



HEARING COMMITTEE AGENDA

Hearing Committee Meeting
Wednesday, April 5, 2017
Committee Room C-11, Tom Davies Square

4:00 p.m. HEARING COMMITTEE MEETING
COMMITTEE ROOM C-11

City of Greater Sudbury Council and Committee Meetings are accessible and are broadcast publically online and on television in real time and will also be saved for public viewing on the City's website at:
<https://agendasonline.greatersudbury.ca>.

Please be advised that if you make a presentation, speak or appear at the meeting venue during a meeting, you, your comments and/or your presentation may be recorded and broadcast.

Your information is collected for the purpose of informed decision-making and transparency of City Council decision-making under various municipal statutes and by-laws and in accordance with the *Municipal Act, 2001, Planning Act, Municipal Freedom of Information and Protection of Privacy Act* and the City of Greater Sudbury's *Procedure By-law*.

For more information regarding accessibility, recording your personal information or live-streaming, please contact Clerk's Services by calling 3-1-1 or emailing clerks@greatersudbury.ca.

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

APPOINTMENT OF COMMITTEE CHAIR AND VICE-CHAIR

1. Report dated December 14, 2016 from the Executive Director, Legislative Services/City Clerk regarding Appointment of Chair and Vice-Chair - Hearing Committee. **4 - 5**
(RESOLUTION PREPARED)
(Deputy City Clerk, Brigitte Sobush will call the meeting to order and preside until the Hearing Committee Chair and Vice Chair have been appointed, at which time the newly appointed Chair will preside over the balance of the meeting.)

PUBLIC HEARINGS

1. Report dated March 13, 2017 from the General Manager of Corporate Services regarding Order to Remedy Appeal, ACR 729525 - 633 Lavoie St., Sudbury. **6 - 17**
(RESOLUTION PREPARED)
 - Brendan Adair, Manager of Security and By-Law
2. Report dated March 13, 2017 from the General Manager of Corporate Services regarding Order to Remedy Appeal, ACR 729526 - 1198 Rideau St., Sudbury. **18 - 31**
(RESOLUTION PREPARED)
 - Brendan Adair, Manager of Security and By-Law
3. Report dated March 13, 2017 from the General Manager of Corporate Services regarding Order to Remedy Appeal, ACR 729974 - 946 Martindale Rd., Sudbury. **32 - 58**
(RESOLUTION PREPARED)
 - Brendan Adair, Manager of Security and By-Law
 - Stephen Holt, By-law Enforcement Officer
4. Report dated March 13, 2017 from the Executive Director, Legislative Services/City Clerk regarding By-Law Clearing of Lands Notice of Non-Conformity Appeal, ACR 731681 . **59 - 73**
(RESOLUTION PREPARED)
 - Brendan Adair, Manager of Security and By-Law
 - Carmen Solowoniuk, By-law Enforcement Officer

ADDENDUM

CIVIC PETITIONS

QUESTION PERIOD AND ANNOUNCEMENTS

NOTICES OF MOTION

ADJOURNMENT

Request for Decision

Appointment of Chair and Vice-Chair - Hearing Committee

Presented To:	Hearing Committee
Presented:	Wednesday, Apr 05, 2017
Report Date	Wednesday, Dec 14, 2016
Type:	Appointment of Committee Chair and Vice-Chair

Resolution

THAT the City of Greater Sudbury appoints Councillor _____ as Chair and Councillor _____ as Vice-Chair of the Hearing Committee for the term ending December 31, 2017.

Finance Implications

Funding for the remuneration of the Chair is provided for within the operating budget.

Background

This report sets out the procedure for the election by the Committee of the Chair and Vice-Chair of the Hearing Committee for the term ending December 31, 2017.

The Procedure By-law provides that a Member of the Committee shall be appointed annually by the Committee to serve as Chair of the Hearing Committee. As well, a Vice-Chair is appointed annually.

The above appointments need only be confirmed by resolution.

Selection

The selection of the Chair and Vice-Chair is to be conducted in accordance with Articles 33 and 37 of the Procedure By-law.

Council's procedure requires that in the event more than one (1) candidate is nominated for either the Chair or Vice-Chair's position, a simultaneous recorded vote shall be used to select the Chair and Vice-Chair.

It is always in order for a Member of Council to nominate themselves and to vote for themselves. Under

Signed By

Report Prepared By

Brigitte Sobush
Manager, Clerk's Services/Deputy City Clerk
Digitally Signed Dec 14, 16

Division Review

Caroline Hallsworth
Executive Director, Legislative Services/City Clerk
Digitally Signed Mar 17, 17

Recommended by the Department

Kevin Fowke
General Manager of Corporate Services
Digitally Signed Mar 20, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Dec 15, 16

Robert's Rules of Order a nomination does not need a second.

Once the successful candidates have been selected, a recommendation will be introduced.

Request for Decision

Order to Remedy Appeal, ACR 729525 - 633 Lavoie St., Sudbury

Presented To:	Hearing Committee
Presented:	Wednesday, Apr 05, 2017
Report Date	Monday, Mar 13, 2017
Type:	Public Hearings

Resolution

THAT the City of Greater Sudbury upholds Property Standards Order to Remedy ACR 729525 issued to the owner of 633 Lavoie Street, City of Greater Sudbury.

Finance Implications

No financial implications

Background

Property Standards Order to Remedy (herein referred to as "the Order") was issued pursuant to the Building Code Act, S.O. 1992, chapter 23, as amended (herein referred to as "the Act")

The Council of the City of Greater Sudbury enacted By-law 2011-277, cited as the "Maintenance and Occupancy Standards By-law" (herein referred to as "the By-law"). This By-law has been passed under the authority of section 15 of the Act and prescribes standards for the maintenance and occupancy of properties within the City and for requiring properties not in conformance with the standards therein to be repaired and maintained to conform to the standards. This By-law was enacted to ensure the safety of residents and the upkeep of properties to prevent the degradation of the community and neighborhoods.

The enforcement and appeal provisions of this By-law are found in the Building Code Act. It provides for inspection powers of the officer, the issuance of an Order, the establishment of a Property Standards Committee, and the procedures for an appeal of the Order. Specific time frames and methods of notification are established in the Act and the powers of the Property Standards Committee are also set out in the Act.

The facts and evidence supporting the order are attached as appendices to this report.

Conclusion

Section 15.3(3.1) of the Building Code Act sets out the powers of the committee on an appeal of an Order. It provides to the committee the same powers and functions of the officer who made the order, and can

Signed By

Report Prepared By

Brendan Adair
Manager of Security and By-Law
Digitally Signed Mar 13, 17

Division Review

Caroline Hallsworth
Executive Director, Legislative
Services/City Clerk
Digitally Signed Mar 14, 17

Recommended by the Department

Kevin Fowke
General Manager of Corporate
Services
Digitally Signed Mar 21, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Mar 21, 17

confirm, modify or rescind the Order, and can also extend the time for complying with the order, if in the committee's opinion doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement.

Section 18 of the City of Greater Sudbury's Official Plan starts with the statement "Adequate and affordable housing for all residents is a fundamental component of Greater Sudbury's Healthy Community approach to growth and development. Further statements include the achieving diversity in the housing supply by maintaining a balanced mix of ownership and rental housing, and addressing housing requirements for low income groups and people with special needs. One of the objectives of the policy is to ensure that the City's housing stock provides acceptable levels of health and safety through enforcement of the property maintenance standards in all forms of housing. The intent and purpose of the by-law may also be determined through statements in the preamble; "Whereas the lack of upkeep of a residential property can lead to the degradation of a neighbourhood and of a community."

It is for these reasons that the recommendation in this report is to uphold the Order, #729525 dated September 22, 2016, to ensure that the owner of the property of 633 Lavoie St, complies with the maintenance and occupancy standards as set out in the CGS By-law, 2011-277.











PO BOX 5000 STN A

200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200 RUE BRADY
SUDBURY ON P3A 5P3

**ORDER TO REMEDY
NON-CONFORMITY WITH STANDARDS
FOR MAINTENANCE AND OCCUPANCY OF
ALL PROPERTY**

Issued pursuant to section 15.2(2) of
The Building Code Act, S.O. 1992, chapter 23, as amended.

		Case # 729525
Date of Inspection: September 16, 2016	Time: 9:30 AM	By-Law No.: 2011-277
Municipal address or legal description of property X Occupied Unoccupied		
633 LAVOIE ST, SUDBURY, ON - MCKIM CON 6 LOT 3 PCL 13514 RP 53R5044 PART 2 PIN 02171-0203		
Name of owner and mailing address		
[REDACTED]		
DESCRIPTION OF NON-CONFORMITY		LOCATION
1) Owner, fail to ensure that all retaining walls, screen walls and ornamental walls are constructed of durable materials and maintained in a structurally sound condition.		Back yard.
		BY-LAW Reference
		By-Law 2011-77, Part 2, Ss 2.10(1)
REQUIRED ACTION		
1) Remove and replace the retaining wall located in back yard at the south side of the property along the lot line shared with 1198 Rideau St.		
There must be compliance with the terms and conditions of this order before this date: NOVEMBER 4TH, 2016.		

TAKE NOTICE THAT if such repair or clearance is not done within the time specified in this order, the Municipality may carry out the repair or clearance at the expense of the owner. Clause 15.2 (2) (c).

APPEAL TO PROPERTY STANDARDS COMMITTEE - An owner or occupant upon whom this order has been served, if not satisfied with the terms or conditions of the order, may appeal to the Property Standards Committee by sending notice of appeal by registered mail to the Secretary of the Committee on or before **OCTOBER 12TH, 2016**, and in the event that the order is not appealed, it shall be deemed to be confirmed. Subsection 15.3 (2).

Kyle Anderson
Property Standards Officer,
Municipal Law Enforcement Officer
705-674-4455 ext. 2510

Date Order Served: **SEPTEMBER 22, 2016.**

DISTRIBUTION OF ORDER TO REMEDY* - The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property. Subsection 15.2(3).

