

MEETING MINUTES



MEETING	Property Standards Committee Meeting	
DATE	April 4, 2016	
LOCATION	Committee Room C	
TIME	7:00 PM	
PRESENT	Committee members	Douglas Smith, Ryan Gibson, Bob Foster, Jon Hebden, Katharine Lammer
	Supervisor Bylaw Compliance, Security and Licensing	Randy Berg
	Property Standards Inspector	Jason Lapier
	Secretary-Property Standards Committee	Rebecca Smith
	PSC-16-001 Appellant:	Thomas Smith, Brittany Smit

DISCUSSION ITEMS

ITEM #	DESCRIPTION
1	<p>Appointment of Chair Person:</p> <p>R. Gibson appointed Chairperson</p>
2	<p>Disclosure of Pecuniary Interest:</p> <p>There were no declarations of pecuniary interest.</p>
3	<p>PSC 16-001 – 14 Jane St</p> <p>Meeting called to order at 7:00PM</p> <p>Introductions of the Committee, City Staff and the appellant of PSC-16-001 were made</p> <p>Chair (R. Gibson) asked City to present its case.</p> <p><u>Background:</u></p> <p>J. Lapier - Inspection of 14 Jane Street completed January 25, 2016. On the street level is a kitchen; in the basement is the living room and bedroom. All windows were measured with an approximate unobstructed opening of 17.5" x 19.5" The sashes in the windows could not be removed easily/at all and window wells for the bedroom windows had metal grates secured over them and all window wells were approximately 10.5" - 12" wide. The window in the second bedroom appeared to be lacking weather stripping creating an opening between sashes, allowing for air flow. All windows in basement were missing locking hardware. As the result of that inspection the order before you was issued. The minimum area for an egress or unobstructed window in the bylaw is 0.35 square metres (3.8 square feet) and they measured approximately 0.22 square meters (2.4 square feet). The window well clearance was also inaccurate for the unobstructed access.</p> <p>The order was issued to Thomas Noel Smith and Dorothy Smith at 14 Jane Street to</p>

provide or install an egress window or an exterior door having a minimum openable area of 0.35 square metres (3.8 square feet) and a minimum dimension of 0.38 metres (15 inches) in the basement. Enlarge the current window well clearance area to a minimum 0.55 metres (21.6 inches) in accordance with the attached egress window details. Recommended that the sill height would need to comply.

Also a note that a larger egress window is/may be required for an accessory apartment.

Sleeping shall **NOT** occur in the basement until the work in this order is complete.

The work required in this order is for interim safety measures only and does not constitute any approvals as they relate to the City of Guelph Zoning By-law or the Ontario Building Code or the Ontario Fire Code. Compliance with the City of Guelph Zoning By-law, the Ontario Building Code and / or the Ontario Fire Code is required.

A building permit may be required for the installation of the egress window.

This was issued on January 29, 2016 with a compliance date of February 19, 2016

Note that the original order had the incorrect legal description, which was updated and resent to the owner.

The chair (RG) asked the committee for questions for the City:

D. Smith - Is the living room upstairs or downstairs?

J. Lapier – The only room in this dwelling on the main level is the kitchen.

D. Smith – What would the requirements be using the Building Code and Fire code?

J. Lapier – Two unit registrations, depending on how it is zoned will allow one size window while accessory apartments require an escape window. The Property Standards Bylaw requires 0.35 square metres (3.8 square feet) on the two windows

B. Foster – When were you called to this place and why?

J. Lapier – Called on January 27, 2016 for the egress windows. The tenant called zoning and asked for an inspection of the apartment and while they were there, there were a number of concerns the zoning inspector noted and passed it along to Property Standards.

B. Foster – What was the tenant complaining about? Not specifically the windows?

J. Lapier – There were there for a number of concerns. When zoning, building or property standards goes into an apartment there is a list of things they are long for.

B. Foster – Is there an indication from zoning on approving a basement apartment like this?

J. Lapier – That would need to be discussed with Zoning. My understanding is that there are items that could be completed to change it into an apartment or it could be reverted back to a single dwelling by removing some features.

