

Property Standards Appeal Committee Minutes
October 16, 2019 – 3:00 PM
Committee Room One
Whitby Town Hall

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

Also Present: S. Ure, Senior Municipal Law Enforcement Officer
B. Booth, Municipal Law Enforcement Officer
F. Sutton, Municipal Law Enforcement Officer
H. Oerlemans, Council & Committee Coordinator (Recording Secretary)

Regrets: O. Marques, Member

1. Call to Order

1.1 The meeting was called to order at 3:02 p.m.

2. Disclosures of Interest

2.1 There were no disclosures of interest.

It was the consensus of the committee to hear Item 3.3, Property Standards Order Appeal for 24 Waring Avenue, at this time.

3. Appeal Hearing

3.1 Property Standards Order Appeal
16 Bonello Crescent
Appeal # PSA 19-03, File/Order # 19-105081

Scott Ure, Senior Municipal Law Enforcement Officer, 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.

Brian Booth, Municipal Law Enforcement Officer, provided an overview of the Property Standards Order issued on July 29, 2019. B. Booth

provided details regarding two inoperative pick-up trucks located in the driveway of the property. B. Booth advised that the backyard deck had been deemed unsafe as the floor boards were unstable.

B. Bullock, the appellant, appeared before the Committee and provided an overview of the inoperable vehicles and the condition of the backyard deck. Mr. Bullock advised that his father, the owner of the vehicles, was suffering from a medical condition. Mr. Bullock further advised that based on the recommendation from a health professional, he had deliberately rendered the vehicles inoperable and would remove the deck in stages as changes to his father's surroundings could negatively impact him.

The Committee requested information regarding what would be required to allow inoperable vehicles to remain in the driveway and the ability of the appellant to remove the vehicles without causing stress to his father.

The Committee excused the appellant, S. Ure and B. Booth from the room at 4:18 p.m. and reviewed the matter. The appellant, S. Ure and B. Booth returned to the meeting at 4:27 p.m.

Recommendation:

Moved By G. Konorowski

That the Property Standards Order # 19-105081 for the property municipally known as 16 Bonello Crescent be extended to May 1, 2020.

Carried

3.2 Property Standards Order Appeal
300 Centre Street North
Appeal # PSA 19-04, File/Order # 19-104156

Scott Ure, Senior Municipal Law Enforcement Officer, 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.

Fausta Sutton, Municipal Law Enforcement Officer, provided an overview of the Property Standards Order issued on July 31, 2019 which included an overgrown cedar hedge in the backyard.

D. Quan and G. Quan, the appellants, appeared before the Committee and provided an overview of the condition of the hedge. Ms. Quan

advised that she consulted an arborist who advised that the hedge would need to be trimmed gradually in stages in order to prevent it from going into shock and dying. The appellants requested an extension to the Order to allow the hedge to be trimmed in stages in order to comply with By-law requirements.

The Committee excused the appellants, S. Ure and F. Sutton from the room at 4:46 p.m. and reviewed the matter. The appellant, S. Ure and F. Sutton returned to the meeting at 4:54 p.m.

Recommendation:

Moved By M. Elghazouly

That the Property Standards Order # 19-104156 for the property municipally known as 300 Centre Street North be extended for 5 years to allow time for the hedge to be trimmed to the amount determined on the arborist's report and that yearly updates regarding the hedge's height and status be provided to the Legal and Enforcement Services Department.

Carried

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

Scott Ure, Senior Municipal Law Enforcement Officer, 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.

V. Mazzone-Ahou, the appellant, appeared before the Committee and provided an overview of the arborist's report that was requested from this Committee during the August 21, 2019 hearing. The appellant advised that the trees in the backyard could be reduced in height to conform with the By-law. Ms. Mazzone-Ahou further advised that the arborist recommended that the front yard hedge would not survive being cut down to the limit required by the By-law. Ms. Mazzone-Ahou requested that the Committee modify the Order to permit the front yard cedar hedge to remain at a height higher than the By-law allows.

Brian Booth, Municipal Law Enforcement Officer, provided an overview of the Property Standards Order issued on June 28, 2019. The

Committee requested B. Booth to provide a description of a hedge and a tree as outlined in the Town's By-law. B. Booth advised that three or more consecutive plants planted in close proximity and restricting visibility constituted a hedge and that the current front yard hedge would be considered a tree if a gap of one yard was created after every second cedar.

The Committee excused the appellant, S. Ure and B. Booth from the room at 3:18 p.m. and reviewed the matter. The appellant, S. Ure and B. Booth returned to the meeting at 3:40 p.m.

Recommendation:

Moved By S. O'Dwyer

1. That the Property Standards Order # 19-103-284 for the property municipally known as 24 Waring Avenue be confirmed for the backyard;
2. That the appellant provide a copy of the arborist's report to the Office of the Town Clerk and the Legal and Enforcement Services Department one week prior to the next Property Standards Appeal hearing scheduled on December 12, 2019;
3. That the arborist's report clearly outlines the amount of time required to gradually reduce the height of the front yard hedge in order to comply with the By-law; and,
4. That the appellant appear at the next Property Standards Appeal hearing scheduled on December 12, 2019.

Carried

It was the consensus of the Committee to hear Item 3.1, Property Standards Order Appeal for 16 Bonello Crescent, at this time.

4. Adjournment

4.1 Motion to Adjourn

Recommendation:

Moved By Mohamed Elghazouly

That the meeting adjourn.

Carried

The meeting adjourned at 4:59 p.m.

Secretary, Property Standards Appeal
Committee