REGISTRATION OF ORDER - Where a copy of this order is registered in the proper land registry office, any person acquiring any interest in the land, subsequent to the registration of the order, shall be deemed to have been served with the order on the day on which the order was served. Subsection 15.2 (4).

OFFENCE - A person is guilty of an offence if the person fails to comply with an order, direction or other requirement made under the Building Code Act, 1992. A person who is convicted of an offence is liable to a fine of not more than \$25, 000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence. Subsections 36 (1) (b) and 36 (3).

Personal information contained on this form, collected pursuant to a by-law passed under the Building Code Act, 1992 will be used for the purposes of that by-law. Questions should be directed to the Municipal Freedom of Information and Privacy Coordinator at the institution responsible for the procedures under that Act.

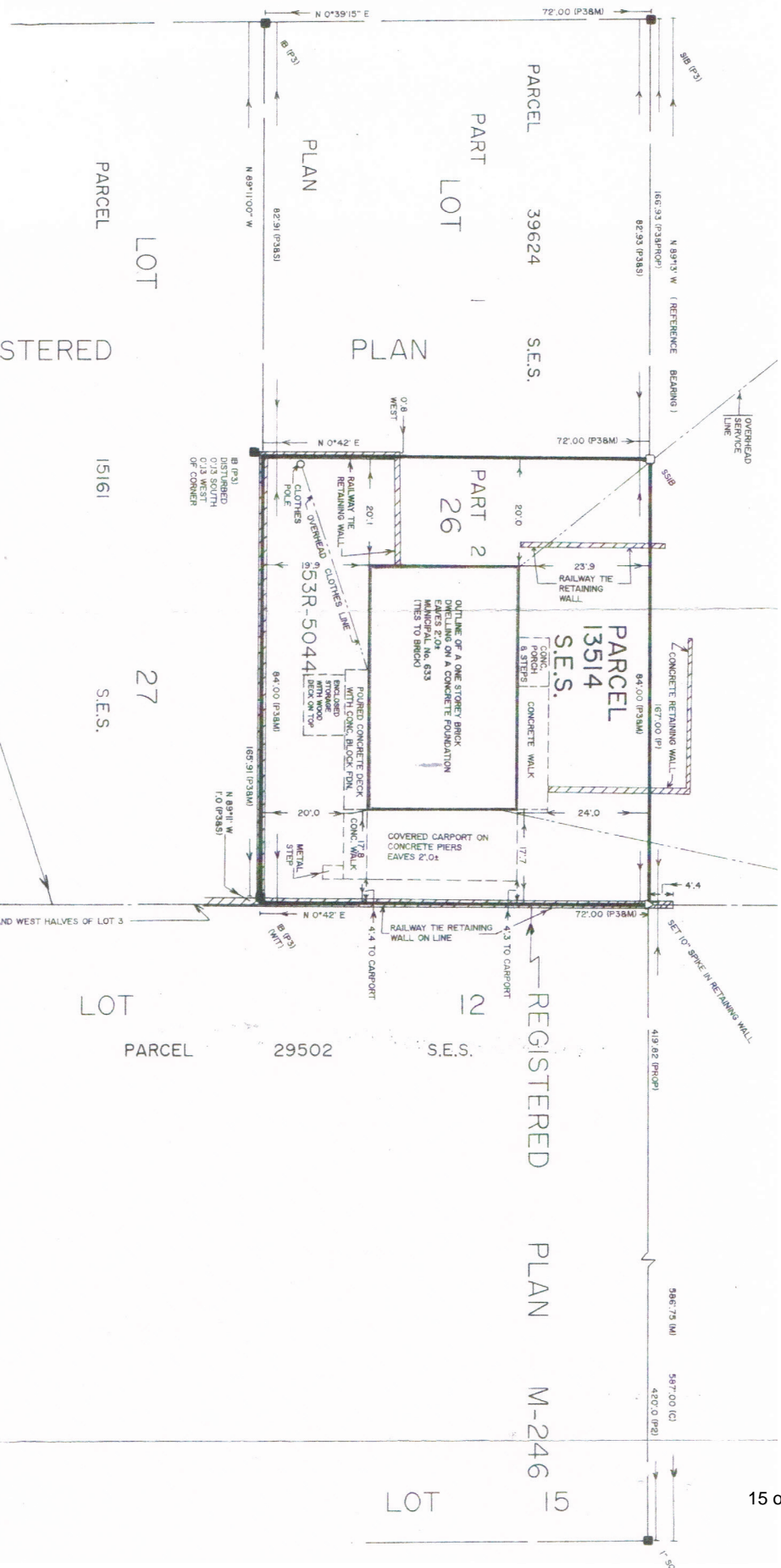
		REGISTERED DOMESTIC CUSTOMER RECEIPT		RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT		
To Name		Destinataire Nom		FOR DELIVERY CONFIRMATION CONFIRMATION DE LA LIVRAISON		www.canadapost.ca or/ou www.postescanada.ca 1 888 550-6333
Address		Adresse		CPC Tracking Number Numéro de repérage de la SCP		
City / Prov. / Postal Code		Ville / Prov. / Code postal		RN 189 369 675 CA		
Declared Value Valeur déclarée		\$				
33-086-584 (14-06)						

Property Standards Appeal Committee Report
633 Lavoie St, Sudbury, ON – ACR 729525
Prepared by Kyle Anderson

On September 16, 2016, at 0930 Officer Anderson attended the property at 1198 Rideau St in Sudbury for an inspection. Present at that time were the property owner of 1198 Rideau St [REDACTED] Councillor Kirwan, Brendan Adair, Melissa Laalo and Andre Guillot. He observed a retaining wall located along side lot line shared with 1198 Rideau St. The wall is constructed of wood rail road ties and was observed to be in a state of disrepair. The top of the wall was observed to be leaning out beyond the bottom of the wall and as such, the wall is no longer plumb. Loose and decayed sections were also observed.

A property survey of the property at 633 Lavoie St was received by Officer Anderson from the owner of that address. The survey indicates that the section of the retaining wall running east to west, being the same section of wall that is in a state of disrepair, is located on the lot line shared by 1198 Rideau St and 633 Lavoie St. At the time of the inspection [REDACTED] indicated that [REDACTED] did not believe [REDACTED] had any responsibility for the wall at that it is solely owned by the abutting property owner. [REDACTED] further indicated that there is a property marker/pin in the ground next to the wall that shows the wall is not on [REDACTED] property. Officer Anderson noted based on a review of the survey obtained by the abutting property owner that the pin brought to attention by [REDACTED] may have been disturbed. At that time, Mr. Guillot also indicated that for safety reasons there should be some temporary shoring installed to keep the wall from falling.

Based on the information contained within the survey and on his observation while on site Officer Anderson issued Orders to Remedy to both property owners requiring that the wall be removed and replaced. The date of compliance was set to November 4, 2016.



PARC. 13514 S.E.4. DESIGNED AS PART
BEING PART OF LOT 28, REGISTERED PLAN
MUNICIPAL NO. 6331 LAVOIE STREET.
REGISTERED EASEMENTS AND/OR
THERE ARE NO REGISTERED EASEMENTS 0
ENCROACHMENTS
THERE ARE NO ENCROACHMENTS OF OTHE
PARCEL 13514 S.E.3
COMPLIANCE WITH MUNICIPAL ZON
NOT CERTIFIED BY THIS REPORT.

PAQUETTE, CAMPBELL & LALANDE

BARRISTERS AND SOLICITORS
AVOCATS, NOTAIRES ET PROCUREURS

NORMAN N. PAQUETTE, B.A., LL.B.

NEIL J. CAMPBELL, LL.B.

RANDALL W. LALANDE, B.A., LL.B.

218 LASALLE BLVD, AT NOTRE-DAME,
SUDBURY, ONTARIO.

TELEPHONE: 560-2121

HANMER OFFICE,
VALLEY PLAZA CENTRE,
P. O. BOX 639,
HANMER, ONTARIO
TELEPHONE: 969-5820

IN REPLY, PLEASE REFER TO **Randall W. Lalande**
Sudbury Office

June 26th, 1978

██████████
633 Lavoie Street
SUDBURY, Ontario
P3A 2B6

Dear Sir:

RE: ██████████

1198 Rideau Street
SUDBURY, Ontario

Please be advised that we are solicitors for ██████████ and as you are aware ██████████ occupies the residence partially situate behind your property.

██████████ advises that ██████████ has been having problems relating to the escape of water from your premises onto ██████████ property which is unfortunately four or five feet lower than yours.

Apparently there are eavestroughs extending from the edge of your carport in an L-shape around the back of ██████████'s home. In addition there is an eavestrough extending from the opposite corner of your house which as well leads into an area where water obviously escapes and funnels down onto ██████████'s property.

The problem is rather substantial in that the water in the spring and winter months freezes and causes damage to the pavement of the driveway. In addition the quantity of water causes flooding into ██████████'s basement which of course is very aggravating and costly.

.../2

June 26th, 1978

It would appear that without too much expense the matter can easily be corrected and the water can be directed to the ditch area in front of your property rather than to the rear of the property. [REDACTED] advises that [REDACTED] has attempted to indicate to you that [REDACTED] does have this problem however [REDACTED] has been unsuccessful in arranging something suitable to correct the situation. You will also note that the tile wall located in back of your property somewhat extends onto [REDACTED]'s property. [REDACTED] has no objection to this although legally [REDACTED] probably could urge you to move the wall and suffer this expense.

Please be advised that insofar as the law is concerned you are not entitled to use property as you wish. In fact if the use of your land causes water or any other substance to escape and this results in damage to the property of a neighbour then you will be answerable for all of the damage which is the natural consequence of the water's escape.

