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Windsor, Ontario September 16, 2013

A meeting of the **Property Standards Committee** is held this day commencing at 2:00 o'clock p.m. in the Town of Walkerville Meeting Room, 3<sup>rd</sup> floor, City Hall, there being present the following members:

Jim Evans, Chair  
John Middleton  
Mark Stephens  
Bill Van Wyck

***Guests in attendance:***

Marsha Arditti  
Judy Gould  
Brian Halfday  
Danielle Bowers  
Gabrielle Maggio  
Helen Wolfe (Appellant)  
Jeffrey Aitkens, Solicitor, Ricci Enns & Rollier LLP  
Kimberly Wolfe, Solicitor, Ricci Enns & Rollier LLP

**Also present are the following resource personnel:**

Patrick Brode, Senior Legal Counsel  
Lee Anne Doyle, Executive Director/Chief Building Official  
Dan Lunardi, Manager of Inspections (East)  
Barry Suszek, Building Inspector  
Rob Vani, Manager of Inspections (West)  
Andrea Dejong, Fire Prevention Officer  
John Lee, Fire Prevention Officer  
Brian McLaughlin, Deputy Fire Chief  
Karen Kadour, Committee Coordinator

**1. CALL TO ORDER**

The Chair calls the meeting to order at 2:00 o'clock p.m. and the Committee considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

**2. QECLARATION OF CONFLICT OF INTEREST**

None disclosed.

### 3. ADOPTION OF THE MINUTES

Moved by B. Van Wyck, seconded by J. Middleton,  
That the minutes of the meeting of the Property Standards Committee at its meeting held April 19, 2013 **BE ADOPTED** as presented.  
Carried.

### 4. DEFERRALS/REQUEST FOR DEFERRALS

No request for deferral.

### 5. DLSCUSSION OF APPEALS

**5.1 Helen Kathleen Wolfe** against an Order issued August 20, 2013 regarding property at 816 Howard, Windsor, Ontario Lot N Pt lot 3 S Pt lot 4 Block 3, Plan 13 against an Order issued August 20, 2013 regarding property at 816 Howard, Windsor, Ontario Lot N Pt lot 3 S Pt lot 4 Block 3, Plan 134. The Notice of Appeal dated August 23, 2013 has been received within the 14 day timeframe.

Helen Kathleen Wolfe, Kimberly Wolfe, Solicitor and Jeffrey Aitkens, Solicitor are present and available to answer questions.

The following documents are distributed and attached respectively as Appendix "A", Appendix "B" and Appendix "C":

- Affidavits of Helen Wolfe and Kimberley Wolfe, along with the accompanying exhibits to be formerly submitted with respect to the appeal of this order, *attached* as Appendix "A".
- Several handwritten submissions along with e-mails regarding 816 Howard, *attached* as Appendix "B".
- Letter to the Humane Society from Judy Gould, *attached* as Appendix "C".

B. Van Wyck reports members of the Property Standards Committee attended the site located at 816 Howard.

J. Aitkens, Solicitor indicates his client has retained the services of a Professional Structural Engineer, however he is currently on vacation, and the report outlining the structural damage has not been received. He is requesting the Committee provide a "workable Order". He notes the engineer's report will not be available until the end of October 2013.

J. Aitkens states Helen Wolfe recently paid off her mortgage, however, as the insurance was tied into the mortgage, the insurance on the property lapsed and there is no

insurance on the property. He is requesting the Windsor Fire and Rescue Services' Order be quashed.

Kimberly Wolfe, Solici or advises she attended the scene of the fire on August 29, 2013 at approximately 5:00 o'clock p.m. She states Helen Wolfe was not present at the time of the fire and was told her cat (still in the home) had expired. She was advised the City of Windsor intended to demolish the home following the extinguishing of the fire. She indicates Helen Wolfe has a collection of several cultural artifacts in the home and she stood vigil overnight. She notes Helen Wolfe wants to repair the home.

K. Wolfe requested the Fire and Rescue Services' Order be lifted to allow the structural engineer to access the building. A. Dejong, Fire Prevention Officer advised they would not lift the Order, but would allow the structural engineer to view the building from above.

