

AGENDA
PROPERTY STANDARDS COMMITTEE

meeting held
Friday, September 4, 2020
at 9:30 a.m.

via Zoom Video Conference

1. **Call to Order**
2. **Disclosure of Interest**
3. **Adoption of the Minutes**
Adoption of the minutes of the meeting held May 19, 2020 – ***attached.***
4. **Request for Deferral, Referral or Withdrawal**
5. **Appeals**
 - 5.1 ***837690 Ontario Limited*** against an Order to Repair VY 20-248544 issued March 4, 2020 regarding property at 251 Goyeau Street, Plan 91 Lot 55 to Lot 61. The Notice of Appeal dated March 13, 2020 was received within the 14 day time frame.
6. **Adjournment**

Property Standards Committee
Meeting held May 19, 2020

A meeting of the Property Standards Committee is held this day commencing at 9:30 o'clock a.m. via teleconference, there being present the following members:

Councillor Rino Bortolin, Chair
Councillor Ed Sleiman
Darrel Laurendeau
Matthew Wachna

Absent:

Councillor Chris Holt

Also present are the following resource personnel:

Rob Vani, Manager of Inspections/Deputy Chief Building Official
Dan Lunardi, Manager of Inspections/Deputy Chief Building Official
Nicole Brush, Building By-law Enforcement Officer
Jay McGuire, Building By-law Enforcement Officer
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 9:34 o'clock a.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Disclosure of Interest

None disclosed.

3. Adoption of the Minutes

Moved by D. Laurendeau, seconded by M. Wachna,
That the minutes of the Property Standards Committee of its meeting held June 6,
2019 **BE ADOPTED** as presented.
Carried.

4. Request for Deferral, Referral of Withdrawal

Moved by Councillor Sleiman, seconded by D. Laurendeau,
That the matter Item 5.2 relating to Di Gioia Cleaners Ltd./Smart Holdings Inc. –
167 Erie Street East **BE WITHDRAWN** as the property has been sold.
Carried.

Moved by Councillor Sleiman, seconded by M. Wachna,
That the matter Item 5.3 relating to Maria Folino and Alberto Folino – 280 Aylmer
Avenue **BE DEFERRED** noting that the Building Department has no objection to the
deferral, and will allow Administration sufficient time to prepare a report to Council
regarding the demolition of the building.
Carried.

5. Appeals

5.1 1451799 Ontario Inc. - 933 Goyeau Street

Amina Meddaoui, representative of 1451799 Ontario Inc. is present via
teleconference regarding property at 933 Goyeau Street, Plan 1303 N. Pt. Lot 160. The
Notice of Appeal dated September 4, 2019 was received within the 14-day time frame.

The presentation entitled 933 Goyeau Street – OTR 19-218632 is **attached** as
Appendix “A”.

Jay McGuire, Building Enforcement Officer provides a summary of his concerns
relating to 933 Goyeau Street as follows:

- The date of inspection was August 19, 2019.
- There was evidence of deterioration of the steel trim channel, which protects the casing for the railings.
- Evidence of concrete damage and when the steel channel shows that level of deterioration, water is penetrating into the units, which can cause damage to the ceilings and the belongings of the tenants who reside in the building.
- Second floor railings have deteriorated.
- Interior conditions have been satisfied and are in compliance.

In response to a question asked by Councillor Sleiman regarding the immediate safety of the building, R. Vani responds the Building Department has no objection to allow an extension of time to comply with the Order to Repair.

M. Laurendeau asks if a professional engineer has been engaged to inspect the building and to make a recommendation on the integrity of the cladding, and if so, has a general contractor been engaged to provide quotes. R. Vani responds that the Building

Department did issue a permit on March 16, 2020 to do the repairs to the balcony. He adds it is his understanding that they have not done any inspections since that date.

Amina Meddaoui, appellant indicates the work on the building is underway and should be complete within a week or two. She adds they will not require more than a month to complete the work.

The Chair asks if the committee provides an extension of time, will this matter come back to the committee, or will the Building Department proceed from that point. R. Vani responds we will proceed with our normal enforcement after the new deadline provided by the committee and he adds this matter will not come back.