[REDACTED] does not wish to pursue the matter of damages at this stage. We would expect you to cooperate and to correct the existing situation without the necessity of costs and possibly civil litigation. I have advised [REDACTED] to await the expiry of 14 days from your receipt of this letter prior to becoming further involved with the matter.

If you correct the situation then the matter of course will be at an end. If you wish to dispute the situation then I would appreciate being contacted by your lawyer forthwith.

Y
Yours very truly,

PAQUETTE, CAMPBELL & LALANDE

Randall W. Lalande

RWL/pp
c.c. - [REDACTED]

1198 Rideau Street
SUDBURY, Ontario
P3A 3A4

Request for Decision

Order to Remedy Appeal, ACR 729526 - 1198 Rideau St., Sudbury

Presented To:	Hearing Committee
Presented:	Wednesday, Apr 05, 2017
Report Date	Monday, Mar 13, 2017
Type:	Public Hearings

Resolution

THAT the Property Standards Order to Remedy issued by By-Law Enforcement Officer Kyle ANDERSON to the owner of 1198 Rideau St City of Greater Sudbury, be upheld.

Finance Implications

No financial implications

Background

Property Standards Order to Remedy (herein referred to as "the Order") was issued pursuant to the Building Code Act, S.O. 1992, chapter 23, as amended (herein referred to as "the Act")

The Council of the City of Greater Sudbury enacted By-law 2011-277, cited as the "Maintenance and Occupancy Standards By-law" (herein referred to as "the By-law"). This By-law has been passed under the authority of section 15 of the Act and prescribes standards for the maintenance and occupancy of properties within the City and for requiring properties not in conformance with the standards therein to be repaired and maintained to conform to the standards. This By-law was enacted to ensure the safety of residents and the upkeep of properties to prevent the degradation of the community and neighborhoods.

The enforcement and appeal provisions of this By-law are found in the Building Code Act. It provides for inspection powers of the officer, the issuance of an Order, the establishment of a Property Standards Committee, and the procedures for an appeal of the Order. Specific time frames and methods of notification are established in the Act and the powers of the Property Standards Committee are also set out in the Act.

Facts and evidence supporting the order are presented in the appended documents.

Conclusion

Section 15.3(3.1) of the Building Code Act sets out the powers of the committee on an appeal of an Order. It provides to the committee the same powers and functions of the officer who made the order, and can

Signed By

Report Prepared By

Brendan Adair
Manager of Security and By-Law
Digitally Signed Mar 13, 17

Division Review

Caroline Hallsworth
Executive Director, Legislative
Services/City Clerk
Digitally Signed Mar 14, 17

Recommended by the Department

Kevin Fowke
General Manager of Corporate
Services
Digitally Signed Mar 22, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Mar 22, 17

confirm, modify or rescind the Order, and can also extend the time for complying with the order, if in the committee's opinion doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement.

Section 18 of the City of Greater Sudbury's Official Plan starts with the statement "Adequate and affordable housing for all residents is a fundamental component of Greater Sudbury's Healthy Community approach to growth and development. Further statements include the achieving diversity in the housing supply by maintaining a balanced mix of ownership and rental housing, and addressing housing requirements for low income groups and people with special needs. One of the objectives of the policy is to ensure that the City's housing stock provides acceptable levels of health and safety through enforcement of the property maintenance standards in all forms of housing. The intent and purpose of the by-law may also be determined through statements in the preamble; "Whereas the lack of upkeep of a residential property can lead to the degradation of a neighbourhood and of a community."

It is for these reasons that the recommendation in this report is to uphold the Order, #729526 dated September 22, 2016, to ensure that the owner of the property of 1198 Rideau St, complies with the maintenance and occupancy standards as set out in the CGS By-law, 2011-277.











PO BOX 5000 STN A

200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200 RUE BRADY
SUDBURY ON P3A 5P3

**ORDER TO REMEDY
NON-CONFORMITY WITH STANDARDS
FOR MAINTENANCE AND OCCUPANCY OF
ALL PROPERTY**

Issued pursuant to section 15.2(2) of
The Building Code Act, S.O. 1992, chapter 23, as amended.

		Case # 729526
Date of Inspection: September 16, 2016	Time: 9:30 AM	By-Law No.: 2011-277
Municipal address or legal description of property X Occupied Unoccupied		
1198 RIDEAU ST, SUDBURY, ON - MCKIM CON 6 LOT 3 PCL 15161 PLAN M190 LOT 27 PIN 02171-0205		
Name of owner and mailing address		
<div style="background-color: black; height: 20px; width: 100%;"></div>		
DESCRIPTION OF NON-CONFORMITY		LOCATION
1)	Owner, fail to ensure that all retaining walls, screen walls and ornamental walls are constructed of durable materials and maintained in a structurally sound condition.	Back yard.
		BY-LAW Reference
		By-Law 2011-77, Part 2, Ss 2.10(1)
REQUIRED ACTION		
1) Remove and replace the retaining wall located in the interior side yard and back yard at the north side of the property along the lot line shared with 633 Lavoie St.		
There must be compliance with the terms and conditions of this order before this date: <u>NOVEMBER 4TH, 2016.</u>		

TAKE NOTICE THAT if such repair or clearance is not done within the time specified in this order, the Municipality may carry out the repair or clearance at the expense of the owner. Clause 15.2 (2) (c).

APPEAL TO PROPERTY STANDARDS COMMITTEE - An owner or occupant upon whom this order has been served, if not satisfied with the terms or conditions of the order, may appeal to the Property Standards Committee by sending notice of appeal by registered mail to the Secretary of the Committee on or before **OCTOBER 12TH, 2016**, and in the event that the order is not appealed, it shall be deemed to be confirmed. Subsection 15.3 (2).



Kyle Anderson
Property Standards Officer,
Municipal Law Enforcement Officer
705-674-4455 ext. 2510

Date Order Served: SEPTEMBER 22, 2016.

DISTRIBUTION OF ORDER TO REMEDY* - The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property. Subsection 15.2(3).

REGISTRATION OF ORDER - Where a copy of this order is registered in the proper land registry office, any person acquiring any interest in the land, subsequent to the registration of the order, shall be deemed to have been served with the order on the day on which the order was served. Subsection 15.2 (4).

OFFENCE - A person is guilty of an offence if the person fails to comply with an order, direction or other requirement made under the Building Code Act, 1992. A person who is convicted of an offence is liable to a fine of not more than \$25, 000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence. Subsections 36 (1) (b) and 36 (3).

Personal information contained on this form, collected pursuant to a by-law passed under the Building Code Act, 1992 will be used for the purposes of that by-law. Questions should be directed to the Municipal Freedom of Information and Privacy Coordinator at the institution responsible for the procedures under that Act.

		REGISTERED DOMESTIC CUSTOMER RECEIPT	RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT	
To Destinataire Name Nom		FOR DELIVERY CONFIRMATION CONFIRMATION DE LA LIVRAISON www.canadapost.ca www.postescanada.ca or/ou 1 888 550-6333		
Address Adresse City / Prov. / Postal Code Ville / Prov. / Code postal		CPC Tracking Number Numéro de repérage de la SCP RN 189 369 667 CA		
Declared Value Valeur déclarée \$ 33-086-584 (14-06)				

**Property Standards Appeal Committee Report
1198 Rideau St, Sudbury, ON – ACR 729526
Prepared by Kyle Anderson**

On September 16, 2016, at 0930 Officer Anderson attended the property at 1198 Rideau St in Sudbury for an inspection. Present at that time were the property owner [REDACTED], Councillor Kirwan, Brendan Adair, Melissa Laalo and Andre Guillot. He observed a retaining wall located along side lot line shared with 633 Lavoie St. The wall is constructed of wood rail road ties and was observed to be in a state of disrepair. The top of the wall was observed to be leaning out beyond the bottom of the wall and as such, the wall is no longer plumb. Loose and decayed sections were also observed.

A property survey of the property at 633 Lavoie St was received by Officer Anderson from the owner of that address. The survey indicates that the section of the retaining wall running east to west, being the same section of wall that is in a state of disrepair, is located on the lot line shared by 1198 Rideau St and 633 Lavoie St. At the time of the inspection the property owner [REDACTED] indicated that [REDACTED] did not believe [REDACTED] had any responsibility for the wall at that it is solely owned by the abutting property owner. [REDACTED] further indicated that there is a property marker/pin in the ground next to the wall that shows the wall is not on [REDACTED] property. Officer Anderson noted based on a review of the survey obtained by the abutting property owner that the pin brought to attention by [REDACTED] may have been disturbed. At that time, Mr. Guillot also indicated that for safety reasons there should be some temporary shoring installed to keep the wall from falling.

Based on the information contained within the survey and on his observation while on site Officer Anderson issued Orders to Remedy to both property owners requiring that the wall be removed and replaced. The date of compliance was set to November 4, 2016.

[illegible]

Roll : 530703003107500

Local Address : 1198 RIDEAU ST

Mailing Address :

Owner 1 :

Owner 2 :

Owner 3 :

Legal Description :

MCKIM CON 6 LOT 3 PCL 15161 PLAN M190 LOT 27 PIN 02171-0205 REG 12024.00SF 72.00FR 167.00D

Page 1 of 2

29 of 75

PAQUETTE, CAMPBELL & LALANDE

BARRISTERS AND SOLICITORS
AVOCATS, NOTAIRES ET PROCUREURS

NORMAN N. PAQUETTE, B.A., LL.B.

NEIL J. CAMPBELL, LL.B.

RANDALL W. LALANDE, B.A., LL.B.

218 LASALLE BLVD, AT NOTRE-DAME,
SUDBURY, ONTARIO.

TELEPHONE: 560-2121

HANMER OFFICE,
VALLEY PLAZA CENTRE,
P. O. BOX 639,
HANMER, ONTARIO
TELEPHONE: 969-5820

IN REPLY, PLEASE REFER TO **Randall W. Lalande**
Sudbury Office

June 26th, 1978

██████████
633 Lavoie Street
SUDBURY, Ontario
P3A 2B6

Dear Sir:

RE: ██████████

1198 Rideau Street
SUDBURY, Ontario

Please be advised that we are solicitors for ██████████ and as you are aware ██████████ occupies the residence partially situate behind your property.

