

Vision: *The City of Greater Sudbury is a growing, world-class community bringing talent, technology and a great northern lifestyle together.*



Agenda

Hearing Committee

meeting to be held

Wednesday, May 23rd, 2012

at 4:00 pm

Tom Davies Square

HEARING COMMITTEE AGENDA

Hearing Committee Meeting
Wednesday, May 23, 2012
Tom Davies Square

COUNCILLOR JOE CIMINO, CHAIR

Terry Kett, Vice-Chair

4:00 P.M. HEARING COMMITTEE MEETING
COMMITTEE ROOM C-12

Council and Committee Meetings are accessible. For more information regarding accessibility, please call 3-1-1 or email clerks@greatersudbury.ca.

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

PUBLIC HEARINGS

1. Report dated May 15, 2012 from the General Manager of Growth and Development regarding Motor Vehicle/Motorcycle Racing - Gravel Road, Hanmer. **4 - 29**
(RECOMMENDATION PREPARED)
(This report is in response to an appeal received by the Issuer of Licenses to revoke a Business License Issued to Valley East Motocross Park - Gravel Road, Hanmer.)
2. Report dated May 15, 2012 from the General Manager of Growth and Development regarding Appeal of Order to Remedy - Elm Street, Sudbury. **30 - 48**
(RECOMMENDATION PREPARED)
(This report details the evidence in support of an Order to Remedy Non-Conformity with Standards for Maintenance and Occupancy #391526 issued on April 3, 2012 - Elm Street, Sudbury.)

LISA OLDRIDGE, DEPUTY CITY CLERK
LIZ COLLIN, COMMITTEE SECRETARY

Request for Decision

Motor Vehicle/Motorcycle Racing - Gravel Road, Hanmer

Presented To:	Hearing Committee
Presented:	Wednesday, May 23, 2012
Report Date	Tuesday, May 15, 2012
Type:	Public Hearings

Recommendation

THAT the City of Greater Sudbury uphold the decision of the Issuer of Licences to revoke the license issued to Valley East Motocross Park at 636 Gravel Road, Hanmer to permit Motor Vehicle/Motorcycle Racing, issued August 10, 2011 and expiry date of December 31, 2012.

Background

On August 4, 2011, Serge Solomon, owner of the business named Valley East Motocross Park made an application for a business license to permit Motor Vehicle Racing/Motorcycle Racing, as per the City of Greater Sudbury Business Licensing By-law, 2004-350, Part XI. The intention of the application was to permit a motocross racing event to be held on August 28, 2011 on the property located at 636 Gravel Drive in Hanmer. The application was made complete with approvals from Greater Sudbury Fire Services, the Health Unit and a clear criminal record check of the applicant from Greater Sudbury Police Services. At the time of reviewing the application, a determination had been made through the process of confirming zoning compliance that the property had been granted legal non-conforming status for the use of motocross racing.

A business licence was issued to Serge Solomon, the owner of Valley East Motocross Park at 636 Gravel Drive, Hanmer to permit Motor Vehicle/Motorcycle Racing on August 10, 2011 with an expiry date of December 31, 2012. A copy of the license is attached to this report as Appendix 1.

Subsequent to the event, several complaints had been received by the Compliance and Enforcement Section from a resident of Gravel Drive regarding the noise resulting from motocross racing at 636 Gravel Road. The resident complained about the noise and disruption to the area that was caused by the event on August 10, 2011, and noise caused by motocross racing in the late afternoons during the week and on the weekends.

In following up with the noise complaint, the area by-law officer contacted the Planning Section of the City to assist in making a determination on the zoning compliance of the property's use as a motocross racing facility. It was determined at this time that the legal non-conforming status to permit motocross racing on this

Signed By

Report Prepared By

Darlene Barker
Manager of Compliance and
Enforcement
Digitally Signed May 15, 12

Division Review

Guido Mazza
Director of Building Services/Chief
Building Official
Digitally Signed May 15, 12

Recommended by the Department

Bill Lautenbach
General Manager of Growth and
Development
Digitally Signed May 15, 12

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed May 15, 12

property was not confirmed by the Manager of Development Approvals but to the contrary, motocross racing is not a permitted use for the property at 636 Gravel Drive, in Hanmer.

