

MEETING MINUTES



MEETING	Property Standards Committee Meeting	
DATE	September 26, 2018	
LOCATION	Committee Room C	
TIME	7:00 PM	
PRESENT	Committee members	Jon Hebden, Katharine Lammer, Bob Foster
	Manager Bylaw Compliance, Security and Licensing	David Wiedrick
	Property Standards Inspector	Stephen Jamieson
	Secretary-Property Standards Committee	Rebecca Smith
	PSC-18-004 Appellant:	James Hayston and Sandra Huish

DISCUSSION ITEMS

ITEM #	DESCRIPTION
1	<p>Appointment of Chair Person:</p> <p>K. Lammer appointed Chairperson</p>
2	<p>Disclosure of Pecuniary Interest:</p> <p>There were no declarations of pecuniary interest.</p>
3	<p>PSC 18-004 – 44 Terry Blvd</p> <p>Meeting called to order at 6:59 pm</p> <p>Introductions of the Committee, City Staff and the appellant of PSC-18-004 were made</p> <p>Chair (K. Lammer) asked City to present its case.</p> <p><u>Background:</u></p> <p>S. Jamieson – Attended June 16, 2017 and noted the following items:</p> <ul style="list-style-type: none"> ▪ Retaining wall constructed of wood ties and concrete rubble around 6 feet in height ▪ Wood ties rotted; rubble concrete pieces appear partially collapsed ▪ Area of ground above and behind wall showing signs of erosion and collapse and voids in ground ▪ Appears to be movement of the stone along the base of the wall ▪ Metal stakes pointing out from the face of the wall. ▪ City culvert on the property to side of wall <p>Multiple inspections were completed with other staff attending to assist in measuring and determining ownership of the wall. Worked with the homeowner to establish a time line for wall repairs. A notice was issued July 27, 2017 with extensions granted to allow</p>

for time to complete the project

As the result of no work being completed, an Order was issued to:

1. Replace or reconstruct this wall to ensure it performs effectively as a retaining wall, it should be safe and conform with current building practices.

This was issued on July 4, 2018 with a compliance date of October 4, 2018.

Inspector worked with the appellant for 18 months with no results, and to date no repairs have been completed.

The chair (K. Lammer) asked the committee for questions for the City:

B. Foster – Is the adjacent property private property?

S. Jamieson – Yes, they are private properties.

B. Foster – Have measurements of the wall been taken?

S. Jamieson – Yes, measurements were taken and the wall was deemed to be entirely on 44 Terry Blvd.

K. Lammer – Does 44 Terry Blvd have access to this wall?

S. Jamieson – Generally that is a civil matter. At the time of inspections I did have verbal consent from the neighbour that the owner at 44 Terry Blvd could go on their property to access the wall.

K. Lammer – Do you have a survey of the property?

S. Jamieson - The City does not have a survey, a member from our engineering department came to complete measurements to ensure the wall was all on 44 Terry Blvd.

B. Foster – Does the retaining wall run adjacent any other properties?

S. Jamieson – No, this is the only property it runs adjacent to.

B. Foster – The wall certainly looks crooked.

S. Jamieson – There has been significant movement of the wall.

J. Hebden – Since the retaining wall was added after the house was built would a slope still be permitted?

S. Jamieson – Yes, a slope would be permitted.

K. Lammer – Would you need a permit to rebuild the wall?

S. Jamieson – Based on the type of wall constructed the owner may be required to obtain a permit, they would need to check with Building to determine.

K. Lammer – You did not check to see if a permit would be required?

S. Jamieson – I did not check, no.

B. Foster – If the wall was over 4 feet a permit would be required.

K. Lammer – Is this wall over 4 feet?

S. Jamieson – Yes.

K. Lammer – Was the wall originally constructed by the owners of 44 Terry Blvd?

S. Jamieson – The wall would only serve as a purpose for the owners on Terry Blvd.

K. Lammer – Is there any history on the wall and who built it?

S. Jamieson – I spoke with the owners at 265 Stevenson and they said they did not build it.

K. Lammer – So because we do not know for sure the construction of the wall and it has been deemed to be all on 44 Terry Blvd a notice was only issued to the one owner.

Chair (K. Lammer) asked the appellants to present their case:

S. Huish – We have been told there was no survey for our property ever completed, however Greg Bernardi provided a drawing of what the property looks like including the City easement. We purchased the property in 2009 and learned about the easements on the property, which the City visited two months after the property was purchased. We have been in an ongoing battle with the previous owner and City over the easement.