██████████ advises that ██████████ has been having problems relating to the escape of water from your premises onto ██████████ property which is unfortunately four or five feet lower than yours.

Apparently there are eavestroughs extending from the edge of your carport in an L-shape around the back of ██████████'s home. In addition there is an eavestrough extending from the opposite corner of your house which as well leads into an area where water obviously escapes and funnels down onto ██████████'s property.

The problem is rather substantial in that the water in the spring and winter months freezes and causes damage to the pavement of the driveway. In addition the quantity of water causes flooding into ██████████'s basement which of course is very aggravating and costly.

.../2

June 26th, 1978

It would appear that without too much expense the matter can easily be corrected and the water can be directed to the ditch area in front of your property rather than to the rear of the property. [REDACTED] advises that [REDACTED] has attempted to indicate to you that [REDACTED] does have this problem however [REDACTED] has been unsuccessful in arranging something suitable to correct the situation. You will also note that the tile wall located in back of your property somewhat extends onto [REDACTED]'s property. [REDACTED] has no objection to this although legally [REDACTED] probably could urge you to move the wall and suffer this expense.

Please be advised that insofar as the law is concerned you are not entitled to use property as you wish. In fact if the use of your land causes water or any other substance to escape and this results in damage to the property of a neighbour then you will be answerable for all of the damage which is the natural consequence of the water's escape.

[REDACTED] does not wish to pursue the matter of damages at this stage. We would expect you to cooperate and to correct the existing situation without the necessity of costs and possibly civil litigation. I have advised [REDACTED] to await the expiry of 14 days from your receipt of this letter prior to becoming further involved with the matter.

If you correct the situation then the matter of course will be at an end. If you wish to dispute the situation then I would appreciate being contacted by your lawyer forthwith.

Y
Yours very truly,

PAQUETTE, CAMPBELL & LALANDE

Randall W. Lalande

RWL/pp
c.c. - [REDACTED]

1198 Rideau Street
SUDBURY, Ontario
P3A 3A4

Request for Decision

**Order to Remedy Appeal, ACR 729974 - 946
Martindale Rd., Sudbury**

Presented To:	Hearing Committee
Presented:	Wednesday, Apr 05, 2017
Report Date	Monday, Mar 13, 2017
Type:	Public Hearings

Resolution

THAT the Property Standards Order to Remedy issued by By-Law Enforcement Officer Stephen HOLT to the owner of 946 Martindale Rd City of Greater Sudbury, be upheld.

Finance Implications

No financial implications

Background

Property Standards Order to Remedy (herein referred to as "the Order") was issued pursuant to the Building Code Act, S.O. 1992, chapter 23, as amended (herein referred to as "the Act")

The Council of the City of Greater Sudbury enacted By-law 2011-277, cited as the "Maintenance and Occupancy Standards By-law" (herein referred to as "the By-law"). This By-law has been passed under the authority of section 15 of the Act and prescribes standards for the maintenance and occupancy of properties within the City and for requiring properties not in conformance with the standards therein to be repaired and maintained to conform to the standards. This By-law was enacted to ensure the safety of residents and the upkeep of properties to prevent the degradation of the community and neighborhoods.

The enforcement and appeal provisions of this By-law are found in the Building Code Act. It provides for inspection powers of the officer, the issuance of an Order, the establishment of a Property Standards Committee, and the procedures for an appeal of the Order. Specific time frames and methods of notification are established in the Act and the powers of the Property Standards Committee are also set out in the Act.

Facts and evidence support the order are attached in the appended documents.

Conclusion

Section 15.3(3.1) of the Building Code Act sets out the powers of the committee on an appeal of an Order. It provides to the committee the same powers and functions of the officer who made the order, and can

Signed By

Report Prepared By

Brendan Adair
Manager of Security and By-Law
Digitally Signed Mar 13, 17

Division Review

Caroline Hallsworth
Executive Director, Legislative
Services/City Clerk
Digitally Signed Mar 14, 17

Recommended by the Department

Kevin Fowke
General Manager of Corporate
Services
Digitally Signed Mar 21, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Mar 21, 17

confirm, modify or rescind the Order, and can also extend the time for complying with the order, if in the committee's opinion doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement.

Section 18 of the City of Greater Sudbury's Official Plan starts with the statement "Adequate and affordable housing for all residents is a fundamental component of Greater Sudbury's Healthy Community approach to growth and development. Further statements include the achieving diversity in the housing supply by maintaining a balanced mix of ownership and rental housing, and addressing housing requirements for low income groups and people with special needs. One of the objectives of the policy is to ensure that the City's housing stock provides acceptable levels of health and safety through enforcement of the property maintenance standards in all forms of housing. The intent and purpose of the by-law may also be determined through statements in the preamble; "Whereas the lack of upkeep of a residential property can lead to the degradation of a neighbourhood and of a community."

It is for these reasons that the recommendation in this report is to uphold the Order, #729974 dated February 8, 2017, to ensure that the owner of the property of 946 Martindale Rd, complies with the maintenance and occupancy standards as set out in the CGS By-law, 2011-277.

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200 RUE BRADY
SUDBURY ON P3A 5P3

ORDER TO REMEDY NON-CONFORMITY WITH STANDARDS FOR MAINTENANCE AND OCCUPANCY

Issued pursuant to section 15.2(2) of
The Building Code Act, S.O. 1992, chapter 23, as amended.

		Case #729974
Date of Inspection: January 25, 2017	Time: 1115hrs	By-Law No.: 2011-277
Municipal address or legal description of property Occupied <input checked="" type="checkbox"/> Unoccupied <input type="checkbox"/>		
946 Martindale Road Sudbury, ON		
Name of owner/occupant and mailing address		
DESCRIPTION OF NON-CONFORMITY	LOCATION	BY-LAW REFERENCE
All foundation walls...shall be maintained in good repair and structurally sound.	Foundation walls	3.02(1)
REQUIRED ACTION		
Foundation walls are buckling outwards, they do not appear to be structurally sound. A signed report from a Structural Engineer must be produced to prove foundation walls are structurally sound. If walls are repaired they must be repaired to ensure it is structurally sound and a report from a Structural Engineer must be produced indicating wall is structurally sound after any repairs.		
<input type="checkbox"/> Emergency Order - above work to be carried out immediately to terminate danger. Subsection 15.7 (1)		
There must be compliance with the terms and conditions of this order before this date <u>February 23, 2017</u>		

TAKE NOTICE THAT if such repair or clearance is not done within the time specified in this order, the Municipality may carry out the repair or clearance at the expense of the owner. Clause 15.2 (2) (c).

APPEAL TO PROPERTY STANDARDS COMMITTEE - An owner or occupant upon whom this order has been served, if not satisfied with the terms or conditions of the order, may appeal to the Property Standards Committee by sending notice of appeal by registered mail to the Secretary of the Committee on or before February 22, 2017 (Date -within fourteen days after service of this order) and, in the event that the order is not appealed, it shall be deemed to be confirmed. Subsection 15.3 (1).

Stephen Holt
Property Standards Officer
705 674-4455 ext 4322

Date Order Served: February 8, 2017

DISTRIBUTION OF ORDER TO REMEDY* - The persons affected by it as the officer determines are

REGISTRATION OF ORDER - Where a copy of this order is acquired by a person acquiring any interest in the land, subsequent to the order on the day on which the order was served.

OFFENCE - A person is guilty of an offence if the person is found under the Building Code Act, 1992. A person who is guilty of a first offence and to a fine of not more than \$50,

REGISTERED DOMESTIC
CUSTOMER RECEIPT

RECOMMANDÉ RÉGIME INTÉRIEUR

REÇU DU CLIENT

<p>À</p> <p>Name / Nom</p> <p>Address / Adresse</p> <p>City / Prov. / Postal Code / Ville / Prov. / Code postal</p> <p>Declared Value / Valeur déclarée \$</p>	<p>DESTINATAIRE</p> <p>Nom</p> <p>Adresse</p> <p>Ville / Prov. / Code postal</p> <p>1 888 550-6333</p> <p>RN 213 231 723 CA</p>
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FOR DELIVERY CONFIRMATION
www.canadapost.ca

CONFIRMATION DE LA LIVRAISON
www.postescanada.ca

Personal information contained on this form, collected pursuant to a by-law passed under the Building Code Act, 1992 will be used for the purposes of that by-law. Questions should be directed to the Municipal Freedom of Information and Privacy Coordinator at the institution responsible for the procedures under that Act.

