

Property Standards Appeal Committee Minutes
December 9, 2020 – 3:00 PM
Virtual Meeting

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

Also Present: K. Novia, Staff Liaison, Supervisor, By-law and Animal Services
A. Gratton, Manager, Enforcement Services
T. Barnes, Municipal Law Enforcement Officer
F. Sutton, Municipal Law Enforcement Officer
T. Talbot, Municipal Law Enforcement Officer
H. Oerlemans, Council & Committee Coordinator (Recording Secretary)

Regrets: O. Marques, Member

1. Call to Order
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. He further advised that the property located at 604 Byron Street South was located within the Werden's Plan Neighbourhood Heritage Conservation District and was therefore subject to the Ontario Heritage Act which limited the Committee's powers to modify or rescind the order.

3. Appeal Hearing

3.1 Property Standards Order Appeal
10 Rutledge Street
Appeal # PSA 20-01, File/Order # 20-103580

J. D'Andrade, the appellant, appeared before the Committee and requested that the Order be rescinded based on the arborist report.

A. Gratton, Manager of Enforcement Services stated that upon inspection of the cedar hedge, the Town of Whitby Arborist disagreed with the arborist report insofar as the cedars in question had been planted sequentially and maintained as a hedge and therefore were considered to be a hedge.

The Committee excused the appellant, A. Gratton, K. Novia, and F. Sutton from the virtual meeting at 3:19 p.m. and reviewed the matter. The appellant, A. Gratton, K. Novia, and F. Sutton returned to the meeting at 3:24 p.m.

Recommendation:

Moved By Alexander Wray

That the Property Standards Order # 20-103580 for the property municipally known as 10 Rutledge Street, be confirmed.

Carried

3.2 Property Standards Order Appeal
89 Elizabeth Crescent South
Appeal # PSA 20-05, File/Order # 20-100040

B. Yarrow, the daughter of the appellant, appeared before the Committee on behalf of her mother and stated that two arborists had assessed the hedge and advised that the hedge would be destroyed if it was cut to meet the Property Standards By-law height requirements. B. Yarrow requested that the Order be rescinded or the compliance date be modified to June 30, 2021.

The Committee excused the appellant, A. Gratton, K. Novia, and T. Talbot from the virtual meeting at 3:31 p.m. and reviewed the matter. The appellant, A. Gratton, K. Novia, and T. Talbot returned to the meeting at 3:35 p.m.

Recommendation:

Moved By Glen Konorowski

1. That the Property Standards Order # 20-100040, for the property municipally known as 89 Elizabeth Crescent South, be deferred to the next Property Standards Appeal Committee meeting scheduled for January 20, 2021 at 3:00 p.m.; and,

2. That clarification regarding the identification of the cedars as a hedge or tree is provided.

Carried

3.3 Property Standards Order Appeal
89 Parnell Crescent
Appeal # PSA 20-06, File/Order # 20-105701

T. Talbot, Municipal Law Enforcement Officer, provided an overview of the Property Standards Order issued on October 16, 2020. Ms. Talbot advised that the top portion of the tree was dead and removal was required.

A brief question and answer period ensued between the Committee and T. Talbot regarding whether there had been a recent inspection of the property.

C. Greaves, the appellant, appeared before the Committee and advised that a neighbour had cut part of the tree without permission which led to stress and subsequent death to part of the tree. Ms. Greaves further advised that she had contacted local nurseries and was taking steps to revitalize the tree. Ms. Greaves requested that the Property Standards Order be rescinded or modified to the end of 2021.

A brief question and answer period ensued between the Committee and Ms. Greaves regarding the estimated cost to prune and cut the tree.

The Committee excused the appellant, A. Gratton, K. Novia, and T. Talbot from the virtual meeting at 4:10 p.m. and reviewed the matter. The appellant, A. Gratton, K. Novia, and T. Talbot returned to the meeting at 4:16 p.m.

Recommendation:

Moved By Alexander Wray

That the compliance date for the Property Standards Order # 20-105701 for the property municipally known as 89 Parnell Crescent be modified to June 30, 2021.

Carried

3.4 Property Standards Order Appeal
604 Byron Street South

Appeal # PSA 20-07, File/Order # 20-105127

T. Barnes, Municipal Law Enforcement Officer, provided an overview of the Property Standards Order issued on October 23, 2020 and stated the property owner had removed a significant tree without acquiring a heritage permit. Mr. Barnes advised that the property resided within the Werden's Plan and was therefore subject to legislation that superseded the Town's Property Standards By-law, namely, the Werden's Plan and Ontario Heritage Act. Mr. Barnes stated that in accordance with the legislation, the property owner was required to replace the tree with one of a specific size and species.

R. Schaaf and S. Jarvis, the appellants, appeared before the Committee and requested that the Property Standards Order compliance date be extended to June 1, 2021 due to difficulties acquiring one of the tree varieties outlined in the Property Standards Order. Mr. Jarvis further requested that the Order be amended to reduce the caliper size of the tree from 60 mm to 50 mm.

A brief question and answer period ensued between the Committee and the appellant regarding where the caliper size of 60 mm applied on the tree.

The Committee excused the appellants, A. Gratton, K. Novia, and T. Barnes from the virtual meeting at 4:36 p.m. and reviewed the matter. The appellants, A. Gratton, K. Novia, and T. Barnes returned to the meeting at 4:43 p.m.

Recommendation:

Moved By Alexander Wray

That the Property Standards Order # 20-1-5127 for the property municipally known as 604 Byron Street South, be confirmed and that the compliance date for the order be extended to May 1, 2021 to allow the appellants to procure a tree of the required trunk diameter and species.

Carried

4. Adjournment

4.1 Motion to Adjourn

Recommendation:

Moved By Sean O'Dwyer

That the meeting adjourn.

Carried

The meeting adjourned at 4:46 p.m.

Secretary, Property Standards Appeal
Committee