It was learned by the Issuer of Licenses at this time that an application for rezoning to Rural – Special, to allow a commercial motocross race track and the storage of a maximum of eight semi-trailers setback thirty feet from the front lot line, was received by the City on March 31, 2009 (Georges Solomon, applicant), in attempts to comply with the Zoning By-law.

On March 30, 2012 staff met with Serge Solomon, business owner in response to his request to operate two motocross races on the property of 636 Gravel Drive during the summer of 2012. It was determined that the current business license would permit him to operate as it expires on December 31, 2012.

On April 23, 2012 the Issuer of Licenses sent notice to Serge Solomon advising him that the business license that was issued to him to operate Valley East Motocross Park on August 10, 2011 was revoked because it issued in error for the reasons that the use of a motocross park at this address is in violation of the City's zoning by-law. A copy of the letter is attached to this report as Appendix 2. The letter also made reference to the pertinent sections of the Licensing By-law and the process for requesting an appeal of the decision to revoke the license.

On April 24, 2012, a letter requesting an appeal to the revocation of the license was received by the Issuer of Licenses and the Hearing Committee was scheduled to hear the appeal.

Business Licensing By-law 2004-350

Part XI, Section 11 of the By-law states that "No person shall operate or permit a motor vehicle race or motorcycle race without holding a valid license for such activity issued under this By-law."

Schedule A of the By-law provides the application requirements and the fees for a license issued pursuant to Part XI of the By-law. The license fee is \$300 for a new licence and the requirements for an application are a zoning check, fire check, criminal record search and a health unit approval.

Section 17 of the By-law states "No licence shall be issued to any person in respect of any premises in which the carrying on or operation of the trade, calling, business or occupation for which the application is being made is in contravention of any By-law of the City..."

Section 18 of the By-law states "A licence issued under the provisions of this By-law shall be valid only for the period of time for which it was issued and shall expire on the date specified in the licence."

Section 24 of the By-law states "The Issuer of Licenses...may suspend, revoke or refuse to issue any licence that may be issued under the provisions of any part of this By-law;

- a) For any reason that would disentitle the holder to a license if he or she were an applicant;
- b) Where the holder of the licence is in breach of a condition of the license or of the By-law"

Zoning Non-Compliance

The license was issued in error due to an incorrect zoning approval during the process of application review. The use of the property for racing at 636 Gravel Drive, Hanmer is not in compliance with the permitted uses pursuant the City's Zoning By-law, 2010-100Z. The property is zoned "RU" and a "race track" is not listed as a permitted use in Table 9.1 Part A or Table 9.2 Part B of the Zoning By-law. It is important to note that the Zoning by-law specifically defines the term "Race Track" as "An area of land, other than a road, used primarily for the sports of racing horses or...and motorcycles, with or without related bleachers, spectator stands, refreshment booths, restaurants, stable or other structures or uses accessory thereto." Attached to this report as Appendix 3 are pertinent sections of the Zoning By-law 2010-100Z.

Further, legal non-conforming status of the use of this property as a race track cannot be established. 636 Gravel Drive, Hanmer was zoned A – Agricultural Reserve under the former Town of Valley East Zoning By-law 83-300. "A" zoning offers limited permitted uses and does not permit the use of a "Race Track" which is specifically defined in the by-law as "an area of land, other than a road, used primarily for the sports of

racetracks...and motorcycles.” Therefore the use of the property for a motocross race track did not conform to the former zoning by-law and as such, the use today cannot be determined as legal non-conforming. Attached to this report as Appendix 4 are pertinent sections of the Zoning By-law for the former Town of Valley East, 83-300.

Section 17 of the By-law prohibits a license from being issued if the carrying on of the business is in contravention of any By-law of the City; for this reason and pursuant to sections 24 (a) and (b) of the by-law the license was revoked.

Zoning Amendment Application Status

751-7/09-5, an application for rezoning to Rural - Special to allow a commercial motocross race track and the storage of a maximum of eight semi-trailers setback thirty feet from the front lot line, was received by the City on March 31, 2009 (Georges Solomon, applicant).

