



Town of
Whitchurch-Stouffville

MINUTES OF THE APPEALS COMMITTEE
Sitting as the Property Standards Committee

APPEAL OF A PROPERTY STANDARDS ORDER TO COMPLY IN ACCORDANCE WITH THE BUILDING CODE ACT, 1992 AS AMENDED, AND BY-LAW #98-176-RE AS AMENDED

HEARD ON THE 12th DAY OF NOVEMBER, 2012 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, TOWN OF WHITCHURCH-STOUFFVILLE MUNICIPAL OFFICES, 111 SANDIFORD DRIVE, STOUFFVILLE, ONTARIO L4A 0Z8.

Appellant: Ms Rivi Joel on behalf of Mr. Katzman and Savex Drug Mart

Property: 6272-6274 Main Street, Stouffville, ON L4A 1G7

Members in attendance: Shaen Armstrong (**Chair**), Carin Bacher, Thomas Glassford, Erik Gordon, Thomas E. Winters

Secretary: Gillian Angus-Traill

Investigating Officers: Officer Linda Mainprize, Fire Prevention/Public Education
Officer Jennifer Cooper

**Town Staff
in attendance:** Karen Ewart

Prior Chair, Thomas Glassford called the meeting to order and requested the committee nominate a Chair and Recording Secretary for this meeting:

MOVED by Thomas E. Winters
SECONDED by Carin Bacher

THAT Shaen Armstrong be nominated to Chair the committee for this meeting.

CARRIED

MOVED by Shaen Armstrong
SECONDED by Thomas E. Winters

THAT Gillian Angus-Traill be nominated as Recording Secretary for this meeting.

CARRIED

MOVED by Carin Bacher
SECONDED by Thomas Glassford

THAT the September 19, 2012 Appeals Committee minutes be adopted as circulated.

CARRIED

The Chair, Shaen Armstrong, introduced the Appeals Committee members, sitting as the Property Standards Committee.

The Chair gave an explanation of the process to be followed with respect to this appeal of the Order to Comply issued by the Town of Whitchurch-Stouffville on September 17, 2012 to Neil Katzman, 6272-6274 Main Street, Stouffville, ON L4A 1G7.

The Chair clarified that the committee may confirm, modify or rescind the Order.

Presentation of the Investigating Officers

Property Standard Officer Mainprize explained the process leading up to this appeal:

An "Order to Comply" dated September 17, 2012 was issued to Neil Katzman, 6272-6274 Main Street, Stouffville, ON L4A 1G7 under Property Standards, By-law 98-176-RE as amended, with the authority from the Building Code Act with respect to the standards and maintenance for all properties. Ms Rivi Joel, on behalf of Mr. Katzman and Savex Drug Mart, submitted a request, received by the Town on October 3, 2012, to appeal the Order. A meeting was arranged with the Appeals Committee to sit as the Property Standards Committee for a meeting November 12, 2012 at 7:00 p.m. and notice was given.

Officers Mainprize reviewed the documentation provided to the committee.

Questions from committee

The committee asked questions and requested clarification from Officer Mainprize.

The property is compliant with zoning.

The property consists of a commercial unit, a basement, 3 residential apartments above the store and 2 additional residential apartments accessed from Commercial Street.

Officers Mainprize entered the unit described as east of # 42, known to the owner as unit 4. It was confirmed that all in attendance understood which unit is in question.

Fire Prevention/Public Education Officer Jennifer Cooper also entered the unit and has previously been into all of the units in response to fire concerns.

It was confirmed that any Fire Department concerns are not relevant to the appeal this evening, and will not be recorded in the minutes, as the appeal pertains solely to the Property Standards Order to Comply.

Access to the units by the Electrical Safety Authority (ESA) and the Health Department was confirmed by Ms Rivi Joel later in the meeting.

Officers Mainprize followed up with the Children's Aid Society (CAS) following the visit due to issues of smell, mould and safety, no follow up information was available.

A Property Standards Notice was issued July 12, 2012 giving the owner the opportunity to rectify deficiencies prior to an order being issued. The owner said poor health prohibited him from correcting the deficiencies. It was confirmed that a copy of the Notice was hand delivered to the store manager on property and that Officers Mainprize spoke with the owner over the telephone regarding the notice.

The property does not fall under the Second Suites by-law requirements.

Presentation of the Appellant

Ms Rivi Joel on behalf of Mr. Katzman and Savex Drug Mart presented the following documents to the committee:

- Letter from York Region dated November 5, 2012
- ESA General Inspection Defect Notice dated August 13, 2012
- ESA Certificate of Inspection dated November 12, 2012
- Notice to End Tenancy Early for Non-payment of Rent dated June 17, 2012

In the summer of 2010 a car drove into the building, the appellant believes the problems are a direct result of this incident.

On receipt of order to comply they arranged for ESA. Inspection completed and paid for, hired contractor.

Clarified that Peter is the building superintendent on site and is not related to Mr. Katzman.

Ms Rivi believes all defects are rectified and ESA approved.

Ms Rivi believes the Health Department did not have a concern regarding the apartment.

Concerns identified in getting access to the apartment relating to the order for repairs to be completed.

The brick has all been repaired, window panes fixed, grass & weeds cut and removed and ESA & Health inspections complete.

Mr. Katzman addressed the committee identifying his concerns re the car incident and the neglect of the tenants in the unit.

Mr. Katzman believes there are no health concerns, the water works and any damage is not due to his neglect. A Notice to end tenancy has been served on the current tenants.

Mr. Katzman also stated that there has been \$14,000 in electrical work and \$15-20K invested into a fire alarm system.

Questions from committee

The committee asked questions and requested clarification from Ms Rivi and Mr. Katzman.

The Public Health inspection was none invasive, did not open walls & ceilings, mould not visible.

By-law officer challenged that the mould had been mudded over by owner.

ESA report did not include store & basement.

Ms Rivi was on the property at the end of August, Mr. Katzman last Friday.

By-law clarified that they need access to all units.

Ms Rivi clarified that the tenants have been residents in the unit for less than a year.

The committee challenged how so much damage could be done in less than a year.

The property was purchased in the 70's for conveyance of \$2, purchase of \$150,000.

Clarification still required if inspection reports are for commercial or residential units?

Knob & tube wiring has been removed.

Both Ms Rivi and Mr. Katzman confirmed that they believe the property has been brought up to standard.

Mr. Katzman confirmed that the Savex is open for business in the front of the store for lottery tickets.

Members of the public

No comments were received from members of the public.

The committee deliberated the order in public session.

DECISION

The appellant was in attendance for the decision and a copy of the decision was subsequently served to the appellant on November 15, 2012 via fax and November 16, 2012 via registered mail.

The Order to Comply was confirmed and upheld with the following comments:

Based on evidence presented by the Town of Whitchurch-Stouffville and the appellant, the Appeals Committee, sitting as the Property Standards Committee made the following recommendation:

By-law to gain access to full building, Commercial, 5 Residential and Basement to ensure "Order to Comply" has been met to be completed by November 19, 2012.

Provided further to this, on or before November 30, 2012 a full inspection and supporting written reports to be done on the Commercial, 5 Residential and Basement portion of the building by the following department/authorities:

1. *Fire Department*
2. *Health Department*
3. *ESA*
4. *By-law Department*
5. *Building Department, structural engineer if deemed necessary*

If existing complete reports exist, they are to be provided to By-law for their agreement standards have been met. All reports to be sent to By-law.

Adjournment

MOVED by Thomas Glassford
SECONDED by Carin Bacher

THAT the hearing be adjourned at 9:35 p.m.

CARRIED