (J. Hebden) asked the committee for questions for the City:**

D. Smith – How high is the cement foundation?

J. Lapier – 4 feet in height

K. Lammer – Is the property line running through the concrete slab or adjacent

J. Lapier – The property line runs through the concrete wall and is along the front face of the brick wall.

K. Lammer – For clarification the common wall is the section of rubble wall. So the stone is on both properties and the red brick was is on 15-17 Gordon?

J. Lapier – Yes, that is correct.

K. Lammer – The decision from the small claims court is for the rubble wall, but the brick wall is on the side of 15-17 Gordon?

J. Lapier – Yes

J. Aitkens – The small claims court decision was that it was a common party wall and that both parties are to maintain their sides of the wall.

**Chair (J. Hebden) asked the appellants to present their case:**

Mr. Murphy - The slab that was poured in 2003 and Mr. Carere got permission to pour the concrete slab to protect his part. The concrete wall is on 5 Gordon and the red brick wall is on 15-17 Gordon. The party wall goes about 90 feet back. The problem is at the end of the concrete wall where the water comes down in between and it is unknown where that drainage goes since the condo was built.

Mr. Carere – Pictures shown of the wall.

**The chair (J. Hebden) asked the committee for questions for the Appellants:**

K. Lammer – What are you asking for from the Committee?

Mr. Murphy - We are suggesting to the committee that Mr. Carere is responsible for the wall from the end of the party wall to the back of the building (the red brick wall)

Mr. Carere – Prior to the construction of 5 Gordon there were no cracks in the wall (pictures shown) 20 inch holes were drilled to support my building, and the drainage was cut off and not re-connected to the storm drain. The foundation has been exposed more than it originally was. Really the whole wall needs to be addressed

Mr. Murphy – Prior to the condo corp. They tried to sever off 8-10 feet beside Mr.

	<p>Carere’s property.</p> <p>K. Lammer – With reference to number two in the order, the red brick wall, you are not disputing that?</p> <p>Mr. Murphy – Correct</p> <p>Mr. Carere – I will make some repairs, but it is believed that a lot of the problems are from the construction at 5 Gordon St. Yes, some repairs will be done, but the drainage needs to be addressed, perhaps by the site plan with the city</p> <p>J. Hebden - The drainage is not part of the order tonight.</p> <p><b>The chair (J. Hebden) asked for any more questions from the committee to any of the parties:</b></p> <p>J. Hebden - In regards to number one on the order, what are you asking for from the committee?</p> <p>Mr. Carere – I have no liability or responsibility to the wall on their property, the concrete slab.</p> <p>Mr. Murphy - This started in 2003, 2007, 2009 and now. The previous owners refused to agree that it was a party wall.</p> <p><b>The chair (J. Hebden) asks if any of the attendees would like to express any views</b></p> <p>None</p> <p><b>The chair (J. Hebden) closed the meeting and let the attendees know they were welcome to stay while the committee deliberated and reached a decision.</b></p>
<p><b>4</b></p>	<p><b>DECISION PSC 17-001</b></p> <p>Motion by J. Hebden and seconded by D. Smith, this decision was unanimous</p> <p>In the matter of the Appeal of the Order issued by the Property Standards Officer on December 14, 2016 regarding 15-17 Gordon Street AND 7-11 NOTTINGHAM ST PLAN 8 PT LOT 178 ROW, it is the decision of the Committee that Order 16-6457 CM be confirmed as written and the compliance date extended to September 30, 2017.</p>
<p><b>5</b></p>	<p><b>DECISION PSC 17-002</b></p> <p>Motion by J. Hebden and seconded by D. Smith, this decision was unanimous</p> <p>In the matter of the Appeal of the Order issued by the Property Standards Officer on December 14, 2016 regarding 5 Gordon Street, being PLAN 8 LOT 194 PT LOT 178 SUBJ TO ROW, it is the decision of the Committee that Order 16-8768 CM be confirmed as written and the compliance date extended to September 30, 2017.</p>

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<b>6</b>	<b>Approval of Minutes:</b> Moved by K. Lammer and seconded by D. Smith to approve minutes from February 22, 2017.
<b>7</b>	<b>Meeting adjourned at 8:45 pm by motion of K. Lammer and seconded by D. Smith</b>