In correspondence dated April 28, 2009 the Manager of Development Approvals advised the applicant that the application was incomplete as the noise study required by Section 20.12.2 of the Official Plan had not been submitted.

On September 4, 2009 the City received a report from the applicant made by David Pernu of Noront Audiometric Testing however; the submission did not comply with the Ministry of the Environment Noise Assessment Guidelines. On October 7, 2009 the Manager of Development Approvals notified the applicant that the report was unacceptable and the application was still incomplete. The application for re-zoning remains incomplete at this time.

Business Details – Valley East Motocross Park (VEMP)

The website of Valley East Motocross Park at 636 Gravel Drive, Hanmer, “TheVemp.com” boasts 35 acres containing 3 motocross tracks. It advertises to the public as being open on Wednesdays from 5 pm to 8 pm and on Saturdays from 11 am to 4 pm. A list of park rules is provided on the web site that applies to “members” during use of the park. In addition to the ongoing motocross practices on the site, the park hosts larger racing events such as the race held on August 28, 2011. It was estimated that approximately 100-300 people attended the event and was sanctioned by the Canadian Motorsport Racing Corporation. A print out of the web pages from the site is attached to this report as Appendix 5.

As a result of a noise complaint, an inspection of the site was conducted by the area by-law enforcement officer, as described: On Wednesday, April 18, 2012, at 6:30pm I attended 636 Gravel Drive. I proceeded from the roadway at Gravel Dr. onto the property along the driveway until the first motocross race track, where I heard motocross (dirt bike) revving type noises on the property. I did not witness any activity at this race track area. I continued onward along the driveway a short distance to a second race track where I witnessed between 20-30 vehicles parked, with the majority being trucks with trailers and some motocross bikes. I also observed a number of adults and some children standing together, facing the race track. At that point, the revving engine noises of motocross bikes became much louder and I witnessed about 10 to 15 motocross bikes lined up across at the start of the track. 4 bikes would leave at a time and continue around the track. The bikes were generating noise at this point, but I was still able to converse with Serge Solomon who was standing outside my car. He explained that this was a practice evening, just starting the season, and this specific practice race had 15 bikes on the track, but there could be up to a maximum of 40 bikes lined up. He further explained that he rotates small motocross bikes to practice 20 minutes and then has the larger motocross bikes to take turns on the track. As we spoke I witnessed these bikes to be the more experienced drivers, as I was situated where the bikes came around a visual section to the spectators, to witness bikes flying over and twisting in the air just before they landed back onto the track and continued on. As exiting the property, I could not hear the activity of motocross bikes from Gravel roadway.

Pictures were taken during my inspection (Appendix 6 pictures 1-6).

Conclusion

The Issuer of Licenses, in consultation with the Manager of Development Approvals has determined that the Business License issued to Serge Solomon, owner of Valley East Motocross Park located at 636 Gravel Road on August 10, 2011 was issued in error because Motorcycle Racing at the property of 636 Gravel Drive is in contravention of the City's Zoning By-law, and as such does not comply with the requirement of section 17 of the Business Licensing By-law. Staff recommends that the Committee uphold the decision of the Issuer of Licenses to revoke the license.



License Date of Issue / Date d'émission

AUG 10, 2011

Issuer of License / Émetteur de licences

DEC 31, 2012 300.00

Expire Date /
Date d'expiration de la licence

Amount Received /
Montant reçu

Vendor ID: 12400 Receipt: 733281

License/Licence COPY

This License is granted to/Cette licence est accordée à
VALLEY EAST MOTOCROSS PARK
SOLOMON, SERGE
636 GRAVEL DR HANMER, ON, CANADA P3P 1R8

To carry on the business of/pour exercer le commerce de
MOTOR VEHICLE/MOTORCYCLE RACING

Provided the above party shall duly observe all such By-laws, Rules and Regulations, matters and things as are or may be enacted by the Council of the City of Greater Sudbury, to govern with their jurisdiction.