Moved by Councillor Sleiman, seconded by D. Laurendeau,
That the Order to Repair VY 19-218632 regarding property at 933 Goyeau Street Windsor, Ontario by 1451799 Ontario Inc. **BE CONFIRMED** and further, that an extension of time for two (2) months to July 19, 2020 **BE APPROVED**.
Carried.

5.2 Di Gioia Cleaners Ltd./Smart Holdings Inc. – 167 Erie Street East.

This matter has been withdrawn.

5.3 Maria Folino and Alberto Folino – 280 Aylmer Avenue

This matter has been deferred at the request of the appellant pending a Planning report and direction by City Council.

6. Adjournment

There being no further business, the meeting is adjourned at 9:57 o'clock a.m.

CHAIR

COMMITTEE COORDINATOR

ORDER TO REPAIR

UNDER THE MAINTENANCE AND OCCUPANCY BY-LAW 9-2019

To: 837690 ONTARIO LIMITED
2021 UNION STE 888
MONTREAL QC H3A 2S9

Description: PLAN 91 LOT 55 TO LOT 61; RP 12R944
PARTS 1 & 2; AND 99 CHATHAM E; 203.00FR

Property Address: 251 GOYEAU ST.

Roll Number: 040-030-00900-0000

Violation Number: 20 248544

Date of Inspection: March 2, 2020

WHEREAS Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23, as amended, authorizes municipalities to enact by-laws prescribing standards for the maintenance and occupancy of all property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; and for requiring any property that does not conform with the standards to be repaired and maintained to conform with the standards as described herein or the site to be cleared of all buildings, structures, debris or refuse and the lands left in a graded and levelled condition;

AND WHEREAS the Official Plan for The Corporation of the City of Windsor includes provisions relating to property conditions as required by section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23, as amended;

AND WHEREAS The Corporation of the City of Windsor has passed By-law 9-2019, being a By-law to establish Standards for the Maintenance and Occupancy of Property in the City of Windsor;

TAKE NOTICE that the property, owned by you, situated at: 251 GOYEAU ST
Does not conform to the standards set forth in By-law Number 9-2019

DEFECT Section 1.5

Where, in the opinion of the Officer, there is doubt as to the structural condition or adequacy of the building or part thereof, the Officer may order that a building or structure or part thereof be examined by a professional engineer qualified to perform such inspections and licensed to practice as an engineer in Ontario, at the owner's expense, and that a written report, which may include drawings detailing recommended remedial work, be provided to the Officer.

CORRECTION

OBTAIN AND PROVIDE A REPORT FROM A PROFESSIONAL ENGINEER, LICENSED TO PRACTICE IN ONTARIO, OR OTHER COMPETENT PERSON ACCEPTABLE TO THE CHIEF BUILDING OFFICIAL OR DESIGNATE TO IDENTIFY THE STRUCTURAL DEFICIENCIES IN THE PARKING GARAGE AS A RESULT OF THE RECENT FIRE. INCLUDE IN THE REPORT ANY METHODS TO TEMPORARILY SUPPORT THE DAMAGED PARKING GARAGE STRUCTURE. WHERE REMEDIAL WORK IS RECOMMENDED BY THE PROFESSIONAL ENGINEER, ALL SUCH REMEDIAL WORK SHALL BE UNDERTAKEN BY THE OWNER, IN CONSULTATION WITH THE PROFESSIONAL ENGINEER.

DEFECT Section 1.1

Every owner or occupant of a property shall maintain the property or part thereof they occupy or control in a clean, sanitary and safe condition in accordance with this by-law.