Original - CONTRAVENOR*	Copy - OFFICE	Copy - PROPERTY STANDARDS OFFICER	Copy - BUILDING CONTROLS	Copy - FIELD
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Appendix A
Property Standards Appeal Committee Report
946 Martindale Rd Sudbury, ON ACR #729974
Prepared by Stephen HOLT

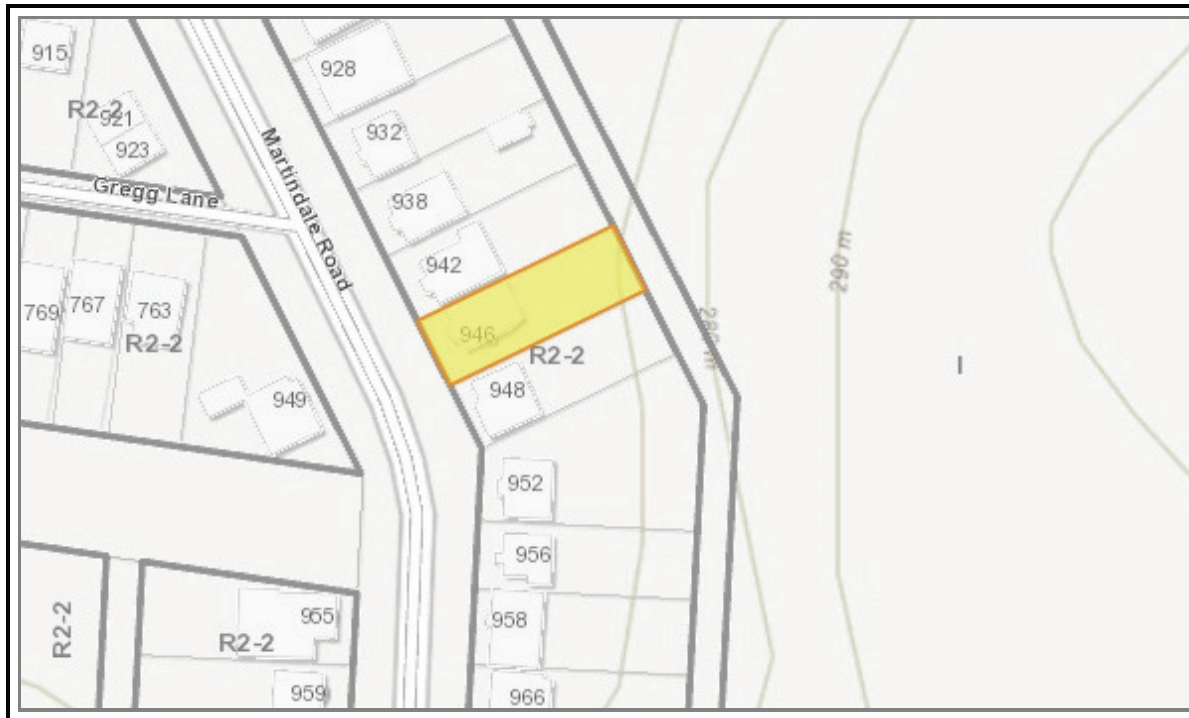
On January 25, 2017 at 1115hrs Officer HOLT attended the property at 946 Martindale Rd in Sudbury for an inspection of the condition of the building at this location. Also inspecting was Andre GUILLOT Manager of Building Inspection Services.

The foundation walls of the property were noticeably bowed out and appeared in need of repair. It was the opinion of Mr GUILLOT that the foundation was not structurally sound and needed extensive repair to make the foundation safe. It was the opinion of Mr GUILLOT that, due to the extensive nature of the damage and the structural integrity of the building being in question, a signed report by a Structural Engineer should be produced attesting the foundation is structurally sound, or, following repairs, has been made structurally sound.

Based on the inspection and Mr GUILLOT's opinion Officer HOLT issued an Order to Remedy requiring a signed engineer's report be produced attesting the foundation at 946 Martindale Rd is structurally safe or the foundation walls be repaired and a signed engineer's report be produced attesting the foundation was made structurally sound following repairs.

Following the issuing of the Order to Remedy, the homeowner of 946 Martindale Rd submitted two handwritten letters to Officer HOLT agreeing that the foundation walls are buckling and in need of repair. The property owner then submitted an Appeal to the Order to Remedy.

CGS Parcel Detail Report



Parcel Details

Roll : 530705001900900

Local Address : 946 MARTINDALE RD

Mailing Address :

Owner 1 :

Owner 2 :

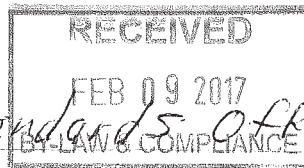
Owner 3 :

Not for Distribution

Legal Description :

MCKIM CON 2 LOT 7 PLAN M99 LOT 479 PCL 11912 REG 4800.00SF 40.00FR 120.00D

Page 1 of 2



To Stephen Holt - Property Standards Officer

I am aware that My Foundation Walls are Buckling and I don't need a Structural Engineer to tell me what I already know and I know they need repairs. I agree the Municipality should carry out the Repairs but not at my expense because the structural damage was caused when they were blasting Corsi Hill to build a new subdivision. I believe the Municipality should pay for the damages caused to my house ~~because~~ because the blasting over a period of several years caused the damage. I complained to the City and so did some of my neighbours but nothing was done about it. Some residents had articles written in the Local Newspaper addressing their concerns and were considering putting in a class action Law Suit against the city. I didn't hear any more about that but it might be time to re-open the case because I know several of my neighbours that spent tens of thousands of dollars repairing their foundation. A class action Law Suit could cost the city millions of dollars because there was probably 100 homes that were damaged by the blasting. There was over twenty thousand dollars damage to my house alone. That is just an estimate based on the amount that some of my neighbours paid to fix the damages. Some of my neighbours covered up the damage by putting siding on their house, then sold it and the new owners were stuck paying for the damages when their basement started to buckle. The City is responsible for ~~the~~ creating damages caused by Blasting.

Culpable Negligence

See other side of sheet

To City Council + Greater Sudbury Property Standards Office.

About 10-15 years ago during The Blasting of Cersi Hill To Build a New Subdivision The extensive Blasting caused a Lot of Damage To many homes around Kelly Lake Road, Copper Street and Martindale Road. Many complaint were addressed To Members Of City Council and The Staff at City Hall. Many Residents were asking For Financial Compensation For The damages and To my knowledge Nobody Received any money for damages. Some Residence asked For The Blasting To Stop but were Told The Subdivision On Cersi Hill had To Be Built to Produce Tax Revenue For The City. Since The Subdivision is over 10 years Old Now and The City Received over 10 million dollars In Property tax revenue From The Residents Living on Cersi Hill, The City Should use some of That money To pay For The damages caused To The Homes at The bottom of Hill. Damages To my House caused by The Blasting are probably more than \$20,000. My next door neighbour paid That amount to Fix The structural damage to his house a couple of years ago. and my other neighbour said she gets water in her basement because of the cracks in the Foundation. I also get water In my basement In The Spring When The snow melts, because of Cracks in the Foundation. I can be reached at [REDACTED] around 130 pm most days. [REDACTED]

946 Martindale Road
Sudbury Ont.

see other side of sheet.

RECEIVED

FEB 15 2017

BY-LAW & COMPLIANCE

To Stephen Helt - Property Standards Officer, [Case # 729974]

During the Blasting on Corsi Hill To Build a New Subdivision The Blasting Caused some degree of Structural Damage To almost every house within a mile radius of the Blasting area. I could feel The Ground Shake when I was at Tim Hortons on The Corner of Martindale and Regent. Some homes only had minor cracks to the foundation and others had more serious problems. The house 3 houses from mine going up the hill got Shaken badly. The owner whose Name is [REDACTED] was Fed up with the damage and sold The House for \$70,000 which is basically The price of the lot. The new owner spent about \$100,000 approximately To fix all the damages and Then sold it Himself To someone else. My next door neighbour [REDACTED] Had The same problem. [REDACTED] bought [REDACTED] House About 7 years ago which was repaired by someone that had the house before [REDACTED] and it cost the previous owner about \$50,000 To repair the damage caused by the Blasting and it cost [REDACTED] an additional \$20,000 To fix other structural damage which [REDACTED] noticed Later which was hidden under the Wall Panelling. There are many more home owners in the neighbourhood that had similar problems along Martindale Road and surrounding Streets. I Fixed the Buckling on the driveway side of my house with Steel Bars on the Outside and two by fours On the inside about 10 years ago. The Buckling did not get any worse Since then. There are also about 100 two by fours between the walls of a finished Basement Apartment Holding Up The House. A Friend who worked in House Construction said the House Is Reasonably safe unless there was more Blasting or an earthquake. Had No Problems In Last 10 years.

(turn over page)

Also Around 2000 → 2004 The Blasting On Corsi Hill did damage ~~to~~ the street, sidewalk and driveways and retaining walls as well as the homes. I brought these Issues Up with DeAngelo (a city official) and McIntaggart (the alderman). DeAngelo was able to get the street repaired and McIntaggart was able to get the sidewalks repaired. Some retaining walls were repaired and some driveways were partly repaired but I don't know anybody that got their House repaired. I don't believe that a structural engineer would say that most homes at the bottom of Corsi Hill are 100% Structurally sound after they were exposed to continual Blasting for several years. I can't predict the future but in the last 10 years since the Blasting Stopped and since I did some reinforcements to the foundation, my house has not gotten any worse. If the Municipality wants to carry out more repairs to my house, I'm ok with that, but I will appeal to the Property Standards Committee and you can consider this letter as my appeal. I will suggest that all future repairs to make my house 100% Structural Sound be done and paid for by the Municipality since the damage was done by the Blasting which was ordered by the Municipality and I Had No Control over. If we do not come to an agreement or a settlement a Class Action Law Suit which some of my Neighbours agree with may follow which could be more costly to the Municipality.

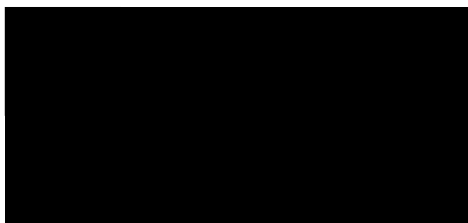
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946 Martindale Rd
Sudbury Ontario

February 15, 2017.

Hand Delivered

February 16, 2016



I am in receipt of several letters from you outlining various issues you claim to have with the City of Greater Sudbury. Please understand that these issues have nothing to do with the Order to Remedy I issued you regarding 946 Martindale Rd (ACR #729974). You are required to bring the property into compliance with the Order in the time specified, or alternatively file an appeal of the Order via the Clerk's office. They can be reached at 705 674-4455 ext 4209. This MUST be done prior to February 22, 2017 as indicated on the Order. I have tried repeatedly to call you and have been unsuccessful in reaching you. As indicated on the Order, failure to appeal or to bring the property into compliance may result in charges or the City undertaking the work with the costs added to your tax bill.

Regards,

A handwritten signature in black ink, appearing to read 'Stephen HOLT', written over the printed name.