Pourvu que la personne nommée ci-haut observe les arrêtés, règlements, ordonnances, questions et matières que le Conseil de la Ville du Grand Sudbury a prescrits ou pourra prescrire afin de gouverner dans sa propre juridiction.

Not Transferrable Unless Duly Authorized
Non cessible à moins d'autorisation contraire



April 23, 2012

Sent Via Fax to 705-560-9961

And

Via Electronic Mail to ssolomon@thevemp.com and serge.soloman@vale.com

And

Via Regular Mail to

Valley East Motocross Park
c/o Serge Solomon
2749 Claudette Street,
Bleazard Valley, ON P3M 1R8

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

CP 5000 SUCCA
200, RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

www.greatersudbury.ca
www.grandsudbury.ca

Subject: License to Permit Motor Vehicle/Motor Cycle Racing Issued Aug 10, 2011 to Valley East Motocross Park, Serge Solomon – Expire Date Dec 31, 2012 Pursuant to City of Greater Sudbury By-law 2004-350

Dear Mr. Solomon;

The Issuer of Licenses has reviewed the subject license and has determined that it was issued in error and therefore is revoked immediately for the following reasons;

Section 24 of by-law 2004-350 provides that the Issuer of Licenses may revoke any license that may be issued under the provisions of any part of this by-law for any reason that would disentitle the holder to a licence if he or she where an applicant, or where the holder of the licence is in breach of this by-law;

Further, Section 17 of by-law 2004-350 requires that no license shall be issued to any person in respect of any premises in which the carrying on or operation of the trade, calling, business or occupation for which the application is being made is in contravention of any By-law of the City;

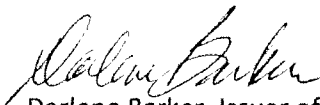
Further, the license is issued for motor cycle racing at 636 Gravel Road, Hanmer which is a non-permitted use for that property being in a Rural Zone pursuant to Zoning By-law 2010-100Z, Part 9, and therefore, in contravention of section 9.1 of that by-law.

You are entitled to refer this decision to the Hearing Committee of Council for their consideration upon making a written request for such a referral, to the attention of the writer of this notice, either by fax or mail. Upon receipt of such request, the Secretary of the Committee will contact you with the date and time of the hearing. During the hearing you will have an opportunity to make submissions in respect to this matter.