CORRECTION

OBTAIN THE SERVICES OF A PROFESSIONAL ELECTRICAL ENGINEER, LICENSED TO PRACTICE IN ONTARIO, OR OTHER COMPETENT PERSON ACCEPTABLE TO THE CHIEF BUILDING OFFICIAL OR DESIGNATE TO ASSESS THE ELECTRICAL DAMAGE AND PROVIDE A SCOPE OF REPAIRS TO RESTORE ELECTRICITY EITHER TEMPORARILY OR PERMANENTLY TO THE BUILDING. WHERE REMEDIAL WORK IS RECOMMENDED BY THE PROFESSIONAL ENGINEER, ALL SUCH REMEDIAL WORK SHALL BE UNDERTAKEN BY THE OWNER, IN CONSULTATION WITH THE PROFESSIONAL ENGINEER. OBTAIN ALL REQUIRED PERMITS FROM THE ELECTRICAL SAFETY AUTHORITY FOR REPAIRS TO THE ELECTRICAL SERVICE TO THE BUILDING AND PROVIDE A COPY OF THE CERTIFICATE OF INSPECTION TO THE CHIEF BUILDING OFFICIAL OR DESIGNATE.

DEFECT Section 1.4

Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight, the loads due to the use and occupancy, and the loads imposed by natural causes such as wind, rain and snow as set out in the Building Code regulations made under Section 34 of the Act.

DEFECT Section 1.16

All properties provided with designed mechanical ventilation systems shall operate the system on a continuous basis. The system controls, louvers and associated equipment shall be maintained in safe working order.

DEFECT Section 1.36

Fire detection systems, fire alarm systems, standpipe. and sprinkler systems, where required, shall be maintained in working condition and records for the routine. testing and maintenance of these systems shall be readily available for the Officer's review upon demand.

DEFECT Section 1.37

The integrity of all fire separations and associated smoke seals and fire stopping systems shall be maintained.

DEFECT Section 2.6

Plumbing systems, fixtures and appliances in all non-residential buildings shall be maintained in good working order, free from cross-contamination potential, and free from leaks and defects.

DEFECT Section 3.12

Hot water at a temperature of at least 43 °C, and cold running water shall be provided in a capacity that will produce a flow in the fixture that will flush the fixture and keep it in a sanitary condition.

CORRECTION

OBTAIN A BUILDING PERMIT (AND)

- 1) REPAIR THE STRUCTURAL DEFICIENCIES AS RECOMMENDED BY THE PROFESSIONAL ENGINEER'S REPORT REQUIRED UNDER SECTION 1.5 OF THIS ORDER, ONCE ACCEPTED BY THE CHIEF BUILDING OFFICAL OR DESIGNATE.
- 2) REPAIR AND RECOMMISSION ANY DAMAGED FIRE DETECTION SYSTEMS, FIRE ALARM SYSTEMS, AND FIRE SUPPRESSION SYSTEMS IN CONFORMANACE WITH ONTARIO BUILDING CODE STANDARDS AND PROVIDE TO THE CHEIF BUILDING OFFICIAL OR DESIGNATE THE FOLLOWING:
 - a) FIRE ALARM TESTING REPORT AND VERIFICATION.
 - b) EMERGENCY LIGHTING TESTING REPORT AND VERIFICATION.
 - c) FIRE PROTECTION SYSTEMS TESTING REPORT AND VERIFICAITON.
- 3) REPAIR ANY DAMAGED FIRE SEPARATIONS, ASSOCIATED SMOKE SEALS, AND FIRE STOPPING SYSTEMS IN CONFORMANACE WITH ONTARIO BUILDING CODE STANDARDS.
- 4) REPAIR AND RECOMMISSION ALL MECHANICAL EQUIPMENT INCLUDING BUT NOT LIMITED TO MECHANICAL VENTIALTION AND HEATING AND COOLING SYSTEMS.
- 5) REPAIR AND RECOMMISSION THE POTABLE WATER DISTRIBUTION SYSTEM TO THE BUILDING TO ENSURE ALL PLUMBING SYSTEMS, FIXTURES, AND APPLICATIONS ARE IN GOOD WORKING ORDER AND PROVIDING ADEQUATE HOT AND COLD RUNNING WATER TO THE BUILDING.

DEFECT Section 1.24

A vacant building or structure damaged by fire, storm or other causes, shall be repaired to its original condition or demolished within 120 days of the issuance of an Order. Until the necessary repair or demolition can be completed, the building or structure shall be supported and barricaded to prevent fire hazards and unsafe conditions.

