

Property Standards Appeal Committee Minutes
October 21, 2020 – 3:00 PM
Virtual Meeting

Present: G. Konorowski, Member
O. Marques, 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
F. Sutton, Municipal Law Enforcement Officer
T. Talbot, Municipal Law Enforcement Officer
H. Oerlemans, Council & Committee Coordinator (Recording Secretary)

Regrets: None noted

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.

It was the consensus of the Committee to hear Item 3.5, 89 Elizabeth Crescent South at this time.

3. Appeal Hearing

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

F. Sutton, Municipal Law Enforcement Officer, provided an overview of

the Property Standards Order issued on July 23, 2020 and confirmed that compliance of the Order remained outstanding. Ms. Fausta advised that based on discussions with the property owners, a second arborist was brought in and the property owner would be following the advice of that arborist.

A question and answer period ensued between the Committee and F. Sutton regarding whether the property owner intended to trim the hedge to comply with the By-law requirements.

J. D'Andrade, the appellant, appeared before the Committee and provided an overview of the property and the grounds of the appeal. Ms. D'Andrade advised that she spoke to two arborists. She stated that the first arborist advised that 3 feet could be cut off the cedar hedge. She further stated that the second arborist advised that given the size of the cedars, they were considered trees and could not be cut without killing the tree. Ms. D'Andrade advised that she had a report from the second arborist which provided further details as to why the row of cedars were defined as a row of cedar trees, not shrubs.

A question and answer period ensued between the Committee and Ms. D'Andrade regarding the arborist report and whether the hedge impeded pedestrian traffic.

The Committee excused the appellant, A. Gratton, K. Novia, and F. Sutton from the virtual meeting at 4:19 p.m. and reviewed the matter. The appellant, A. Gratton, K. Novia, and F. Sutton returned to the meeting at 4:24 p.m.

Recommendation:

Moved By G. Konorowski

1. That the Property Standards Order Appeal # 20-103580, for the property municipally known as 10 Rutledge Street, be deferred to the next Property Standards Appeal Committee scheduled on December 9, 2020 at 3:00 p.m.; and,
2. That the appellant provide a copy of the arborist report to Enforcement Services prior to the meeting on December 9, 2020.

Carried

3.2 Property Standards Order Appeal
316 Fairview Court
Appeal # PSA 20-02, File/Order # 20-103873

F. Sutton, Municipal Law Enforcement Officer, provided an overview of the Property Standards Order issued on July 23, 2020 and confirmed that some of the work had been completed on the property. Ms. Sutton advised that the repair/replacement of the retaining wall had not been completed.

A question and answer period ensued between the Committee and F. Sutton regarding whether the condition of the retaining wall was a safety concern and whether the current wall could be repaired.

G. Court and H. Court, the appellants, appeared before the Committee and provided an overview of the property and the grounds of the appeal. Mr. Court stated that he had interviewed several contractors to complete the work but the contractor required access to the adjacent neighbour's property in order to replace the retaining wall. He further stated that work to the retaining wall was further delayed and dependent on the acquisition of an updated property survey. Mr. Court advised that the contractor he would hire would not be available until 2021. Mr. Court requested that the Property Standards Order be extended for two years to allow time to resolve the property line dispute and hire a contractor.

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

- the permissions required to allow contractors to access the adjacent property;
- when the property line could be set down to commence work;
- measures that would be taken to ensure that the adjacent property was not damaged or would be put back into its original state prior to work on the retaining wall; and,
- measures that would be taken to resolve the dispute regarding the property line.

The Committee excused the appellants, A. Gratton, K. Novia, and F. Sutton from the virtual meeting at 4:52 p.m. and reviewed the matter. The appellants, A. Gratton, K. Novia, and F. Sutton returned to the meeting at 5:01 p.m.

Recommendation:

Moved By G. Konorowski

That the Property Standards Order Appeal # 20-103873 for the property municipally known as 316 Fairview Drive, be extended to September 1, 2021.

