

**AGENDA**  
and Schedule "A"  
to the minutes of the  
**PROPERTY STANDARDS COMMITTEE**  
meeting held  
Friday, November 21, 2014  
at 1:30 o'clock p.m.  
*Public Works Board Room, 1266 McDougall*

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1. **CALL TO ORDER**

2. **DECLARATION OF CONFLICT OF INTEREST**

3. **ADOPTION OF THE MINUTES**

Adoption of the minutes of the meeting held January 22, 2014 (*previously distributed*).

4. **REQUEST FOR DEFERRALS**

*HEARING OF APPLICANTS AND INTERESTED PARTIES - 1:30 o'clock p.m.*

5. **DISCUSSION OF APPEALS**

5.1 **Pedro MacPherson** against an Order issued June 26, 2014 regarding property at 1020 Drouillard Road, Windsor, Ontario Lot 18 Plan 619. The Notice of Appeal dated July 11, 2014 has been received within the 14 day timeframe.

5.2 **Amiraco Properties Inc.** against an Order issued August 6, 2014 regarding property at 76 Tecumseh Road East, Windsor, Ontario Lot N Pt Lt 52 to N Pt Lt 56, Plan 891. The Notice of Appeal dated August 19, 2014 has been received within the 14 day timeframe.

5.3 **Kurt Raulin** (Cornelia Marko (daughter) and Roland Raulin (son), Continuing Power of Attorney for Property) against an Order issued August 7, 2014 regarding property at 1411 Giles Boulevard East, Windsor, Ontario Plan 648 Lot 596. Payment to file the Notice of Appeal was not within the 14 day timeframe due to the fact the appellant was abroad and Canada Post did not initially allow the daughter to access the Registered Mail. Approval to hear this appeal has been provided by the Manager of Inspections (East).

6. **REPORTS**

None

7. **COMMUNICATIONS**

Letter from Jeffrey Aitkens, Ricci, Enns, Roller & Settrington LLP dated August 7, 2014 regarding Helen Wolfe, 816 Howard Avenue – **attached**. Letter from Patrick Brode, Senior Legal Counsel, City of Windsor dated August 6, 2014 – **attached**.

8. **ADJOURNMENT**



Office of the City Clerk  
 203-350 City Hall Square East • Windsor, Ontario N9A 6S1  
 Tel: 519-255-6222 ext. 6430 • Fax: 519-255-6868

## NOTICE OF APPEAL

IN THE MATTER OF the Maintenance & Occupancy Bylaw 147-2014  
 as amended, of the Corporation of the City of Windsor

**RECEIVED**

BETWEEN:

PEDRO MacPHERSON

JUL 11 2014

Appellant

BLDG. & DEV.  
DEPARTMENT

- and -

Respondent

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

ORDER TO Repair.

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

Made by Eddy Staup C.B.C.O.

Inspector Name and Title

On the 25 day of July, 2014

RESPECTING THE PROPERTY KNOWN AS:

1020 Drows Mord Rd.

Municipal Number, (if this is a vacant lot provide Registered Plan and Lot Numbers)

**BASIS OF APPEAL:**

I received this letter on the 10 July 2014  
- never knew issues to this property, never was informed  
- too soon even when this property was bought, the city  
sold me this property was ok.  
- I do not know even now what issues were about.  
- notice of repair is too soon. (the time given)  
I am repairing to live in it.

**NOTE:**

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 date on which the Order was served upon him/her**, file a Notice of Appeal, duly completed, with the Committee Coordinator, Property Standards Committee, Suite 203- 350 City Hall Square East, Windsor, Ontario. Pursuant to Section 4.8 of the Property Standards By-Law, a processing fee of \$351.00 shall be paid at the time the appeal is filed.

DATED at WINDSOR this 11 day of July, 2014

Signature of Appellant or Agent or Solicitor

MAILING ADDRESS: P.O. Box 60609 - 1597 Wilson Av, Toronto, ON, M3L

EMAIL ADDRESS: celta soyo@hotmail.com.

HOME PHONE #: ~~416 763 9255~~ ALTERNATE # 416 763 9255

TO: Council Services - Attention: Committee Coordinator 519-255-6222 ext. 6430  
 or clerks@city.windsor.on.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.



# ORDER TO REPAIR

## UNDER THE MAINTENANCE AND OCCUPANCY BY-LAW 147-2011 AS AMENDED BY BY-LAW 213-2011

To: <b>PEDRO MACPHERSON</b>	Legal Description and	Plan 619
<b>P.O. BOX 60609</b>	Municipal Address &	Lot 18
<b>1597 WILSON AVE.</b>	Roll Number of non-	1020 Drouillard Road
<b>TORONTO, ONTARIO</b>	conforming Property:	Roll #3739-010 100 10000 0000
<b>M3L 2N5</b>	Folder Number:	2014-188848 VY

**Date of Inspection: JUNE 25, 2014**

**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 147-2011 as amended by by-law 213-2011, 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: **1020 DROUILLARD ROAD**  
Does not conform to the standards set forth in By-law Number 147-2011 as amended by By-law 213-2011

**DESCRIPTION OF PROPERTY:** This is a legal two storey single family dwelling which has been vacant for at least 4 years and is in a state of disrepair.

