

Property Standards Appeal Committee Minutes
December 12, 2019 – 3:00 PM
Committee Room One
Whitby Town Hall

Present: G. Konorowski, Member
O. Marques, Member
F. Mielewczyk, Chair

Also Present: A. Gratton, Staff Liaison, Manager of Enforcement Services
T. Barnes, Municipal Law Enforcement Officer, Enforcement Services
B. Booth, Municipal Law Enforcement Officer, Enforcement Services
F. Sutton, Municipal Law Enforcement Officer, Enforcement Services
H. Oerlemans, Council & Committee Coordinator (Recording Secretary)

Regrets: M. Elghazouly, Member
S. O'Dwyer, Member

1. Call to Order

1.1 The meeting was called to order at 3:00 p.m.

2. Disclosures of Interest

2.1 There were no disclosures of interest.

Andre Gratton, Manager of Enforcement Services, addressed the Committee and appellants and outlined the powers of the Property Standards Officer. A. Gratton explained that the Committee has all of the powers of the Property Standards Officer and may confirm, rescind, or modify the Order.

3. Appeal Hearing

3.1 Property Standards Order Appeal
24 Waring Avenue
Appeal No. PSA 19-02, File/Order # 19-103284

V. Mazzone-Ahou, the appellant, appeared before the Committee and provided an overview of the property and the grounds of the appeal.

Ms. Mazzone-Ahou advised that the arborist report requested by the Committee outlined a time period of five years required to reduce the height of the hedges to conform with by-law requirements without damaging the hedges. Ms. Mazzone-Ahou requested the Committee extend the compliance date of the order by five years.

The Committee excused the appellant, A. Gratton and B. Booth from the room at 3:06 p.m. and reviewed the matter. The appellant, A. Gratton and B. Booth returned to the meeting at 3:13 p.m.

Recommendation:

Moved By Glen Konorowski

1. That the Property Standards Order # 19-103284 for the property municipally known as 24 Waring Avenue be modified to extend the compliance date to October 1, 2024;
2. That the hedge be trimmed annually based on the amount determined by an arborist in order to maintain the health of the hedge; and,
3. That a Municipal Law Enforcement Officer annually inspect the property to ensure the hedge has been trimmed.

Carried

3.2 Property Standards Order Appeal
102B Lupin Drive
Appeal No. PSA 19-06, File/Order # 19-106005

A. Tariq, the appellant, appeared before the Committee and provided an overview of the property and the grounds of the appeal. Mr. Tariq advised that the parking lot referred to in the order was a common area and the maintenance of the parking lot was the responsibility of all plaza unit owners. Mr. Tariq further advised that all plaza unit owners had received a Property Standards Order and discussed the required repairs. He stated that the plaza unit owners agreed that more time was required to organize repaving the plaza parking lot. Mr. Tariq advised that the discussion was confirmed by the petition that was submitted along with his Intent to Appeal notice. The appellant requested that the Committee extend the compliance date of the order.

A question and answer period ensued between the Committee and the appellant regarding:

- how responsibility for the maintenance of the parking lot was determined; and,

- whether Mr. Tariq had the authority to represent all plaza unit owners at this Committee meeting.

Discussion ensued between the Committee and the appellant which confirmed that Mr. Tariq had not been given explicit consent to represent all plaza unit owners. Furthermore, the Committee determined that the signed petition was not sufficient evidence to confirm that Mr. Tariq was speaking on behalf of all plaza unit owners.

F. Tariq, appellant for the Property Standards Order #19-106006, 104 Lupin Drive, appeared as a witness and advised that all plaza unit owners were seeking an extension for compliance despite not having submitted an Intent to Appeal to the Office of the Town Clerk. Ms. Tariq further advised that she was in agreement with Mr. Tariq in the request for an extension on the compliance date of her order.

Tyler Barnes, Municipal Law Enforcement Officer, provided an overview of the Property Standards Order issued on September 20, 2019 and indicated that the northern section of the parking lot required immediate repair.

The Committee excused the appellant, A. Gratton and T. Barnes from the room at 3:24 p.m. and reviewed the matter. The appellant, A. Gratton and T. Barnes returned to the meeting at 3:41 p.m.

Recommendation:

Moved By Glen Konorowski

1. That the Property Standards Order Appeal #19-106005, for the property municipally known as 102B Lupin Drive, be deferred to the next scheduled Property Standards Appeal Committee meeting;
2. That the appellant submit a letter signed by each plaza unit owner confirming he is representing each plaza unit owner at the next meeting; and,
3. That the appellant include in the letter an extension date that is agreeable to all plaza unit owners.

Carried

- 3.3** Property Standards Order Appeal
104 Lupin Drive
Appeal No. PSA 19-07, File/Order # 19-106006

Recommendation:

Moved By Glen Konorowski

That the Property Standards Order # 19-106006 for the property municipally known as 104 Lupin Drive be deferred to the next scheduled Property Standards Appeal Committee meeting.

Carried

3.4 Property Standards Order Appeal
30 Vineyard Avenue
Appeal No. PSA 19-08, File/Order # 19-106395

R. Davidson and E. Arbeau, the appellants, appeared before the Committee and provided an overview of the property and the grounds of the appeal. R. Davidson requested that the Committee extend the compliance date of the order to mid/late spring 2020.

Fausta Sutton, Municipal Law Enforcement Officer, provided an overview of the Property Standards Order issued on September 30, 2019. F. Sutton provided details regarding the property and advised that the retaining wall and fence at the side of the home were in disrepair and that the roof required repair or replacement.

The Committee excused the appellants, A. Gratton and F. Sutton from the room at 3:52 p.m. and reviewed the matter. The appellants, A. Gratton and F. Sutton returned to the meeting at 3:55 p.m.

Recommendation:

Moved By Glen Konorowski

That the Property Standards Order # 19-106395 for the property municipally known as 30 Vineyard Avenue be extended to July 1, 2020.

Carried

3.5 Property Standards Order Appeal
2 Moonstone Drive
Appeal No. PSA 19-09, File/Order # 19-107289

B. Lambert, the appellant, appeared before the Committee and provided an overview of the property and the grounds of the appeal. Mr. Lambert advised that he had hired an engineering firm to secure the necessary

permits and complete the repairs. He further advised that repairs had been made and that he was working to identify the root cause of the damage to his home via a geo-technical survey of the soil. Mr. Lambert stated that once the cause of the damage was determined, appropriate corrective action and repairs would be taken to complete the work required on the home. Mr. Bernard requested that the Committee extend the compliance date of the order to allow time for the geo-technical survey to be completed.

F. Sutton, Municipal Law Enforcement Officer, provided an overview of the Property Standards Order issued on November 5, 2019 and confirmed that some of the work had been completed on the property.

A question and answer period ensued between the Committee and F. Sutton regarding whether the safety concerns had been addressed on the property.

The Committee excused the appellant, A. Gratton and F. Sutton from the room at 4:03 p.m. and reviewed the matter. The appellant, A. Gratton and F. Sutton returned to the meeting at 4:07 p.m.

Recommendation:

Moved By Glen Konorowski

1. That the Property Standards Order # 19-107289 for the property municipally known as 2 Moonstone Drive be extended to July 1, 2020;
2. That the property owner maintain contact with Enforcement Services to provide information regarding ongoing repairs once the geo-technical survey is complete; and,
3. That the property owner provide an updated timeline of repairs to Enforcement Services.

Carried

4. Adjournment

4.1 Motion to Adjourn

Recommendation:

Moved By Olga Marques

That the meeting adjourn.

Carried

The meeting adjourned at 4:10 p.m.

Secretary, Property Standards Appeal
Committee