Stephen HOLT
CGS By-Law Enforcement Officer
705 674-4455 ext 4322

February 16, 2017.

I would like to file an appeal of
The Order via the Clerk's Office concerning
Issues That I Have with The Order
to Remedy regarding 946 Martindale
Road (ACR # 729974).









946









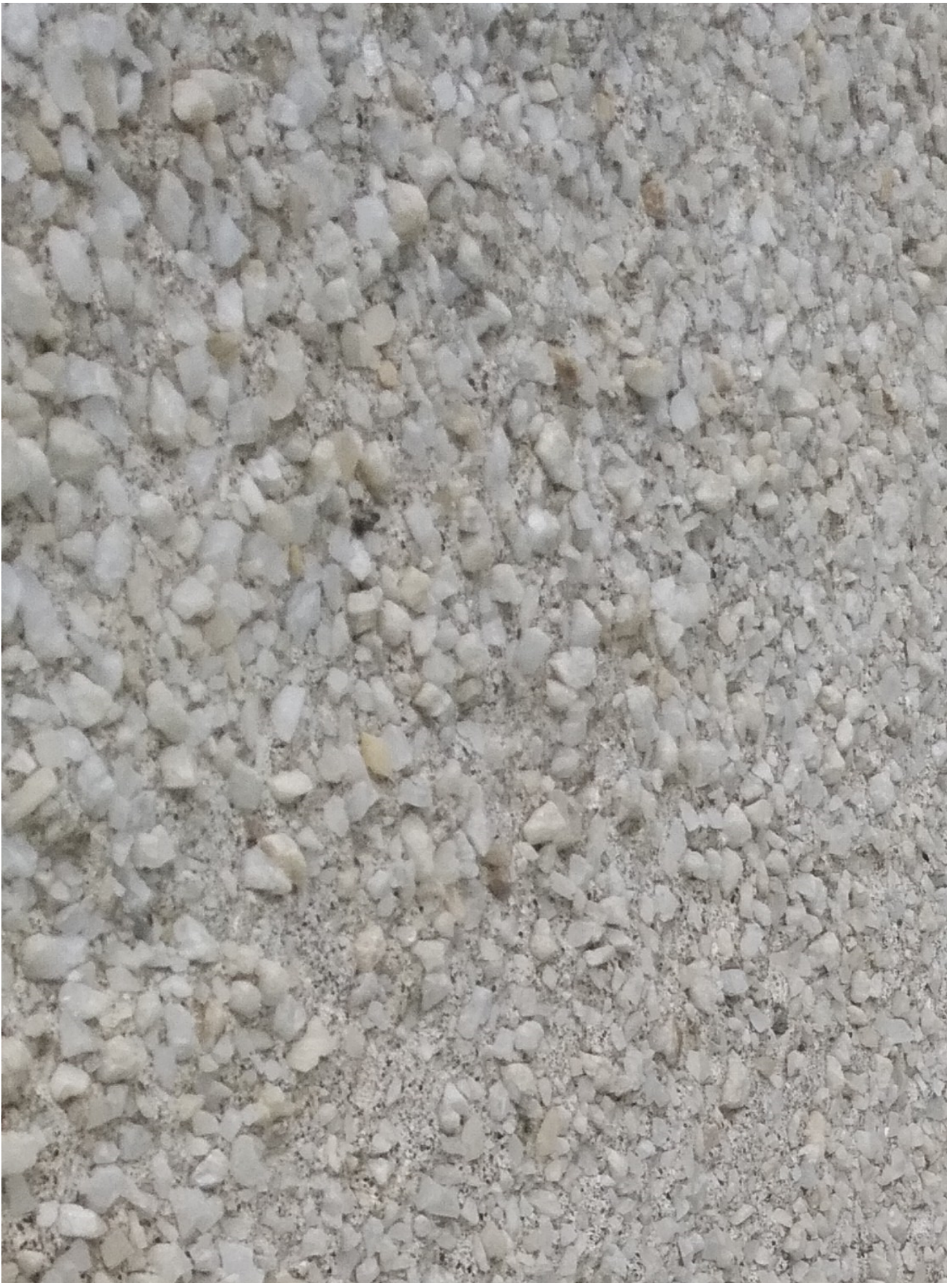


946



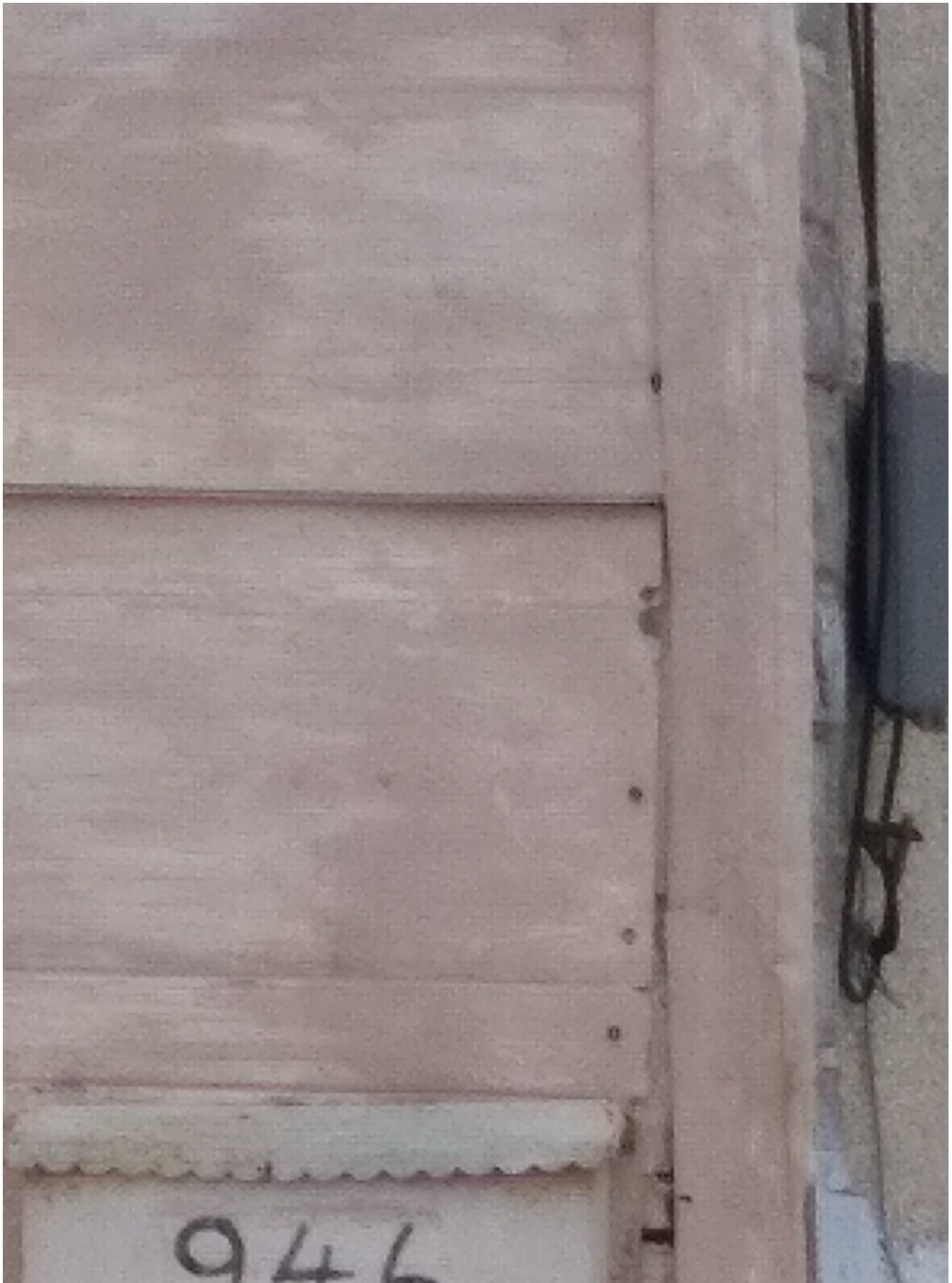












Request for Decision

By-Law Clearing of Lands Notice of Non-Conformity Appeal, ACR 731681

Presented To:	Hearing Committee
Presented:	Wednesday, Apr 05, 2017
Report Date	Monday, Mar 13, 2017
Type:	Public Hearings

Resolution

THAT the City of Greater Sudbury upholds the Notice of Non-Conformity #731681, issued to 357 Marion Street, City of Greater Sudbury.

Finance Implications

No financial implications

Background

The Notice of Non-Conformity (herein referred to as "the Notice") was issued pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, as amended (herein referred to as "the Act").

The Council of the City of Greater Sudbury enacted By-law 2009-101, cited as the "Clearing of Yards and Vacant Lots By-law" (herein referred to as "the By-law"). This By-law has been passed under the authority of the Act and requires owners and occupants of land to clean and clear the land and to remove refuse and debris from the land, to include but not limited to the trimming of any trees growing on their yard that constitute an obstruction of view for vehicular traffic. This By-law was enacted to ensure the safety of residents and the upkeep of properties to prevent the degradation of the community and neighborhoods.

This By-law provides for the enforcement and appeal provisions for the Notice of Non-Conformities issued pursuant of this By-law. It provides for inspection powers of the officer, the issuance of a Notice, the establishment of a Property Standards Committee, and the procedures for an appeal of the Notice. Specific time frames and methods of notification are established in the By-law and the powers of the Property Standards Committee are also set out in the By-law.

Facts and evidence supporting the order is appended to this report.

Conclusion

Section 23 of the Clearing of Yards and Vacant Lots By-law of the City of Greater Sudbury sets out the

Signed By

Report Prepared By

Brendan Adair
Manager of Security and By-Law
Digitally Signed Mar 13, 17

Division Review

Caroline Hallsworth
Executive Director, Legislative
Services/City Clerk
Digitally Signed Mar 14, 17

Recommended by the Department

Kevin Fowke
General Manager of Corporate
Services
Digitally Signed Mar 21, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Mar 21, 17

powers of the committee for an appeal of a Notice of Non-Conformity. It provides to the committee the same powers and functions of the officer who made the order, and can confirm, modify or rescind the Order, and can also extend the time for complying with the order, if in the committee's opinion doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement.