**DEFECTS AND CONDITIONS NOT IN COMPLIANCE WITH THE BY-LAW:**

<b>DEFECT 1:</b>	<p><b>CLEARING AND LEVELING OF RESIDENTIAL VACANT BUILDINGS</b></p> <p>Despite any other provision of this bylaw an Officer may issue an order directing the owner to demolish a derelict or vacant building.</p> <p><b>DERELICT BUILDING</b> shall mean:</p> <ul style="list-style-type: none"> <li>(a) a building which has been left vacant by the owner for a period of two years or more, or</li> <li>(b) a building damaged by fire, storm or other catastrophic event where, in the opinion of the Officer the building is beyond reasonable repair (Derelict Building definition - added B/L 213-2011, Dec. 5/11)</li> </ul>
<b>CORRECTION 1:</b>	<p><b>DEMOLISH</b> the "DERELICT" building and level and grade the site in accordance with this bylaw to the satisfaction of the Officer.</p>

Dated at Windsor, Ontario, this 26th day of JUNE, 2014.

Lee Anne Doyle, MCIP, RPP  
Chief Building Official

Per:



Eddy Staudt, C.B.C.O.  
Inspector/Property Standards Officer  
Building Department  
(519) 255-6611 Ext. 6192

Handwritten notes: }  
→ (519) 255-6453  
can forward

**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 8:00 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.

Sharo →

Corporation of City of Windsor

VTL - Vital Statistics

350 City Hall Square

Floor 2 Room 203

Windsor ON N9A 6S1

REG-RECEIPT: 21978 - 528878

CASHIER ID : SP7/18/2014 15:54:20

Date Printed: 7/18/2014 15:55:01

BLDG - By-Law Enforcement

53150 - BLDG-INSP-  
Property Standards

Appeal

351.00

NOTICE OF APPEAL PROPERTY  
STANDARDS

SubTotal	\$351.00
PST	\$0.00
GST	\$0.00
HST	\$0.00
TOTAL DUE	\$351.00

RECEIVED FROM :

Pedro MacPherson

VISA

\$351.00

TOTAL TENDERED

\$351.00

CHANGE DUE

\$0.00



Office of the City Clerk

203-350 City Hall Square West • Windsor, Ontario N9A 6S1
Tel: 519-255-6222 ext. 6430 • Fax: 519-255-6868

NOTICE OF APPEAL

IN THE MATTER OF the Maintenance & Occupancy Bylaw 147-2011,
as amended, of the Corporation of the City of Windsor

BETWEEN:

MIRACO PROPERTIES INC

Appellant

- and -

CITY OF WINDSOR

Respondent

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

ORDER TO ORDER TO REPAIR

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

Made by ROBERTO VANI MANAGER OF INSPECTIONS

Inspector Name and Title

On the 6th day of AUGUST, 2014

RESPECTING THE PROPERTY KNOWN AS:

76 TEUMSEH ROAD EAST

Municipal Number, (if this is a vacant lot provide Registered Plan and Lot Numbers)

BASIS OF APPEAL:

INTENSE FIRE TOOK PLACE IN BUILDING - RESTORATION
BEGAN IMMEDIATELY - TIME TO COMPLY IS NOT LONG
ENOUGH TO GET ALL WORK COMPLETED TO STANDARD
AND CODE.

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 Suite 203- 350 City Hall Square East, Windsor, Ontario. Pursuant to Section 4.8 of the Property Standards
By-Law, a processing fee of \$351.00 shall be paid at the time the appeal is filed. The deadline for filing a complete
application along with the processing fee is August 26, 2014 @ 4:30 PM.

DATED at WINDSOR this 19th day of AUGUST, 2014

Signature of Appellant or Agent or Solicitor AMIRA MOUSSA

MAILING ADDRESS: 40 YORK PROPERTY MANAGEMENT
106-470 DUNDAS STREET LONDON ON N6B 1W3

EMAIL ADDRESS: amoussa@yorkproperty.ca

HOME PHONE #: 519-200-2690 ALTERNATE # 519-670-3780
Mike Meddaoui Cell.

TO: Council Services - Attention: Committee Coordinator 519-255-6222 ext. 6430

or clerks@city.windsor.on.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.



# ORDER TO REPAIR

## UNDER THE MAINTENANCE AND OCCUPANCY BY-LAW 147-2011 AS AMENDED BY BY-LAW 213-2011

<p>To: Amiraco Properties Inc 470 Dundas London, Ont N6B 1W3</p>	<p>Legal Description and Municipal Address of non-conforming Property:</p>	<p>Lot N Pt Lt 52 To N Pt Lt 56 Plan 891  <b>76 Tecumseh E</b>  Folder Number: 14-194237</p>
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**Date of Inspection: August 6, 2014**

**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 147-2011 as amended by by-law 213-2011, 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: **76 Tecumseh E**  
Does not conform to the standards set forth in By-law Number 147-2011 as amended by By-law 213-2011

**DESCRIPTION OF PROPERTY USE:** This is a Hi Rise apartment building with brick veneer finish and balconies along the north and south sides

<b><u>DEFECTS AND CONDITIONS NOT IN COMPLIANCE WITH THE BY-LAW:</u></b>	
<b>DEFECT 1:</b>	Apartment 507 has suffered a high intensity fire which has gutted the unit, including blowing out windows, doors and exterior cladding 1.1, 1.2, 1.4, 1.5, 1.8, 1.32
<b>CORRECTION 1:</b>	First have an Ontario licensed engineer check the floor and ceiling to ensure no damage to these assemblies from intense heat and water. Then remove all damaged finishes, framing etc and install new to suit
<b>DEFECT 2:</b>	There has been extensive smoke and some water damage on the 5 <sup>th</sup> and other floors as well as the stairwells 1.1, 1.2,
<b>CORRECTION 2:</b>	Remove all damaged and smoke infused items, clean and fume the areas and rebuild as required
<b>DEFECT 3:</b>	Replace all damaged fire alarm systems, stand pipe/hose cabinet, fire extinguisher as required 1.1, 1.42
<b>CORRECTION 3:</b>	Repair or replace all fire systems and supply certificate of conformance from qualified testing firm as to proper operation
<b>DEFECT 4:</b>	The electrical and mechanical systems have been damaged 1.1, 1.42, 3.14
<b>CORRECTION 4:</b>	Have qualified tradesman make necessary repairs and supply ESA clearance certificate for electrical work
<b>**NOTE:</b>	<b>ALL PERTINENT PERMITS MUST BE OBTAINED PRIOR TO COMMENCING WORK ON THIS ORDER TO REPAIR.</b>