Photos of the wall from 2014 and 2018 were shown to the committee. The metal bars are part of the structure of the wall and there are no pins on the property to show the lot lines. The pictures were shown to demonstrate and compare the stability and angles of the wall. The pictures show that other than one place at the bottom of the wall, the wall remains unchanged.

K. Lammer – Mr. Jamieson have you seen these pictures from 2014?

S. Jamieson – No.

K. Lammer – Please feel free to come take a look.

The chair (K. Lammer) asked the committee for questions for the Appellants:

B. Foster – Is there joint ownership of the wall?

S. Huish – We have drawings of the construction of the home and easement from our lawyer and we cannot build on the property line.

B. Foster – Originally the area was a slope, which was approved by the City and since then someone has added the retaining wall.

S. Huish – To restore the slope we would have to go back 25 feet, which would be

almost to the house. We have correspondence with the City to indicate their tone during discussions.

J. Hayston – We have been constantly looking for contractors to complete the work, but have found it hard to get people out to the location to take a look. Also the timeframe given has been difficult, especially when extensions were given into the winter, not when construction can take place. As this is a major job and we are looking for a specific style of wall it has been difficult to confirm a contractor.

S. Huish – We also paid to have our own survey of the property completed (survey provided to committee).

K. Lammer – What are you asking the committee for?

S. Huish – As there are other ownership questions about the wall and the sewer connected to the wall, we got quotes and have had four contractors come out to the location. We are looking at Gambian baskets (quotes shown to committee). We are doing what we can.

K. Lammer – Did you see a lawyer about the legal documents and the easement?

S. Huish – The land survey came from the lawyer, but these concerns were not shown on that survey. The property was in this condition when we bought it.

K. Lammer – We have an Order in front of us that we can confirm, rescind or modify.

S. Huish – We would like the Order rescinded.

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

B. Foster – How did you arrive at the site in the first place Mr. Jamieson?

S. Jamieson – There was a complaint.

B. Foster- Was it from the neighbour?

S. Jamieson – I cannot say.

B. Foster – The survey from the property owner shows the retaining wall on both properties, would you look at this as new evidence?

S. Jamieson – Traditionally we look at the property and all information available to us.

B. Foster – Could we rescind the order and you issue a new order to both owners?

S. Jamieson – We could look at the need to repair from both properties.

K. Lammer – The wall does not appear to have moved in four years. It sounds like the owners do not want to fix it as it has not moved.

S. Jamieson – In absence of the owners repairing the wall, they could have an engineering assessment to indicate the wall is stable.

	<p>S. Huish – The City came out with an engineer.</p> <p>S. Jamieson – Mario Martinez came to address the wall measurements, he is not a structural engineer.</p> <p>B. Foster – The retaining wall is leaning back, which is the way it would have been built.</p> <p>J. Hebden – There is a brick laying on the ground by the wall that appears to be manually removed from the wall.</p> <p>The chair (K. Lammer) 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 18-004</p> <p>Motion by K. Lammer carried unanimously.</p> <p>K. Lammer – Based on the 2014 and 2018 photos, the lack of a structural engineers report and the City not having access to the survey the following decision has been made.</p> <p>In the matter of the Appeal of the Order of the Property Standards Officer issued on July 4, 2018 regarding 44 Terry Boulevard, being PLAN 669 LOT 4, it is the decision of the Committee that the Order 17-003885 CM be rescinded.</p> <p>D. Wiedrick – So the safety surrounding the steel bars sticking out from the wall does not need to be addressed?</p> <p>K. Lammer – The City can complete more work with regards to ownership of the wall and issue a new order if necessary.</p> <p>S. Huish – When the bylaw gets reviewed, would our property be subject to the bylaw again?</p> <p>K. Lammer – The City may re-examine the wall with new information and re-issue a notice or Order.</p> <p>S. Jamieson – Does the angle of the steel rod not indicate movement and pose a safety concern?</p> <p>J. Hayston – If the rod was cut back would that be fine?</p> <p>K. Lammer – If you provided a structural engineers report to say the wall is stable it may satisfy.</p> <p>S. Jamieson – So the project is not moving forward?</p> <p>B. Foster – You may re-examine the file and re-issue a notice.</p> <p>S. Huish – Is the sewer ok?</p> <p>K. Lammer – We are only able to address the Order that was in front of us tonight</p>

5	Approval of Minutes: Motion by J. Hebden and seconded by B. Foster approve minutes from March 21, 2018
6	Meeting adjourned at 8:11 pm