CORRECTION:

THE BUILDING SHALL BE REPAIRED TO ITS ORIGINAL CONDITION WITHIN 120 DAYS OF THE ISSUANCE OF THE ORDER TO REPAIR.

YOU ARE HEREBY REQUIRED, by this Order, to do the work required to repair the defects set forth in this Order and make the said property conform to the standards set forth in the said By-law

ONQRJ.IEFOMf April 3, 2020

]dated at Win<1\$9r, Ontario, 011 March 4, 2020

John Revell, MCIP, RPP
Chief Building Official

Chris Jedlinski 7
Inspector/Property Standards Officer
Building Department
Telephone: (519)-566-9008
e-mail: cjedlinski@citywindsor.ca

NOTICE:

1. If the owner or person against whom an Order has been made or their agent wishes to appeal such Order, they must **within FOURTEEN (14) DAYS from the service of the Order upon him**, file a **Notice of Appeal**, duly completed, with the Secretary of the Property Standards Committee.
2. Attached hereto is a Notice of Appeal form.
3. In the event that you do not appeal this Order, the said Order shall be deemed confirmed.
4. A photocopy of this document may be offered in evidence to the Court, should a trial result from a charge, which may be filed in an enforcement procedure. Copies of these documents may be obtained or examined at Building Department, City Hall, on workdays between 8:30 a.m. and 4:30 p.m.
5. If such repair or clearance is not done within the time specified in this Order, the Corporation may carry out the repair or clearance at the expense of the owner.
6. This Order is pursuant to Section 15.2(2) of the BUILDING CODE ACT, S.O. 1992, c.23, as amended.

NOTICE OF APPEAL

**IN THE MATTER OF the Maintenance & Occupancy Bylaw 9-2019,
as amended, of the Corporation of the City of Windsor**

BETWEEN

837690 Ontario Limited
Appellant
- and -
City of Windsor Building Department
Respondent

TAKE NOTICE that the above-named Appellant hereby appeals to the Property Standards Committee from the

ORDER TO Repair or Demolish; Prohibit Use of Property; Vacate Property; etc.

Made by Chris Jedlinski, Inspector/Property Standards Officer
Inspector Name and Title

On the 4th day of March, 2020

RESPECTING THE PROPERTY KNOWN AS:

251 Goyeau Street, Windsor, Ontario
Municipal Number, (if this is a vacant lot provide Registered Plan and Lot Numbers)

BASIS OF APPEAL:

1. The Order to Repair does not allow sufficient time to obtain the Engineer's Report or to effect the repairs to the building.
2. The building was not vacant at the time of the fire and therefore not subject to 1.24 of By-Law 9-2019.

NOTE: An Owner or occupant who has been served with an order made under BCA subsection 15.2(2) and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail, or applying in person **within 14 days after being served the order** to the secretary of the committee at 350 City Hall Square West, 1st floor, Windsor, Ontario. Pursuant to Section 4.8 of the Property Standards By-Law, a processing fee of **\$390.00** shall be paid at the time the appeal is filed. The deadline for filing a complete application along with the processing fee is **March 25, 2020 @ 4:30 PM.**

DATED at 13th day of March, 2020

or Agent or Solicitor

MAILING ADDRESS: Mark T. Binder of CRB Law, Barristers and Solicitors, 720 Walker Road, Windsor, Ontario, NBY 2N3

EMAIL ADDRESS: binder@crblaw.ca

HOME PHONE #: Office Phone: 519-254-6433 ext222 ALTERNATE# _____

TO: Council Services - Attention: Committee Coordinator 519-255-6222 ext. 6430
or clerks@citywindsor.ca

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION:

I/We also acknowledge that the information requested on this form is collected under the authority of The Building Code Act, R.S.O. 2001 as amended. The information is required in order to process the appeal to the Property Standards Committee. The name and business address of the applicant and/or authorized agent is public information. The address of the property which is the subject of the appeal is also public information. Please be advised that any personal information i.e. name, address may become part of a public record in an electronic i.e. website and/or paper format i.e. agenda, minutes.