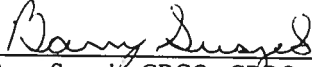
**YOU ARE HEREBY REQUIRED**, by this Order, to do the work required to repair the defects set forth in this Order and make the said property conform to the standards set forth in the said By-law

**ON OR BEFORE: August 30, 2014**

**Dated at Windsor, Ontario, this 6th day of August, 2014.**

Lee Anne Doyle, MCIP, RPP  
Chief Building Official

Per:



Barry Suszek CBCO CRBO  
Inspector/Property Standards Officer  
Building Department  
(519) 255-6611 Ext. 6264  
e-mail bsuszek@city.windsor.on.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.



=====  
Corporation of City of Windsor  
VTL - Vital Statistics  
350 City Hall Square  
Floor 2 Room 203  
Windsor ON N9A 6S1

REG-RECEIPT: 22218 - 532418  
CASHIER ID : KH8/19/2014 15:03:50  
Date Printed: 8/19/2014 15:05:16  
=====

BLDG - By-Law Enforcement  
53150 - BLDG-INSP- 351.00  
Property Standards  
Appeal  
76 TECUMSEH E

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SubTotal \$351.00  
PST \$0.00  
GST \$0.00  
HST \$0.00  
TOTAL DUE \$351.00  
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RECEIVED FROM :  
Amiraco Properties  
MASTERCARD \$351.00

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TOTAL TENDERED \$351.00  
-----  
CHANGE DUE \$0.00  
=====



Office of the City Clerk  
 203-350 City Hall Square West • Windsor, Ontario N9A 6S1  
 Tel: 519-255-6222 ext. 6430 • Fax: 519-255-6448

**NOTICE OF APPEAL**

IN THE MATTER OF the Maintenance & Occupancy Bylaw 147-2011,  
 as amended, of the Corporation of the City of Windsor

BETWEEN:           KURT RAULLIN            
Appellant  
          CITY OF WINDSOR            
Respondent

TAKE NOTICE that the above-named Appellant hereby appeals to the Property Standards Committee from the  
 ORDER TO           REPAIR            
(Repair or Demolish; Prohibit Use of Property; Vacate Property; etc.)  
 Made by           JAMES J DEMARIS            
Inspector Name and Title  
 On the           7           day of           AUG           20           14          

RESPECTING THE PROPERTY KNOWN AS:           1411 GILES E            
Municipal Number, (if this is a vacant lot provide Registered Plan and Lot Numbers)

          BASIS OF APPEAL: REQUEST NEW APPOINT FOR BEGINNING            
          OF OCTOBER PRESENTLY OUT OF COUNTRY          

**NOTE:**  
 An Owner or occupant who has been served with an order made under DCA 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 Suite 203-350 City Hall Square East, Windsor, Ontario. Pursuant to Section 4.8 of the Property Standards By-Law, a processing fee of \$351.00 shall be paid at the time the appeal is filed. The deadline for filing a complete application along with the processing fee is August 27, 2014 @ 4:30 PM.

DATED at WINDSOR this           27<sup>th</sup>           day of           AUGUST           20           14          

Signature of Appellant or Agent or Solicitor:           Kurt Raullin            
 MAILING ADDRESS:           1411 GILES E.            
 EMAIL ADDRESS: \_\_\_\_\_  
 HOME PHONE #:           519 253 9868           ALTERNATE # \_\_\_\_\_

TO: Council Services - Attention: Committee Coordinator 519-255-6222 ext. 6430  
 or clerk@city.windsor.on.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.

Notice of Appeal - revised July 2014



# ORDER TO REPAIR

## UNDER THE MAINTENANCE AND OCCUPANCY BY-LAW 147-2011 AS AMENDED BY BY-LAW 213-2011

<p>To: Kurt Raulin &amp; Erika Raulin 1411 Giles Blvd. E. Windsor, Ontario N9A 4H2</p>	<p>Legal Description and Municipal Address of non-conforming Property:</p>	<p>1411 Giles Boulevard East  PLAN 648 LOT 596; 3569.50SF 30.25FR 118.00D Roll # 3739020160062000000  Folder Number: 14 194210</p>
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Date of Inspection: August 6, 2014

**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 147-2011 as amended by by-law 213-2011, 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: 1411 Giles E.  
Does not conform to the standards set forth in By-law Number 147-2011 as amended by By-law 213-2011

**DESCRIPTION OF PROPERTY:** A two storey single family dwelling.

### DEFECTS AND CONDITIONS NOT IN COMPLIANCE WITH THE BY-LAW:

<b>DEFECT 1:</b>	Multiple areas of the roof are covered by tarpaulins and plastic, and several areas are bare to the roof sheathing.  <i>1.12 All roofs shall be maintained in good repair and in a watertight condition.</i>
<b>CORRECTION 1:</b>	Obtain the services of a qualified person or company and repair or replace the entire roof of this building to ensure it is in good repair and in a watertight condition.
<b>DEFECT 2:</b>	A structural support for the roof area of the porch is visibly rotted and missing in sections. It is being supported by several sections of scaffolding and wooden supports.  <i>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.</i>
<b>CORRECTION 2:</b>	Obtain the services of a qualified and competent person to undertake the structural repairs as required to ensure that the roof structure is sound, and capable of properly supporting the weight of all loads applied to it.
<b>DEFECT 3:</b>	There are sections of plywood, bricks, loose piles of rotting lumber and various other debris littering the front porch. A rotting structure, appearing to be shed is located against the west wall of the building.  <i>1.1 Every owner of a residential property shall maintain the property or part thereof they occupy or control in a clean, sanitary and safe condition in accordance with municipal by-laws.</i>
<b>CORRECTION 3:</b>	Remove all debris, garbage and rotting material, including the shed structure from the property in order to bring the property into a safe and sanitary condition.