B. Foster – So they could take the window out and change it to an awning type window,

swinging in that would be acceptable?

J. Lapier – As long as it meets the square footage, currently it is 2.4 square feet and it needs to be 3.8 square feet.

B. Foster – So the window well doesn't need to be changed much for an awning.

J. Lapier – Referred to Egress Handout. If the window swings out than you would refer to the window on the right and if it swings in it would be the window on the left. When they apply for building permit, depending on style they choose there will be conditions on the permit.

J. Hebden - So you said there were 4 windows two with grates two without, is it just one that need to provide egress?

J. Lapier - They only need to provide one.

J. Hebden - What is the typical time frame that is given when bylaw goes, how long do the homeowner have to fix the issue, is three weeks typical?

J. Lapier - That is the minimum time frame we give them.

B. Foster – Is that a practical timeline in January, with frozen ground?

J. Lapier – As long as no one is sleeping in there you don't have to have a window.

B. Foster – So all you have to do is advise the owner not to have anyone sleep down there?

J. Lapier – It was included on the order.

B. Foster – Could you have a notice outside of the order to deal specifically with not sleeping downstairs?

R. Berg – Depending on the situation a secondary letter will be issued with those kinds of details. I'm not sure if that was the case for this or if there was a request for extension.

J. Lapier – There were many conversations with Mr. Smith but once an order is issued I cannot extend the timeline, but our policy has been if there are safety issues to go straight to an order.

Chair (R. Gibson) asked the appellants to present their case:

B. Smit –

- Received all the documentation from the City and not disagree with anything that is being said, the problem is that the tenants in the unit have not allowed entrance to the unit to complete work.
- Filed with the landlord tenant board and had a hearing today. The landlord tenant board said they are not able to help until we get the necessary work complete as issued by the City.
- Looking to stop renting the unit out and are in the process of trying to get the tenant evicted.

- Understand the order and what needs to be done in the unit, but at this time working to get the tenants out of the unit and then revert it back to a single dwelling.
- Spoken with Jason and Bruce Aubrey, the zoning inspector and have the list of items that need to be complete.
- Don't have access to the unit to get the necessary work completed and agree that the unit is not safe to sleep in and have notified the tenants, but they are refusing not to sleep down there.

The chair (R. Gibson) asked the committee for questions for the Appellants:

R. Gibson – At the Landlord tenant hearing was it adjourned to a future date to work on some other issues or what was it about?

T. Smith – The hearing was originally scheduled for unpaid rent, to get them out and then complete the necessary work.

T- Smith – I've owned the house since 1968 and always rented it. There are two wired in smoke detectors and fire extinguishers. I did not even know about the window until the tenants complained about the subpump, doors, heating. Issues get addressed as they can, feels they are complaining to get out of paying rent.

R. Gibson – Is there a future date before the landlord tenant board or was everything dismissed today?

T- Smith – It was dismissed for now until we see what happened here.

B. Foster – I know there is a process for taking over possession of the building from them for renovations, have you pursued that?

B. Smit – We have just looked at that process today as a next step.

K. Lammer – What's the timeline on that?

B. Smit – It's issued for 120 days after we hand the notice to the tenants. If they do not leave after that time we would still have to go to the landlord board to have an order issued to have them evicted. Our priority is to get the tenants out of the unit and for the safety of him (Mr. Smith)

B. Smit – Since we were given the order stating that there is no one to sleep in the unit, is there something bylaw can do issuing the tenants cannot be in there?

R. Berg- The order for evicting tenants does not come from the municipality side. There are other avenues under the Residential Tenancy Act taking possession for emergency work. Our main concern is that no one can sleep in the basement and the only other place to sleep is in the kitchen which is also against the bylaw, so they need to make alternative arrangements.

D. Smith – Can you give this notice to the tenants to not sleep in the unit?

R. Berg - We do not have the official authority to enforce them not sleeping in the basement.

R. Gibson – That seems like the same issue the Committee has we can issue orders with respects to the owner, but we don't have any powers with respect to issuing orders to the tenants.