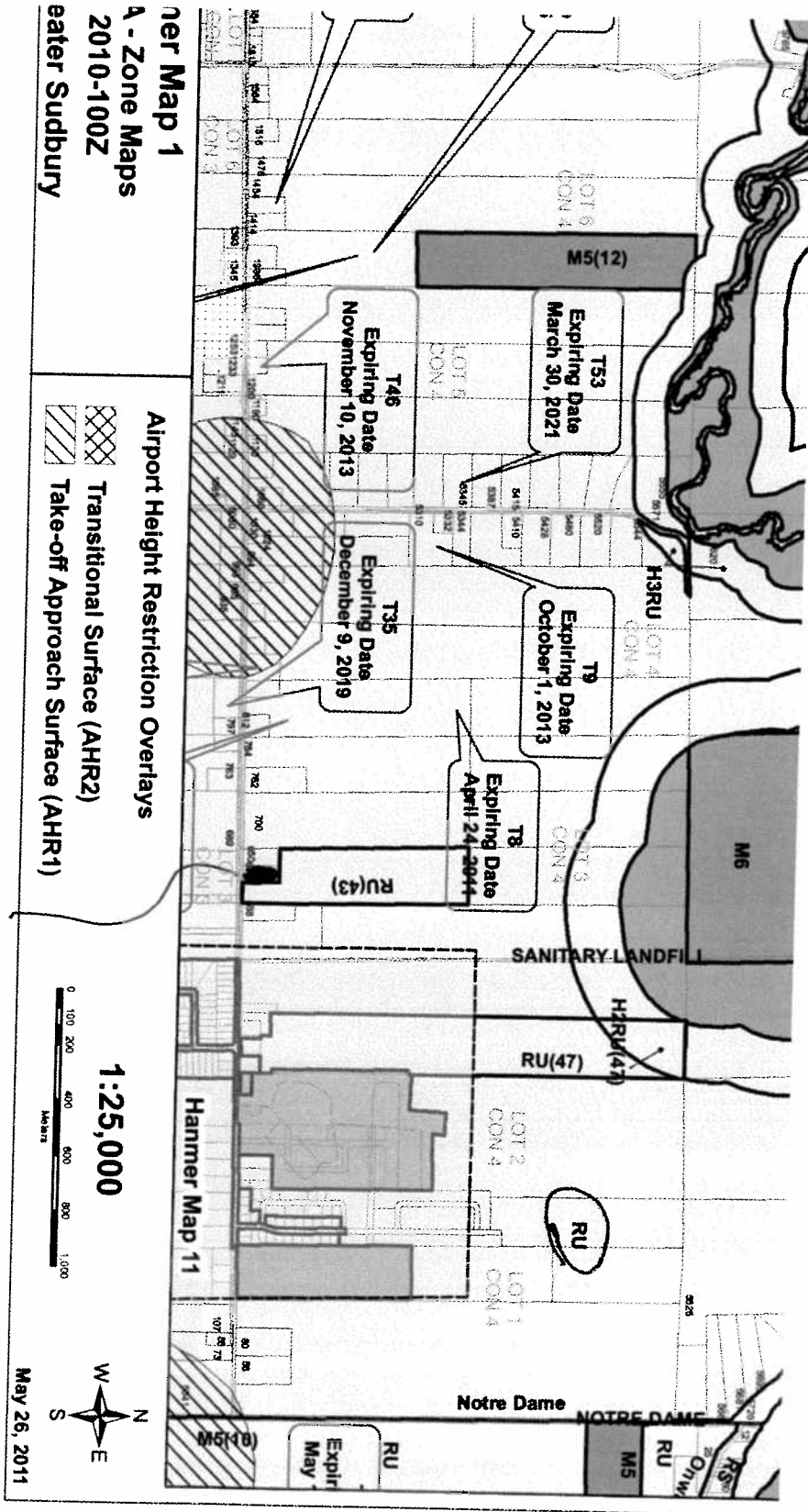
I have included for your reference, copies of the pertinent sections of By-law 2004-350 and 2010-100Z, referred to herein, however if you require any additional by-law documents, please contact Clerk's Services at 705.671.2489 or by email at clerks@greatersudbury.ca

If you have any further questions regarding this matter please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darlene Barker', written in a cursive style.

Darlene Barker, Issuer of Licenses
Manager of Compliance and Enforcement
darlene.barker@greatersudbury.ca



PART 9: RURAL ZONES

9.1 GENERAL PROHIBITION

No person shall, within any Rural Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Tables 9.1 and 9.2, in accordance with the standards contained in Table 9.3 the General Provisions contained in Part 4 and the Parking and Loading provisions contained in Part 5 of this By-law.

9.2 PERMITTED USES

Uses permitted in a Rural Zone are denoted by the symbol 'X' in the column applicable to that Zone and corresponding with the row for a specific permitted use in Table 9.1 (Parts A and B). A number(s) following the symbol 'X', zone heading, or identified permitted use, indicates that one or more special provisions apply to the use noted or, in some cases, to the entire Zone. Special Provisions are listed below the Permitted Use Tables 9.1 and 9.2 below:

Rural Zones

Agricultural	A
Rural	RU
Rural Shoreline	RS
Seasonal Limited Service	SLS

Table 9.1 – Part A (Residential Uses)

USE	A	RU	RS	SLS
Single Detached Dwelling	X (1)	X (1)	X (1)	
Mobile Home Dwelling	X (1)(2)	X (1)(2)	X (1)(2)	
Bed and Breakfast Establishment	X (7)	X (7)	X (7)	
Seasonal Dwelling		X (1)(3)	X (1)(3)	X (1)
Private Cabin		X (4)	X (4)	X (4)
Private Home Daycare	X	X	X	

Table 9.2 – Part B (Non-Residential Uses)