**\*\*NOTE:**

**ALL PERTINENT PERMITS MUST BE OBTAINED PRIOR TO COMMENCING WORK ON THIS 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

**ON OR BEFORE: September 2, 2014.**

**Dated at Windsor, Ontario, this 7<sup>th</sup> day of August 2014.**

Lee Anne Doyle, MCIP, RPP  
Chief Building Official

Per:



James J. Demars C.P.S.I., C.R.B.O.  
Inspector/Property Standards Officer  
Building Department  
(519) 255-6611 Ext. 6737  
E-mail: [jdemars@city.windsor.on.ca](mailto:jdemars@city.windsor.on.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 8:00 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.

=====  
Corporation of City of Windsor  
VTL - Vital Statistics  
350 City Hall Square  
Floor 2 Room 203  
Windsor ON N9A 6S1  
REG-RECEIPT: 22348 - 535099  
CASHIER ID : SP9/3/2014 13:32:00  
Date Printed: 9/3/2014 13:35:17  
=====

BLDG - By-Law Enforcement  
53150 - BLDG-INSP- 351.00  
Property Standards  
Appeal  
NOTICE OF APPEAL

SubTotal	\$351.00
PST	\$0.00
GST	\$0.00
HST	\$0.00
TOTAL DUE	\$351.00

RECEIVED FROM :  
Cornella Marco  
DEBIT CARD \$351.00

TOTAL TENDERED	\$351.00
CHANGE DUE	\$0.00

=====

AUG 11 2014

RECEIVED

RICCI · ENNS · ROLLIER  
& SETTERINGTON LLP

BARRISTERS AND SOLICITORS

[www.rers.ca](http://www.rers.ca)

**LEAMINGTON OFFICE:**

60 Talbot Street West  
Leamington, Ontario  
N8H 1M4  
(519)326-3237 (ph)  
(519)326-8139 (fax)

F. C. RICCI  
P. J. ENNS (1967 – 2014)  
D. L. ROLLIER  
M. SETTERINGTON GOENS  
J. G. AITKENS  
C. TODOROVSKI  
E. R. GRAPER

**KINGSVILLE OFFICE:**

8-59 Main Street East  
Kingsville, Ontario  
N9Y 1A1  
519-733-6573 (ph)  
519-733-3172 (fax)

August 7, 2014

Council Services Department  
Attn: Property Standards Committee  
350 City Hall Square West, Room 203  
Windsor, Ontario N9A 6S1

Dear Members of the Property Standards Committee:

**Re: Helen Wolfe 816 Howard Avenue**

Pursuant to the order of the City of Windsor Property Standards Committee dated September 30<sup>th</sup>, 2013, this letter is to inform you that Mrs. Wolfe has only been granted access to her home as of June 4<sup>th</sup> 2014 as a result of a City of Windsor Fire Department Inspection Order. Despite obtaining a formal letter of opinion from a Structural Engineer, Mrs. Wolfe was repeatedly warned and threatened that she would be charged if she entered the home per the terms of this Inspection Order. The Order, which was subsequently deemed invalid by the Office of the Fire Marshall restricted Ms. Wolfe's ability to enter her home until June 4<sup>th</sup>, 2014.

As a result, Mrs. Wolfe is now under a deadline of approximately 3 months to do the same amount of work that she was originally given a year to complete by the Property Standards Committee at a meeting on September 16<sup>th</sup>, 2013.

Please be advised that upon being granted access to the property, Ms. Wolfe has immediately taken several steps toward the restoration of her home and is currently in negotiations with a contractor to complete the project. This letter is to formally request an extension of one year from September 16<sup>th</sup>, 2014 so that Ms. Wolfe can carry on with the restoration of her home within the original timeline as granted by the Property Standards Committee.

Please advise if you have any questions or wish to discuss this request in further detail.

Yours truly,

**RICCI, ENNS, ROLLIER & SETTERINGTON LLP**

Per:

*Bob Marotte for:*

Jeffrey Aitkens

JGA:rm

Encl. Windsor Fire and Rescue Inspection Order dated September 21<sup>st</sup>, 2014, Letter from Fire Marshall Dated June 4<sup>th</sup>, 2014, Decision from the Property Standards Committee dated September 30<sup>th</sup>, 2013

WINDSOR FIRE & RESCUE SERVICES

(Fire Department Name)  
Num du service d'incendie

815 GOYEAU STREET

(Fire Department Address)  
Adresse du service d'incendie

N9A 1H7      519-253-6573

(Postal Code)      (Phone Number)  
(Code Postal)      (Numéro de téléphone)

To/À

HELEN KATHLEEN WOLFE

An inspection of the following described property /  
Une inspection de la propriété décrite

OWNED

(owned or occupied/qui appartient ou qui est occupée)

by you namely /

par vous, à savoir SINGLE FAMILY DWELLING

(dwelling, apartment house, store, school, hotel, factory, etc/habitation, immeuble résidentiel, magasin, école, hôtel, usine, etc.)

located in the municipality of /

située dans la municipalité de WINDSOR

at the following address /

à l'adresse suivante 816 HOWARD AVENUE

(street address or lot number/numéro et nom de rue ou numéro de lot)

was made on /

à été effectuée le 2013 09 21

Y/A M/M D/J

The reasons for the order are / Les motifs de cet ordre sont:

SEE APPENDIX A

Therefore, pursuant to Clause f of Subsection (1) of  
Section 21 of the *Fire Protection and Prevention Act*,  
1997, s.o. 1997, c4, it is ordered that

En conséquence, conformément à l'alinéa \_\_\_\_\_ du Paragraphe  
21(1) de la *Loi de 1997 sur la prévention et la protection contre  
l'incendie*, L.O. 1997, chap. 4, il est ordonné que

SEE APPENDIX A.

