

Property Standards Appeal Committee Minutes
August 21, 2019 – 3:00 PM
Committee Room One
Whitby Town Hall

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

Also Present: A. Gratton, Staff Liaison, Manager of Enforcement Services
N. Newman, Municipal Law Enforcement Officer, By-law Services
H. Oerlemans, Council & Committee Coordinator (Recording Secretary)

Regrets: M. Elghazouly, Member
B. Booth, Municipal Law Enforcement Officer, By-law Services

1. Call to Order

1.1 The meeting was called to order at 3:17 p.m.

There were no members of the public present.

2. Appointment of Chair

2.1 The Committee was advised that the appointment for the Chair of the Property Standards Appeal Committee would take place at this time.

The Committee was advised that the appointment for the Chair of the Property Standards Appeal Committee would take place at this time.

Andre Gratton called for nominations for the position of Chair of the Property Standards Appeal Committee.

Sean O'Dwyer nominated Frank Mielewczyk for the position of Chair of the Property Standards Appeal Committee.

Frank Mielewczyk accepted the nomination.

There were no further nominations and the nominations were closed.

Recommendation:

Moved By Sean O'Dwyer

That Frank Mielewczyk be appointed Chair of the Property Standards Appeal Committee for a term ending on December 31, 2019.

Carried

Frank Mielewczyk assumed the Chair.

3. Disclosures of Interest

3.1 There were no disclosures of interest.

It was the consensus of the Committee to hear Item 4.b), Property Standards Order Appeal for 24 Waring Avenue, at this time.

4. Appeal Hearing

a) Property Standards Order Appeal
513 Peel Street
Appeal # PSA 19-01, File # L90
File/Order # 19-102131

Andre Gratton, Manager of Enforcement Services, addressed the Committee and outlined the powers of the Property Standards Officer. He explained that the Committee has all of the powers of the Property Standards Officer and may confirm the Order, modify or rescind it, or extend the compliance date of the Order.

Nick Newman, Municipal Law Enforcement Officer, provided an overview of the Property Standards Order issued on May 9, 2019 which included the removal of wood debris, disused furniture, debris, and building materials and tools being stored outside the property. He advised that he visited the property on March 20, 2019, prior to issuing the Order, and that the appellant requested 90 days to remove the debris on the property. On May 7, 2019, N. Newman returned to inspect the property and noted that some items were removed but the majority of the items remained. The Order was then issued on May 9, 2019. N. Newman distributed photos to the Committee which included images taken on August 20, 2019 to show the current condition of the property.

Discussion ensued between the Committee and N. Newman regarding the percentage of debris that the appellant has removed.

Elizabeth Langerak, the appellant, appeared before the Committee and

provided an overview of the current state of the property. The appellant requested an extension of the Order to the end of October 2019 in order to complete the clean up of the property. The Committee excused the appellant, A. Gratton and N. Newman from the room at 4:17 p.m. and reviewed the matter. The appellant, A. Gratton and N. Newman returned to the meeting at 4:24 p.m.

Recommendation:

Moved By Frank Mielewczyk

Committee Decision - Resolution PSA 19-01

That Property Standards Order # 19-102131 for the property municipally known as 513 Peel Street be extended to October 16, 2019.

Carried

- b) Property Standards Order Appeal
24 Waring Avenue
Appeal # PSA 19-02, File # L90
File/Order # 19-103284

Andre Gratton, Manager of Enforcement Services, outlined the powers of the Property Standards Appeal Committee. He explained that the Committee has all the powers of the Property Standards Officer and may confirm the Order, modify or rescind it, or extend the compliance date of the Order.

A. Gratton provided an overview of the Order that was issued on June 28, 2019 which included one (1) overgrown cedar hedge located in the front yard of the property and one (1) overgrown cedar hedge located in the rear yard of the property. A. Gratton advised that both cedar hedges exceeded the maximum height provisions of the Property Standards By-law. A. Gratton distributed recent pictures of the cedar hedges to the Committee and provided clarification on the definition of a hedge and the height maximums contained within the By-law.

Virginia Mazzone-Ahou, the appellant, appeared before the Committee and provided an overview of the cedar hedges, the efforts taken to reduce the height of the hedges, and the necessary steps that would need to be taken in order to maintain the health of the cedar hedges. The appellant Virginia Mazzone-Ahou advised that based on consultation with an arborist, the front cedar hedge could only be cut down by two and a half feet and the rear cedar hedge by four and a half to five feet to avoid shocking the cedar hedges and maintain their

health. She further advised that her husband maintained the cedar hedges in previous years, but due to health issues, the hedges had not been trimmed for the last two years.

A discussion ensued between V. Mazzone-Ahou and the Committee regarding the consultations with an arborist. The appellant advised that the arborists she solicited refused to perform the work due to the risk of shocking the cedar hedges. The Committee excused the appellant, A. Gratton, and N. Newman from the room at 3:44 p.m. and reviewed the matter. The appellant, A. Gratton and N. Newman returned to the meeting at 3:56 p.m.

Recommendation:

Moved By Sean O'Dwyer

Committee Decision - Resolution PSA 19-02

That the Property Standards Order # 19-103284 for the property municipally known as 24 Warding Avenue be deferred to the next Property Standards Committee meeting scheduled to take place on October 16, 2019, pending the submission of a report within 50 days to By-law Services from a landscaping professional outlining options for the property's hedges to comply with the Order: trim the hedges over time, remove the top 30 inches from the front hedge and 54 to 60 inches from the top of the property's rear hedge, or replant the hedges.

Carried

It was the consensus of the Committee to hear Item 4.a), Property Standards Order Appeal for 513 Peel Street, at this time.

5. Adjournment

5.1 Motion to Adjourn

Recommendation:

Moved By Sean O'Dwyer

That the meeting adjourn.

Carried

The meeting adjourned at 4:28 p.m.

Secretary, Property Standards Appeal
Committee