Carried

3.3 Property Standards Order Appeal
79 Frost Drive
Appeal # PSA 20-03, File/Order # 20-104302

A. Gratton advised that the appellant was not present.

F. Sutton, Municipal Law Enforcement Officer, provided an overview of the Property Standards Order issued on July 30, 2020. Ms. Sutton advised that there were three trees located in the backyard of the property with dead limbs. She further advised that the branches would impact two neighbouring properties should they break off and fall. Ms. Fausta stated that the property remained in non-compliance with the Order, and the appellants were non-responsive to the Town's communications since submitting the Notice of Intention to Appeal.

The Committee excused A. Gratton, K. Novia, and F. Sutton from the virtual meeting at 5:17 p.m. and reviewed the matter. A. Gratton, K. Novia, and F. Sutton returned to the meeting at 5:17 p.m.

Recommendation:

Moved By A. Wray

That the Property Standards Order Appeal # 20-104302, for the property municipally known as 79 Frost Drive, be confirmed.

Carried

3.4 Property Standards Order Appeal
816 Brock Street North
Appeal # PSA 20-04, File/Order # 20-100586

F. Sutton, Municipal Law Enforcement Officer, provided an overview of the Property Standards Order issued on August 14, 2020 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 conditions on the property were unsafe;
- whether building permits were required to complete the work outlined in the Property Standards Order; and,
- which items remained outstanding.

R. Taylor, the appellant, appeared before the Committee and requested that the Property Standards Order be extended for one month.

The Committee excuse the appellant, A. Gratton, K. Novia, and F. Sutton from the virtual meeting at 5:09 p.m. and reviewed the matter. The appellant, A. Gratton, K. Novia, and F. Sutton returned to the meeting at 5:10 p.m.

Recommendation:

Moved By S. O'Dwyer

That the Property Standards Order # 20-100586 for the property municipally known as 816 Brock Street North be extended to November 21, 2020.

Carried

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

T. Talbot, Municipal Law Enforcement Officer, provided an overview of the Property Standards Order issued on August 7, 2020. Ms. Talbot provided details regarding the property and stated that the cedar hedge had been cut down to six feet and that the appellant would not cut it down further.

A question and answer period ensued between the Committee and T. Talbot regarding:

- the reasons provided for not cutting the cedar hedge down further;
- the length of time the hedges have been in this location; and,
- whether the cedar hedge posed a safety hazard.

B. Yarrow, the daughter of the appellant, appeared before the Committee on behalf of her mother and provided an overview of the property and requested that the Order be rescinded as it was based on a vexacious complaint. Ms. Yarrow advised that the cedar hedge had been planted in the 1960s and that further reduction in height would kill the cedar hedge. She further advised that the hedge did not impede sight lines nor did it pose a safety hazard.

A question and answer period ensued between the Committee and the appellant regarding whether an arborist had been contacted to

determine how much of the hedge could be removed each year without causing damage to the hedge.

The Committee excused the appellant, A. Gratton, K. Novia, and T. Talbot from the virtual meeting at 3:44 p.m. and reviewed the matter. The appellant, A. Gratton, K. Novia, and T. Talbot returned to the meeting at 3:51 p.m.

Recommendation:

Moved By S. O'Dwyer

1. That the Property Standards Order Appeal # 20-100040, for the property municipally known as 89 Elizabeth Crescent South, be deferred to the next Property Standards Appeal Committee scheduled on December 9, 2020 at 3:00 p.m.; and,
2. That the appellant provide an arborist report outlining the time that would be required to comply with the hedge height requirements to Enforcement Services prior to the meeting on December 9, 2020.

Carried

It was the consensus of the Committee to hear Item 3.1, 10 Rutledge Street at this time.

4. Adjournment

4.1 Motion to adjourn

Recommendation:

Moved By Sean O'Dwyer

That the meeting be adjourned.

Carried

Meeting adjourned at 5:18 p.m.

Secretary, Property Standards Appeal
Committee