The work in this Order must be completed by /

Les travaux requis par cet ordre doivent être terminés au plus tard le

2013 10 31

Y/A M/M D/J

ANDREA DEJONG

Print name of inspector / nom de l'inspecteur en caractères  
d'imprimerie

Andrea DeJong

Signature of Inspector under the Fire Protection and Prevention Act, 1997 /  
Signature de l'inspecteur ou inspectrice responsable en vertu de la Loi de 1997  
sur la prévention et la protection contre l'incendie)

This order was served upon /

Cet ordre a été signifié à HELEN KATHLEEN WOLFE

on/le 2013 09 21

Y/A M/M D/J

By

personal service

regular letter mail

electronic transmission

facsimile transmission

other (specify) \_\_\_\_\_

Par

livraison en mains propres

courrier ordinaire

courriel

télécopieur

autre (précisez)

Andrea DeJong

Signature of person serving the order / signature de la personne qui signifie l'ordre



## NOTICE

Your rights of appeal from an Order under the *Fire Protection and Prevention Act, 1997* and other pertinent information are set out below. For accurate reference to the law, you should consult parts VI to VIII of the *Fire Protection and Prevention Act, 1997* s.o. 1997, c.4.

- 1) If you wish to appeal this Order, you must do so within fifteen days of being served with it. You may ask the Fire Marshal to review the Order by submitting a written request. (s.25)

Your request to the Fire Marshal to review the Order should be sent to the Fire Marshal at

5775 Yonge Street, 7<sup>th</sup> Floor  
North York, Ontario M2M 4J1

If you wish an extension of time to file your appeal to the Fire Marshal, you must do so within thirty days of being served with it. Your request must state reasonable grounds for granting the extension and should be sent to the Fire Marshal at the above address. (s.25)

- 2) If you apply to the Fire Marshal for a review and wish to appeal the answer, you have fifteen days to appeal to the Fire Safety Commission by mailing your application to the above address. This fifteen day period may be extended by the Fire Safety Commission on reasonable grounds, but any application for an extension must be made within thirty days after the Order appealed from was made or reviewed by the Fire Marshal. (s.26)
- 3) In all cases, your application for a review or an appeal should include a copy of the Order appealed from together with the grounds on which you are contesting the Order. The Fire Marshal may review the Order without holding a hearing. In case of an appeal to the Fire Safety Commission, the Commission will advise you of when and where your appeal is to be heard. [s.25(5), 26(5)]
- 4) On a review or an appeal, the Fire Marshal or the Fire Safety Commission may confirm the Order, modify it, rescind it or make a new order [s.25(4), 26(6)].
- 5) A person applying for a review of an Order by the Fire Marshal or appealing an Order to the Fire Safety Commission is relieved from complying with the Order until a review is completed or an appeal is heard. However, the Fire Marshal or the Fire Safety Commission may order that the Order take effect immediately where, in their opinion, such action is necessary in the interest of public safety. [s.25(6), 26(7)]
- 6) A decision of the Fire Safety Commission may be appealed to the Divisional Court, in accordance with the rules of that Court, on a question of law or mixed fact and law. (s.27)
- 7) A person who fails to comply with an Order is guilty of an offence and is subject, on conviction, to a fine of not more than \$20,000 for every day during which the default continues. (s.30)
- 8) Where a person has failed to comply with an Order, the Fire Marshal, an assistant to the Fire Marshal or a Fire Chief may apply to a judge of the Superior Court of Justice for an Order compelling the person affected to comply. An appeal from such an Order may be made to the Divisional Court. (s.32)
- 9) Where a person fails to comply with an Order within thirty days after being convicted for failing to do so, the Fire Marshal, an assistant to the Fire Marshal or a Fire Chief may apply to Ontario court of Justice and the Court may order the closing or removal of the property affected or the removal of anything therein. Where the Court finds such action to be necessary in the interest of public safety, the cost of any such closing or removal incurred by the Fire Marshal or the municipality may be collected from the owner as municipal taxes. (s.31, 38)
- 10) Where a building or premises is ordered closed, either by an Order of the Fire Marshal or by an Order of the Court, the owner shall be served with a copy of the Order and a copy posted on the property. It is an offence, punishable upon conviction by a fine of up to \$2000 or to a year imprisonment or both to remove the copy, unless the removal has been authorized by the Fire Marshal, an assistant to the Fire Marshal or a Fire Chief. [s.24(3), 29]

## AVIS

Vous trouverez ci-dessous une explication de vos droits d'appel relativement à un ordre qui aurait été émis en vertu de la *Loi de 1997 sur la prévention et la protection contre l'incendie*, ainsi que d'autres renseignements pertinents. Pour tenir compte avec exactitude de la loi, vous devriez consulter les parties VI à VIII de la *Loi de 1997 sur la prévention et la protection contre l'incendie*, L.O. 1997, chap. 4.