Section 18 of the City of Greater Sudbury's Official Plan starts with the statement "Adequate and affordable housing for all residents is a fundamental component of Greater Sudbury's Healthy Community approach to growth and development. Further statements include the achieving diversity in the housing supply by maintaining a balanced mix of ownership and rental housing, and addressing housing requirements for low income groups and people with special needs. One of the objectives of the policy is to ensure that the City's housing stock provides acceptable levels of health and safety through enforcement of the property maintenance standards in all forms of housing. The intent and purpose of the by-law may also be determined through statements in the preamble; "Whereas the lack of upkeep of yards and vacant land can lead to the degradation of a neighbourhood and of a community and can represent a hazard to the health and safety of the residents of a community."

It is for these reasons that the recommendation in this report is to uphold the Notice, #731681 dated October 20, 2016, to ensure that the owner of the property of 357 Marion Street, complies with the clearing of lands standards as set out in the CGS By-law, 2009-101.

Appendix A
Property Standards Appeal Committee Report
357 Marion Street, Sudbury, ON ACR #731681
Prepared by Carmen SOLOWONIUK

On October 19, 2016 at 1455hrs Officer SOLOWONIUK attended the property at 357 Marion Street in Sudbury for an inspection of the trees or bushes along the front lot line of the property. Also inspecting were By-Law Enforcement Officer Stephen HOLT and Officer Craig MOXAM, By-Law Services.

It was observed that the lilac bushes at the residence in question were overgrown causing a sightline issue from the neighbouring driveway and required to be trimmed back to the property line. SOLOWONIUK and HOLT approached the front of the house and SOLOWONIUK knocked on the door, but no one was home.

Based on the inspection Officer SOLOWONIUK issued a Notice of Non-Conformity to have the trees and bushes at 357 Marion Street be trimmed back to allow for safe passage of vehicular traffic.

Following the issuing of the Notice of Non-Conformity, the homeowner [REDACTED] submitted a Letter of Appeal, where we were notified on November 01, 2016. On November 02, 2016, Officer SOLOWONIUK attended the subject property at 357 Marion and observed the lilac bushes were cut at the base and trimmed back as per the Notice of Non-Conformity. Consequently, the Notice of Non-Conformity was complied with and the file as closed.

Mitigation of the matter was attempted by the Manager of By-Law Services Brendan ADAIR. However, the property owner insisted on bringing the matter to the Hearing Committee.



PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200 RUE BRADY
SUDBURY ON P3A 5P3

NOTICE OF NON-CONFORMITY

Issued pursuant to section 20(1) of
City of Greater Sudbury By-Law #2009-101.

		File #731681
Date of Inspection: October 19, 2016	Time: 1455 hrs	By-Law No.:2009-101
Municipal address or legal description of property X Occupied Unoccupied		
357 Marion St Sudbury ON P3E 3H3		
Name of owner/occupant and mailing address		
[REDACTED] 357 Marion St Sudbury ON P3E 3H3		
DESCRIPTION OF NON-CONFORMITY	LOCATION	BY-LAW REFERENCE
1) No owner shall fail to ensure that any trees...growing on his or her yard do not...constitute an obstruction of view for vehicular traffic.	Trees in front of yard	Ss 6(1)(c)
REQUIRED ACTION		
Trim suckers and growth at base of tree to allow for clear sightlines for traffic emerging from neighbouring driveway.		
There must be compliance with the terms and conditions of this order before this date: November 8, 2016.		

TAKE NOTICE THAT if such repair or clearance is not done within the time specified in this order, the Municipality may carry out the repair or clearance at the expense of the owner. Section 22 (1)

APPEAL FROM NOTICE Section 23 (2) – A person served with a Notice who disagrees with all or any part of its content, may contact the General Manager within five business days of his or her deemed receipt of the Notice, and the General Manager may confirm or alter all or any part of the Notice.

Section 23 (4) – Where a person served with a Notice has appealed, the person continues to disagree with all or any part of the content of a Notice, or the person submitting an appeal in writing addressed to the City Clerk within the appeal fee in the amount of \$100.

OFFENCE

Section 24 (1) - Every owner who contravenes any of the provisions of this By-law under Section 20, (or as amended or confirmed by the General Manager) and on conviction is liable to a maximum fine of \$5,000.00 as provided in the By-law.

Section 24 (2) - For the purposes of this Section, each day on which a person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence.


C. Solowoniuk
Municipal Law Enforcement Officer
705 674-4455 ext. 2540

Date Notice Served: October 20, 2016

CANADA POSTES POST CANADA		REGISTERED DOMESTIC CUSTOMER RECEIPT	RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT	R
To Name	Destinataire Nom	FOR DELIVERY CONFIRMATION CONFIRMATION DE LA LIVRAISON		
Address	Adresse	www.canadapost.ca or/ou www.postescanada.ca		
City / Prov. / Postal Code	Ville / Prov. / Code postal	1 888 550-6333		
Declared Value Valeur déclarée	\$	CPC Tracking Number Numéro de repérage de la SCP		
33-086-584 (14-06)		RN 189 369 097 CA		

Original - CONTRAVENOR*	Copy - OFFICE	Copy – Municipal Law Enforcement Officer	Copy - FIELD
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Carmen Solowoniuk - Re: Inquiry- 98 Edmund Complaints

From: Brendan Adair
To: [REDACTED]
Date: 11/3/2016 8:28 AM
Subject: Re: Inquiry- 98 Edmund Complaints
Cc: Carmen Solowoniuk; Tanya Thompson

Good Morning [REDACTED],

With a re-inspection completed yesterday afternoon shortly after 1330hrs, I can advise that the work completed on the bushes meets requirements of the Notice of Non Conformity and as such the case will be closed. With that, with no basis for an appeal to the Hearing Committee, arrangements will be made to return your \$100.00 cheque via mail.

Should you have any questions or concerns, please contact me.

Thank you,

Brendan Adair
Manager of Security and By-Law Services
City of Greater Sudbury
tel: 705-674-4455 ext: 2295

>>> Brendan Adair 11/2/2016 10:11 AM >>>
Hello [REDACTED]

On behalf of Officer Solowoniuk, it is confirmed that she did not meet with you.

Thank you,

Brendan Adair
Manager of Security and By-Law Services
City of Greater Sudbury
tel: 705-674-4455 ext: 2295

>>> [REDACTED] 11/2/2016 9:33 AM >>>
I continue with the appeal to the Hearing Committee.

As for By-law Officer, C. Solowoniuk, the question was posed in my email of November 1, 2016 was:

" Did you [By-law Officer C. Solowoniuk] meet me on October 19, 2016 at 1455 hours?"

Could I please have an answer to the question.

Thank you.

On Wed, Nov 2, 2016 at 8:51 AM, Brendan Adair <Brendan.Adair@greatersudbury.ca> wrote:

Good Morning [REDACTED]

I appreciate your desire to bring this to Hearing Committee, but ultimately in my role as Manager, upon receipt of an appeal I will look further into the matter to determine if a resolution can be achieved. I'd like to do the same in this case and would appreciate any information you can provide that can assist.

I will be working to obtain the communication sent to Officer Solowoniuk on November 1st in hopes that it can provide some clarity on the issue(s).

Would you be willing to contact me by phone to discuss this further?

Respectfully,

Brendan Adair
Manager of Security and By-Law Services
City of Greater Sudbury
tel: 705-674-4455 ext: 2295

>>> <[REDACTED]> 11/1/2016 6:25 PM >>>

Proceed to the Hearing Committee.

I am awaiting the By-Law Officer's response to my e-mail dated November 1, 2016.

Please have By-Law Officer C. Solowoniuk respond.

The matter is not resolved.

Thank you.

[REDACTED]
357 Marion Street
Sudbury ON P3E 3H3

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Brendan Adair
Sent: Tuesday, November 1, 2016 4:39 PM
To: [REDACTED]
Cc: Fern Cormier; Mayor
Subject: Re: Inquiry- 98 Edmund Complaints

Good Afternoon [REDACTED],

In receipt of an Appeal Letter and \$100 cheque for Case 731681 I was hoping to discuss the matter with you.

Sudbury ON P3E 3H3

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Brendan Adair

Sent: Friday, October 28, 2016 5:39 PM

To: [REDACTED]

Cc: Fern Cormier; Mayor

Subject: Re: Inquiry- 98 Edmund Complaints

Good Afternoon [REDACTED]

To ensure the protection of all parties, I unfortunately unable to provide these details in this form. Outside of a generic email address where you've concluded the email as "[REDACTED]", I cannot confirm this and therefore would direct you towards a formal process to retrieve this information as held within the Clerks department.

Speaking generally, I will again assure you that all complaints received by the department are documented by way of receiving the name and contact details of the complainant (which is protected under privacy legislation) and then entering a case for an Officer to investigate.

Finally, understanding you to host a concerns about a Notice of Non-Conformity that was issued for your property. I've looked into the investigation and issuance of the Notice and can confirm that both were done without issue. Should you wish to discuss this matter further, please do not hesitate to reach out to me personally.

Respectfully,

Brendan Adair
Manager of Security and By-Law Services
City of Greater Sudbury
tel: 705-674-4455 ext: 2295

>>> [REDACTED] > 10/28/2016 9:07 AM >>>

Good morning.

I have never asked the City of Sudbury to be accountable for the statement(s) of a citizen, in this case, the owner of the 98 Edmund Street property.

Indeed, the owner of the 98 Edmund Street property did state in his submissions that [REDACTED] had been calling By-Law officers repeatedly, and that's why the By-Law officers don't contact us. The Committee heard this and my neighbours heard this at the public hearing on October 19, 2016, scheduled for 5:00 p.m.