J. Aitkens advises the engineer determined the building to be structurally sound and capable of remediation. He proposes the following next steps - quash the Order or provide a workable Order and waive the \$225 Order to Repair Cost Recovery Fee.

L. Doyle states when the report of the structural engineer is received, a time frame will be prioritized. In terms of the \$225 Order to Repair Cost Recovery Fee, she is prepared to waive the fee.

In response to a question asked by J. Middleton regarding if the \$225 fee is issued immediately after a fire has occurred, R. Vani responds affirmatively.

Barry Suzsek, Building Inspector reports upon arrival at the site, he observed the windows were blown out on the upper level, the wood frame roof, ceiling joists, wall framing of the 2<sup>nd</sup> floor were severely damaged with partial collapse. He states that he inspected the damage from above in the aerial truck, and all interior and exterior finishes had sustained extensive fire, smoke and water damage. He indicates that based on his experience and age of the building he believes the building is framed using 'Baloon Frame Construction' which causes fire, smoke and water to easily move from floor to floor. He states 300,000 gallons of water was poured onto the structure and based on his assessment deemed the building unsafe to enter.

Brian McLaughlin, Deputy Fire Chief indicates the primary damage occurred on the upper southeast side of the building. He states it is very common after a fire for the plaster ceilings to collapse due to the weight of the water saturated plaster and lath, and the collapse is generally an interior type collapse not exterior. He notes there was extensive damage to the 2<sup>nd</sup> floor and it was not feasible to allow fire crews to enter in a safe manner.

In response to a question asked by J. Middleton regarding who called the demolition company, D. Lunardi responds he initially contacted the demolition company to arrive at the site but later called to state their services were not necessary.

J. Middleton asks who is in control of the property at 816 Howard - the Building Department or Fire and Rescue Services? It is suggested the owner is in control of the property, however, Fire and Rescue Services has to provide authority to allow access to the interior of the building.

B. Van Wyck states if an extension of time is granted, Fire and Rescue Services will not allow access. John Lee indicates access will be allowed under certain conditions outlined in his email to Mr. Aitkens.

J. Aitkens requests Helen Wolfe be allowed access to the building in order to retrieve her belongings.

K. Wolfe is requesting the Order be quashed and to set out the clear guidelines with the Fire Department and the structural engineer. Also, to allow the engineer to revisit the site as the current Order is unworkable and incapable of compliance. She further states by quashing the Order, it puts away the threat of demolition.

In response to a question asked by J. Middleton regarding if the Order will be lifted when the Fire Department receives the engineer's report, A Dejong responds in the affirmative if the report is acceptable.

B. Suszek advises when a fire occurs, generally the insurance company is called to the scene and the process is expedited as the insurance company retains the Professional Engineer to outline what measures need to be taken to secure the building.

Moved by J. Middleton, seconded by M. Stephens,

That the Order to Repair for the property located at 816 Howard, Windsor, Ontario **BE MODIFIED** to remove the reference to demolish the building as identified in Correction #1, and to remove the phrase "*the entire building should be demolished as soon as practical*", and further, that an extension of time for one year **BE GRANTED** to comply with the Order, and that the fences east and west of 816 Howard remain to prevent access to the property.

Carried.

Dan Lunardi indicates the extension of time for one year is a substantial amount of time and he suggests a phased-in approach, i.e. allow 60 days to render the building structurally sound, then other progress dates within the year to achieve compliance i.e. secure the structure, protect the building from the elements.

The Chair thanks the Committee for their due diligence and professionalism in this matter.

**6. REPORTS**

None.

**7. COMMUNICATIONS**

None.

**8. NEW BUSINESS**

J. Middleton expresses concern residents are charged the \$225 Order to Repair Cost Recovery Fee. following a fire at their home.

L. Doyle states the Fee Schedule is approved by City Council, however, she has some discretion to adjust fees under special circumstances.

Moved by J. Middleton, seconded by M. Stephens,

That the Chief Building Official **BE REQUESTED** to waive the Order to Repair Cost Recovery fee of \$225 if a complaint regarding a fire at a particular residence is received within one week of the fire.

Carried.

**9. ADJOURNMENT**

There being no further business, the meeting is adjourned at 4:00 o'clock p.m.

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CHAIR

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COMMITTEE COORDINATOR