- 1) Si vous voulez en appeler du présent ordre, vous devez le faire dans les quinze jours qui en suivent la signification. (Art.26)

Vous pouvez demander au commissaire des incendies de réviser l'ordre en lui soumettant une demande écrite (art.25) à l'adresse suivante:

5775, rue Yonge, 7<sup>e</sup> étage  
North York (Ontario) M2M 4J1

Si vous voulez obtenir une prolongation du délai d'appel auprès du commissaire des incendies, vous devez la demander dans les trente jours suivant la signification de l'ordre. Dans votre demande, vous devez mentionner des motifs de prolongation raisonnables; expédiez cette demande à l'adresse ci-haut. (Art.25)

- 2) Si vous demandez au commissaire des incendies de réviser l'ordre et si vous voulez en appeler de la réponse, vous avez quinze jours pour en appeler auprès de la Commission de la sécurité-incendie; postez votre demande à l'adresse ci-haut. La Commission de la sécurité-incendie peut prolonger cette période de quinze jours s'il existe des motifs raisonnables; cependant, toute demande de prolongation doit être faite dans les trente jours après que l'ordre faisant l'objet de l'appel a été donné ou révisé par le commissaire des incendies. (Art.26)
- 3) Dans tous les cas, votre demande de révision ou d'appel devrait inclure une copie de l'ordre en question ainsi que les motifs de contestation de l'ordre. Le commissaire des incendies peut réexaminer l'ordre sans tenir d'audience. Si vous en appelez auprès de la Commission de la sécurité-incendie, cette dernière vous avisera du lieu et de la date où votre appel sera entendu. [Parag. 25(5), 26(5)]
- 4) Suite à une révision ou à un appel, le commissaire des incendies ou la Commission de la sécurité-incendie peut confirmer, modifier ou annuler l'ordre, ou en émettre un nouveau. [Parag. 25(4), 26(6)]
- 5) Une personne qui demande la révision d'un ordre émis par le commissaire des incendies ou qui en appelle d'un ordre auprès de la Commission de la sécurité-incendie n'est pas tenue de se conformer à l'ordre jusqu'à ce que la révision soit terminée ou qu'un appel soit entendu. Le commissaire des incendies ou la Commission de la sécurité-incendie peut cependant ordonner que cet ordre entre en vigueur immédiatement si, de leur avis, une telle mesure est nécessaire dans l'intérêt de la sécurité publique. [Parag. 25(6), 26(7)]
- 6) On peut en appeler d'une décision de la Commission de la sécurité-incendie auprès de la Cour divisionnaire, selon les règles de cette cour, sur une question de droit ou sur une question mixte de droit et de fait. (Art. 27)
- 7) Quiconque ne se conforme pas à un ordre ou à une ordonnance est coupable d'une infraction et est passible, sur déclaration de culpabilité, d'une amende n'excédant pas 20 000 \$ pour chaque jour où se poursuit le défaut. (Art. 30)
- 8) Si une personne ne s'est pas conformée à un ordre, le commissaire des incendies, un assistant ou une assistante du commissaire des incendies ou encore un chef ou une chef des pompiers et pompières peut présenter une requête à un juge ou à la cour supérieure de justice afin d'obliger la personne visée à s'y conformer. Un appel relativement à un tel ordre peut être déposé à la Cour divisionnaire. (Art. 32)
- 9) Si une personne ne se conforme pas à une ordonnance dans les trente jours suivant une condamnation à ce sujet, le commissaire des incendies, un assistant ou une assistante du commissaire des incendies ou encore un chef ou une chef des pompiers et pompières peut présenter une requête à la Cour de justice de l'Ontario; cette dernière peut ordonner la fermeture ou l'élimination de la propriété visée ou l'élimination de tout contenu. Si la Cour croit cette mesure nécessaire dans l'intérêt de la sécurité publique, le coût d'une telle fermeture ou d'une telle élimination qui est encouru par le commissaire des incendies ou la municipalité peut être récupéré du propriétaire ou de la propriétaire sous forme de taxes municipales. (Art. 31,38)
- 10) S'il est ordonné de fermer un bâtiment ou des locaux, soit par un ordre du commissaire des incendies, soit par une ordonnance de la Cour, une copie de l'ordre est signifiée au propriétaire ou à la propriétaire et une copie est affichée sur la propriété. Quiconque enlève cette copie de l'ordre est passible, sur déclaration de culpabilité, d'une amende n'excédant pas 2 000 \$ ou d'une peine de emprisonnement maximale d'un an ou des deux, à moins d'avoir obtenu l'autorisation d'enlever la copie du commissaire des incendies d'un assistant ou d'une assistante du commissaire des incendies ou du chef ou de la chef des pompiers et pompières. [Parag.24(3); art.29]

**WINDSOR FIRE & RESCUE SERVICES**

(Fire Department Name)  
Nom du service d'incendie

**815 GOYEAU STREET, WINDSOR**

(Fire Department Address)  
Adresse du service d'incendie

**N9A 1H7**                      **519-253-6573**

(Postal Code)                      (Phone Number)  
(Code Postal)                      (Numéro de téléphone)

<p style="text-align: center;"><b>Inspection Order</b></p> <p style="text-align: center;">(Made pursuant to the Fire Protection &amp; Prevention Act, 1997)</p> <p style="text-align: center;"><b>Ordres donnés par les inspecteurs</b></p> <p style="text-align: center;">(donné en vertu de la Loi de 1997 sur la prévention et la protection contre l'incendie)</p>
--

**'APPENDIX A'- page 1**

**816 Howard Avenue, Windsor, ON N9A 1R9**

**The reasons for the order:**

1. A fire occurred at the above noted address on September 19, 2013. Due to the extensive volume of combustibles in the third floor attic space (where the fire originated) approximately 300,000 gallons of firefighting water was applied to this structure at the time of suppression activities. During and after the fire it was identified that the structure was found to be in a state of disrepair due to improper maintenance or lack of maintenance, therefore there was concern with minimizing the risk of inadequate performance and the collapse of physical elements due to the fire.