B. Foster – It seems as if there are two orders here one under the Property Standards bylaw, and one as an emergency order and if we expect the owner to use the emergency order under the tenants act maybe we should be leading with and emergency order so they can take that to the court.

J. Lapier – This is a safety concern not an emergency order, for an emergency it has to be imminent or occurring.

R. Berg - This would be emergency work that needs to be completed under the order. We would support any application that was made by the owner to the residential tenancy board.

B. Foster – I think what we are being asked is to confirm the order so the owners can take it to the residential tenancy board to start the process.

K. Lammer – I think that's what you want, but we don't have the authority to act over the landlord tenant board, so all that we can do to help you is extend the date, because if we don't extend the date that puts you into court.

D. Smith – If it becomes an emergency order does that mean that the tenants need to be put up in a hotel?

K. Lammer – It sounds like there are a lot of options, and the longest would be to return it to a single dwelling. If we are hearing what you are saying you need an extension on this order to file with the landlord tenant board, is that what you are asking?

R. Berg – Have the tenants been notified in writing that they are not to sleep in the basement?

T. Smith – Yes

J. Lapier – I have explained to them that they are not to sleep in the unit either.

B. Foster – Would you be able to provide in writing to the City that you are planning on evicting that tenants and converting it back to a single unit?

T. Smith – Yes

R. Gibson – If we confirm the order and extended the timeline for compliance it may not assist you because you will want to go to the landlord tenant board and say we've got to comply with this order, if there is an extension it may delay things with the landlord tenant board.

B. Smit – Is the City able to provide a letter stating we've come to an agreement to demolish the rental unit and return it to a single dwelling? That way we can bring that to the board and show that there is an agreement with the City and this is what everyone has agreed upon and we need the tenants out

R. Gibson – That is beyond the powers of this Committee. We can confirm the order and

state that sleeping shall not occur in the unit the work is complete. The intention is not to have that as a unit anymore so that may be sufficient in the landlord tenant board.

B. Foster – There is no expectation that they are going to be able to get these people out, which is the problem.

B. Smith – If we don't meet the timeline because we can't get the tenants out what would happen?

R. Berg – If you don't meet the date agreed upon then you would be in violation of the bylaw and there would be a decision made upon the offence.

B. Foster – In our ruling if we put in some timeline such as extend the order, but part of the extension is that they file with the landlord tenant act then that gives them time to get the tenants. We could meet after the 120 days and find out what happened at the board and decide from that what happens. I don't think that this is a life safety situation if people have been living down there for 40 years.

D. Smith – Who is liable is an accident occurs?

B. Foster – I think it's the owner, not the City and the tenant if they are fully aware they are not to be sleeping there.

D. Smith – If the time has passed then for sure would they be fined?

R. Berg- It gives the City the opportunity to fine, but they don't necessary need to.

R. Berg – In your authority as a Property Standards Committee that you cannot force the owners to go to the landlord tenant board to ask for an extension. Your authorities do extend to checking in at different points to see where they are at.

D. Smith – What is the timeline you are working on?

B. Smit – As soon as we are able to get them out we can begin work. If the tenants get out does that mean it is a single family dwelling?

K. Lammer – That is not something the Committee can speak to, we can only speak to items from the order and how much time is needed to meet these.

J. Lapier – If you were to remove the apartment and change it to a single family dwelling I would need to complete a re-inspection.

B. Smit – Once the tenants have left the unit the changes can be made and then we can have Jason or an Inspector in to re-inspect

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 stay while the committee deliberated and reached a decision.

4	<p>DECISION PSC 16-001</p> <p>This decision was unanimous</p> <p>In the matter of an Appeal of an Order issued by the Property Standards Officer on January 29, 2016 regarding 14 Jane Street, being PLAN 236 PT LOT 14 PT LOT 15, it is the decision of the Committee that the Order 16-235 CP is deferred until September 12, 2016 at which time the appellant will bring forward proof of the steps taken to comply with the order dated January 29, 2016.</p>
5	<p>Meeting adjourned at 8:20 pm by motion of K. Lammer and seconded by R. Gibson</p>