You have my expressed permission to answer the following question:

In reference to the 98 Edmund Street property, does the By-Law office have a record of complaint(s) made by me, [REDACTED]?

Thank you.

As you have noted that work cited in the Notice of Non Conformity, specifically the trimming of bushes to allow for clear sight lines, was completed on October 26, 2016, it would appear that the matter is resolved on your end.

With the work being done, an Officer can now perform a re-inspection to confirm that the matter has been addressed. If that is the case, the case will be closed.

To clarify if there is a need for this to proceed to the Hearing Committee, can you call or email me to discuss what your intentions are.

Respectfully,

Brendan Adair
Manager of Security and By-Law Services
City of Greater Sudbury
tel: 705-674-4455 ext: 2295

>>> Brendan Adair 11/1/2016 9:07 AM >>>

Hello [REDACTED],

Please be advised that the contact email for Officer Solowoniuk is carmen.solowoniuk@greatersudbury.ca.

Respectfully,

Brendan Adair
Manager of Security and By-Law Services
City of Greater Sudbury
tel: 705-674-4455 ext: 2295

>>> [REDACTED] 10/28/2016 6:24 PM >>>

Your remarks are without merit.

Fern Cormier can confirm this email address is of [REDACTED]

It is preferable and necessary to continue the matter in writing so there is no misunderstanding.

Finally, the work to be cited in the non-compliance was completed on October 26, 2016.

Please provide me with the email address of the By-Law Officer C. Solowoniuk. I want to ensure that the work has been done satisfactorily.

I will not expose myself to any more reprisals by city officials.

Thank you.

[REDACTED]
357 Marion Street

██████████
 357 Marion Street
 Sudbury ON P3E 3H3

On Fri, Oct 28, 2016 at 8:16 AM, Brendan Adair <Brendan.Adair@greatersudbury.ca> wrote:

Hi ██████████

Thank you for your response. Respectfully, we cannot be held accountable for the statement(s) of a citizen at a meeting or otherwise and with that, I maintain that all complaints are actioned by the department.

Not able to locate what meeting you are referring to being held on October 19, 2016 in the recent meeting dates, I can advise that all public meeting minutes are posted at the following location
<http://www.greatersudbury.ca/inside-city-hall/councilcommittee-meetings/>

Respectfully

Brendan Adair
 Manager of Security and By-Law Services
 City of Greater Sudbury
 tel: [705-674-4455](tel:705-674-4455) ext: 2295

>>> <██████████ 10/27/2016 11:52 PM >>>

At the October 19, 2016 public hearing, the owner of the 98 Edmund Street property in the course of his submissions to the Committee stated that ██████████ has been calling By-Law Officers repeatedly, and that's why the By-Law Officers don't contact us.

Obviously there is a significant difference between your response and the statement made by the owner to the Committee, and heard by my neighbours who attended the public hearing.

Can you confirm that the statement of the owner is or is not contained in the Minutes of the October 19, 2016 public hearing?

Thank you.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Brendan Adair
Sent: Thursday, October 27, 2016 6:49 PM
To: ██████████
Cc: Fern Cormier; Mayor
Subject: Inquiry- 98 Edmund Complaints

Hello ██████████

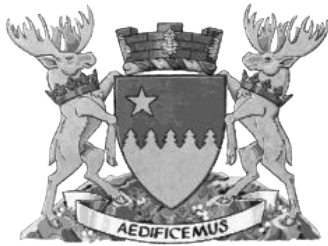
I wanted to extend my thanks for your inquiry about the Bylaw Office that was sent by way of the Mayor's Office. As I understand, you were looking for confirmation that complaints with respect to 98 Edmund Street are handled.

Without outlining all complaints and resolution for matters of this property, I can assure you that regardless of address or complainant, the Bylaw Office takes all complaints seriously and investigates them with an interest to gain compliance. At no point in time would any staff within the Office ignore or disregard a complaint. Speaking generally, I can advise that there are most definitely times where complaints are received and they are unfounded, but this is determined through investigation and not beforehand.

I'm hoping the above educates on the process followed when complaints are received. If I can be of further assistance, please do not hesitate to contact me.

Respectfully,

Brendan Adair
Manager of Security and By-Law Services
City of Greater Sudbury
tel: 705-674-4455 ext: 2295



City of Greater Sudbury Charter

WHEREAS Municipalities are governed by the Ontario Municipal Act, 2001;

AND WHEREAS the City of Greater Sudbury has established Vision, Mission and Values that give direction to staff and City Councillors;

AND WHEREAS City Council and its associated boards are guided by a Code of Ethics, as outlined in Appendix B of the City of Greater Sudbury's Procedure Bylaw, most recently updated in 2011;

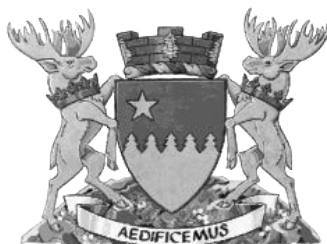
AND WHEREAS the City of Greater Sudbury official motto is "Come, Let Us Build Together," and was chosen to celebrate our city's diversity and inspire collective effort and inclusion;

THEREFORE BE IT RESOLVED THAT Council for the City of Greater Sudbury approves, adopts and signs the following City of Greater Sudbury Charter to complement these guiding principles:

As Members of Council, we hereby acknowledge the privilege to be elected to the City of Greater Sudbury Council for the 2014-2018 term of office. During this time, we pledge to always represent the citizens and to work together always in the interest of the City of Greater Sudbury.

Accordingly, we commit to:

- Perform our roles, as defined in the Ontario Municipal Act (2001), the City's bylaws and City policies;
- Act with transparency, openness, accountability and dedication to our citizens, consistent with the City's Vision, Mission and Values and the City official motto;
- Follow the Code of Ethical Conduct for Members of Council, and all City policies that apply to Members of Council;
- Act today in the interest of tomorrow, by being responsible stewards of the City, including its finances, assets, services, public places, and the natural environment;
- Manage the resources in our trust efficiently, prudently, responsibly and to the best of our ability;
- Build a climate of trust, openness and transparency that sets a standard for all the City's goals and objectives;
- Always act with respect for all Council and for all persons who come before us;
- Ensure citizen engagement is encouraged and promoted;
- Advocate for economic development, encouraging innovation, productivity and job creation;
- Inspire cultural growth by promoting sports, film, the arts, music, theatre and architectural excellence;
- Respect our historical and natural heritage by protecting and preserving important buildings, landmarks, landscapes, lakes and water bodies;
- Promote unity through diversity as a characteristic of Greater Sudbury citizenship;
- Become civic and regional leaders by encouraging the sharing of ideas, knowledge and experience;
- Work towards achieving the best possible quality of life and standard of living for all Greater Sudbury residents;



Charte de la Ville du Grand Sudbury

ATTENDU QUE les municipalités sont régies par la Loi de 2001 sur les municipalités (Ontario);

ATTENDU QUE la Ville du Grand Sudbury a élaboré une vision, une mission et des valeurs qui guident le personnel et les conseillers municipaux;

ATTENDU QUE le Conseil municipal et ses conseils sont guidés par un code d'éthique, comme l'indique l'annexe B du Règlement de procédure de la Ville du Grand Sudbury dont la dernière version date de 2011;

ATTENDU QUE la devise officielle de la Ville du Grand Sudbury, « Ensemble, bâtissons notre avenir », a été choisie afin de célébrer la diversité de notre municipalité ainsi que d'inspirer un effort collectif et l'inclusion;

QU'IL SOIT RÉSOLU QUE le Conseil de la Ville du Grand Sudbury approuve et adopte la charte suivante de la Ville du Grand Sudbury, qui sert de complément à ces principes directeurs, et qu'il y appose sa signature:

À titre de membres du Conseil, nous reconnaissons par la présente le privilège d'être élus au Conseil du Grand Sudbury pour le mandat de 2014-2018. Durant cette période, nous promettons de toujours représenter les citoyens et de travailler ensemble, sans cesse dans l'intérêt de la Ville du Grand Sudbury.

Par conséquent, nous nous engageons à :

- assumer nos rôles tels qu'ils sont définis dans la Loi de 2001 sur les municipalités, les règlements et les politiques de la Ville;
- faire preuve de transparence, d'ouverture, de responsabilité et de dévouement envers les citoyens, conformément à la vision, à la mission et aux valeurs ainsi qu'à la devise officielle de la municipalité;
- suivre le Code d'éthique des membres du Conseil et toutes les politiques de la municipalité qui s'appliquent à eux;
- agir aujourd'hui pour demain en étant des intendants responsables de la municipalité, y compris de ses finances, biens, services, endroits publics et du milieu naturel;
- gérer les ressources qui nous sont confiées de façon efficiente, prudente, responsable et de notre mieux;
- créer un climat de confiance, d'ouverture et de transparence qui établit une norme pour tous les objectifs de la municipalité;
- agir sans cesse en respectant tous les membres du Conseil et les gens se présentant devant eux;
- veiller à ce qu'on encourage et favorise l'engagement des citoyens;
- plaider pour le développement économique, à encourager l'innovation, la productivité et la création d'emplois;
- être une source d'inspiration pour la croissance culturelle en faisant la promotion de l'excellence dans les domaines du sport, du cinéma, des arts, de la musique, du théâtre et de l'architecture;
- respecter notre patrimoine historique et naturel en protégeant et en préservant les édifices, les lieux d'intérêt, les paysages, les lacs et les plans d'eau d'importance;
- favoriser l'unité par la diversité en tant que caractéristique de la citoyenneté au Grand Sudbury;
- devenir des chefs de file municipaux et régionaux en favorisant les échanges d'idées, de connaissances et concernant l'expérience;
- viser l'atteinte de la meilleure qualité et du meilleur niveau de vie possible pour tous les résidents du Grand Sudbury.