As a result of these concerns, Windsor Fire & Rescue Services is discouraging entry into the structure in order to avoid exposing firefighters or any other person(s) to an unacceptable risk of injury and/or entrapment, minimize the risk that persons will be trapped in confined spaces as result of the damage done at the time of the fire and the associated load and forces of the firefighting water onto the extensive combustible load existing in the structure.

A Professional engineer is required to assess the stability of the structure as it now exists to establish the requirements, if any, for safe structure remedy measures to be completed in order to retard failure or collapse due to the effects of fire, to support and withstand expected loads and forces and to limit movement under expected loads and forces that appear to currently exist in the structure.

2. In order to avoid exposing firefighters or any other person(s) to an unacceptable risk of injury and/or entrapment, minimize the risk that persons will be trapped in confined spaces as result of the damage done at the time of the fire, Windsor Fire and Rescue Services is requesting that a pre-event emergency measures safety plan be put into place prior to entry into the structure by any person(s).
  - a) Pre-entry notification to and response by the Chief Fire Official will permit planning to take place (notify emergency responders, in a timely manner, of the need to take action in an emergency).
  - b) To provide for a controlled and facilitated entry that is reasonable to all parties. To facilitate a well prepared timely and safe emergency response if required.
  - c) There is the potential collapse of physical elements due to the fire and in order to minimize the risk and in the event that persons will be trapped in confined spaces a recognized safety method to allow for reducing the risk to fire fighters performing rescue operations shall be put into use.
  - d) Due to the fire and the resulting conditions there is a high potential for inadequate indoor air quality. In order to avoid exposing the firefighters and/or any other person(s) to an unacceptable risk of injury and/or entrapment due to a required rescue, some form of respiratory protective program should be put into place to avoid the harmful side effects.
  - e) When inside the structure, a means to notify any person(s) inside the structure and outside to affect a rescue if required that would facilitate the timely movement of persons to a safe place in an emergency and provide a means to notify persons, in a timely manner, of the need to take action in an emergency.
  - f) There is a need for some form of written organizational plan for those entering that they are cognizant of the dangers and hazards associated with entering and being inside the structure under the existing conditions, and that a plan shall be instituted that all person(s) entering are aware of these dangers to allow them to take action in an emergency.

**WINDSOR FIRE & RESCUE SERVICES**

(Fire Department Name)  
Nom du service d'incendie

**815 GOYEAU STREET, WINDSOR**

(Fire Department Address)  
Adresse du service d'incendie

**N9A 1H7            519-253-6573**

(Postal Code)            (Phone Number)  
(Code Postal)            (Numéro de téléphone)

**816 Howard Avenue, Windsor, ON N9A 1R9**

**Inspection Order**

(Made pursuant to the Fire Protection & Prevention Act, 1997)

**Ordres donnés par les inspecteurs**

(donné en vertu de la Loi de 1997 sur la prévention et la protection  
contre l'incendie)

**'APPENDIX A' – page 2**

**It is ordered that:**

1. Refrain from entering the structure until a Professional Engineer can conduct a detailed analysis of the structure to assess the stability, and address any necessary safe structure support measures that may be required to be instituted in order for rehabilitative/reconstructive work to be completed on the structure.
2. In order for the Professional Engineer or any other person to enter the structure, an emergency measures safety plan must be put into place. The measures of this plan are as follows:
  - a) During normal business hours, the owner must notify the Chief Fire Official of Windsor Fire & Rescue Services (WFRS) in writing (email is recognized as being sufficient) of their intention to enter the structure. A positive response from the Chief Fire Official must be received.
  - b) A manned WFRS fire apparatus must be on location at the time of and during entry into the structure. Notification to WFRS during normal business hours must be made with sufficient notice to allow for planning of a fire apparatus to be released to attend the above noted address for the purposes of providing rescue if required.
  - c) Any person entering the structure, including the Professional Engineer, shall have a recognized life line attached to their person at all times while inside the structure.
  - d) Any person entering the structure, including the Professional Engineer, shall have respiratory protection due to the possible inadequate indoor air quality and head protection to protect from collapse of physical elements as a result of the fire.
  - e) Any person entering the structure, including the Professional Engineer, shall have a means of communication on their person at all times, that provides them contact with the outside WFRS apparatus/personnel and each other on the interior of the structure.
  - f) A detailed written emergency procedure shall be provided prior to entry outlining the steps the entering person(s) will follow in the event of an emergency. This procedure shall be submitted to the Chief Fire Official prior to entry.



# THE CITY OF WINDSOR

COUNCIL SERVICES DEPARTMENT

VALERIE CRITCHLEY  
CITY CLERK

IN REPLY, PLEASE REFER  
TO OUR FILE NO. \_\_\_\_\_

September 30, 2013

**REGISTERED MAIL**

Ms. Kimberly Wolfe, Solicitor  
Ricci Euns & Rollier, Barristers & Solicitors  
60 Talbot Street West  
Leamington, Ontario N8H 1M4

Dear Ms. Wolfe

**RE: 816 Howard Avenue**

As you are aware, your appeal against an Order issued August 20, 2013 under the Maintenance & Occupancy By-law 147-2011, was considered by the Property Standards Committee at its meeting held September 16, 2013 in the Town of Walkerville Meeting Room, City Hall.

**Attached** hereto is a copy of the Committee's decision in this matter.

It is suggested that you communicate with Dan Lunardi, Manager of Inspections, at 519-255-6611, extension 6166 for information and guidance pertaining to the work required under the said Order.

Yours very truly,

Karen Kadour  
Coordinator, Property Standards Committee

**Attachment**

cc: Dan Lunardi, Manager of Inspections

**IN THE MATTER OF THE MAINTENANCE AND OCCUPANCY BY-LAW  
NUMBER 147-2011, of the Corporation of the City of Windsor and amendments thereunder**

**AND IN THE MATTER of an Appeal to Property Standards Committee  
constituted hereunder**

**MEMBERS PRESENT at the meeting held September 16, 2013**

**Jim Evans, Chairperson  
John Middleton, Vice Chairperson  
Bill Van Wyck, Member  
Mark Stephen, Member**

**B E T W E E N**

**Helen Kathleen Wolfe**

**Appellant**

and

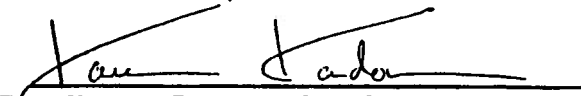
**THE CORPORATION OF THE CITY OF WINDSOR**

**Respondent**

**ORDER OF THE PROPERTY STANDARDS COMMITTEE**

**UPON THE APPLICATION of the Appellant by way of Appeal from the Order to Repair made by the Property Standards Officer on the 20<sup>th</sup> day of August, 2013 respecting the property located at 816 Howard, Lot N Pt lot 3 S Pt lot 4 Block 3, Plan 134, City of Windsor, and upon reading the said Order,**

**IT IS ORDERED that the said Order to Repair 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.**

  
**Coordinator, Property Standards Committee**

Ministry of Community  
Safety and Correctional  
Services

Office of the  
Fire Marshal and  
Emergency Management

Place Nouveau Building  
7th Floor  
5775 Yonge Street  
North York ON M2M 4J1  
Telephone: (416) 325-3100  
Facsimile: (416) 325-3213

Ministère de la Sécurité  
communautaire et des  
Services correctionnels

Bureau du commissaire  
des incendies et  
de la gestion des situations d'urgence

Édifice Place Nouveau  
7<sup>e</sup> étage  
5775 rue Yonge  
North York ON M2M 4J1  
Téléphone: 416-325-3100  
Télécopieur: 416-325-3213



June 4, 2014

Jeffrey Aitkens  
Ricci-Enns-Rollier & Settrington LLP  
60 Talbot Street West  
Leamington, ON N8H 1M4

Dear Jeffrey Aitkens:

**Re: Review No. FM-14052 – Request for Extension of Time to Appeal an Order concerning premises located at 816 Howard Avenue, Windsor**

---

This will acknowledge your letter dated May 29, 2014, requesting an extension of time to file an appeal respecting an Order served on Helen Wolfe, and made by Andrea DeJong, an Assistant to the Fire Marshal with Windsor Fire and Rescue Services.

The time period to apply to the Fire Marshal for an extension of time is limited by subsection 25.(3) of the *Fire Protection and Prevention Act, 1997*, and this time period (within 30 calendar days following service) has expired. There is no authority to grant an extension of time in your case and your request is therefore denied.

The request for a review by the Fire Marshal is also refused on the grounds that the Inspection Order is invalid, as it does not address the purpose of Subsection 21.(1) of the *Fire Protection and Prevention Act, 1997*, namely "to take any measure necessary to ensure fire safety on the land and premises". While it is apparent that the Order is based on damage resulting from a fire, the issue is not one of fire safety.

Should you have any questions, please feel free to contact me.

Sincerely,

Susan Clarke  
Fire Marshal Delegate

c: Fire Chief R. Bruce Montone – Windsor Fire & Rescue Services  
Inspector Andrea DeJong – Windsor Fire & Rescue Services



**THE CORPORATION OF THE CITY OF WINDSOR**

**OFFICE OF THE CITY SOLICITOR – Legal Services Division**

**Shelby Askin Hager, LL.B.**  
City Solicitor

**CITY OF WINDSOR  
COUNCIL SERVICES**

AUG 07 2014

**PLEASE REPLY TO:**

Patrick T. Brode, Senior Legal Counsel

Phone: (519) 255-6100 Ext. 6377

Fax: (519) 255-6933

pbrode@city.windsor.on.ca

**RECEIVED**

August 6, 2014

Mr. Jeffrey Hewitt,  
13300 Tecumseh Rd. East,  
Windsor, ON  
N8N 4R8

MB <sup>ACD.</sup> Property Standards  
SB Building  
SF File

Dear Mr. Hewitt:

*RE: Helen Wolfe- 816 Howard Avenue, Windsor ON*

*I was not aware of the letter from Mr. Aitkens dated July 23<sup>rd</sup> on the above issue. I have made enquiries of Council Services and no such letter has been received by them.*

*In any event, the thrust of Mr. Aitkens letter is apparently to request the Property Standards Committee to grant "an extension of one year from September 16<sup>th</sup> 2014." That Committee made an Order on September 16, 2013 to extend the period for compliance with the Order of the Chief Building Official for a year until September 16, 2014. Having done that, the Committee is functus officio and without any further authority. Subsection 15.3(7) of the Building Code Act further provides:*

*"An order that is deemed to be confirmed... or modified by the committee ... shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order."*

*With regard to the second paragraph of your letter and the allegation that the Fire Safety Order denied access to the property, as I indicated to you in my letter of June 2, this is incorrect. All the Order did was request that an emergency measures safety plan be put in place prior to entry into the structure by any person. No such plan has ever been provided by Ms. Wolfe. You further indicate that the Order has been declared invalid.*

*It has not.*

*The Order was made pursuant to the provisions of the Fire Protection and Prevention Act, 1997 and can only be altered or repealed by the processes set out in that statute. It has not been altered and is still in full force and effect.*

*Yours very truly,*

*Patrick T. Brode  
Senior Legal Counsel*

*PTB*

c.c. Chief Building Official  
Fire Chief  
City Clerk