USE	A	RU	RS	SLS
Agricultural Use	X (5)	X (5)		
Animal Shelter	X	X		
Forestry Use	X (6)	X (6)		
Hunting or Fishing Camp		X(8)		
Garden Nursery	X	X		
Kennel	X (6)	X (6)		
Public Utility	X	X		
Veterinary Clinic	X	X		

SPECIAL PROVISIONS FOR TABLES 9.1 AND 9.2

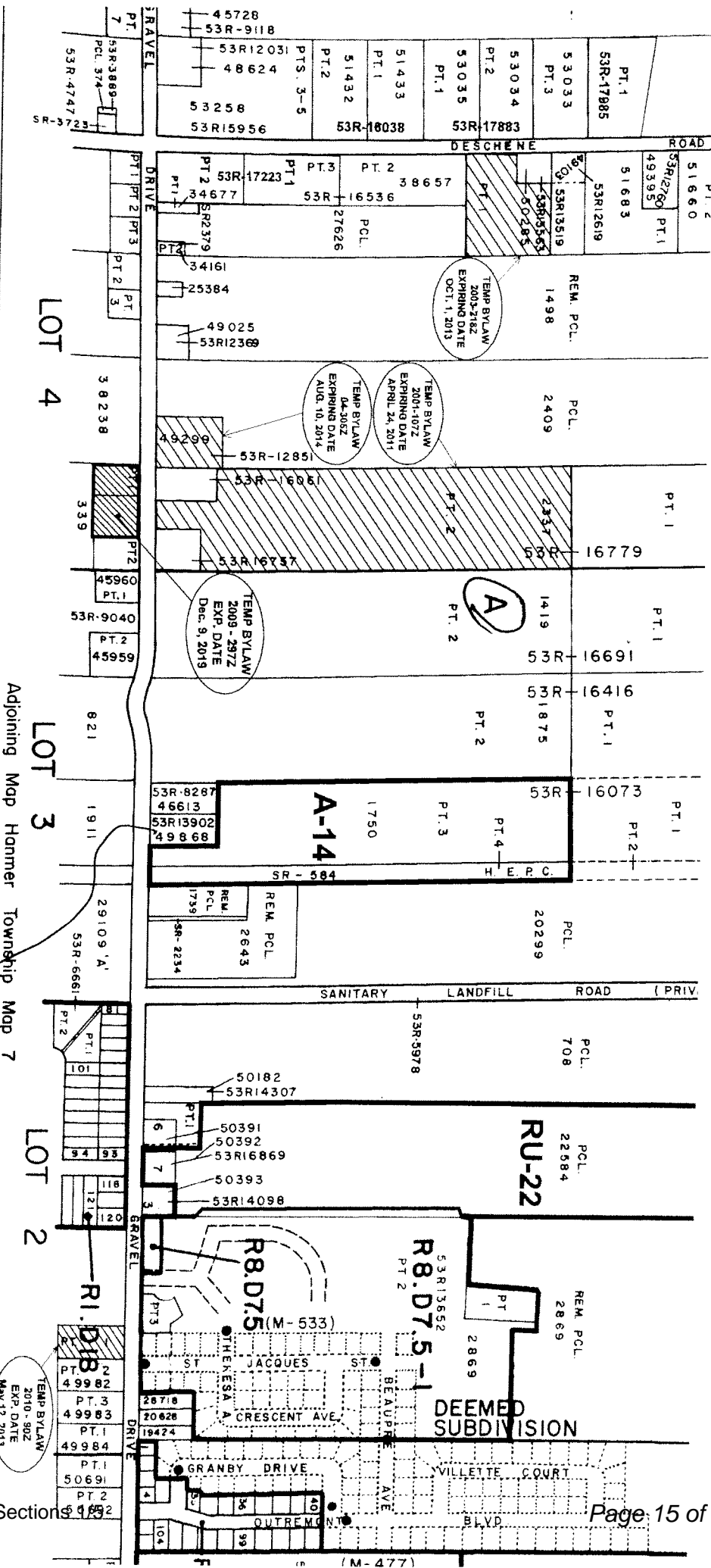
1. Maximum number of *dwelling units* permitted on a *lot* – 1.
2. If mounted on a permanent foundation.
3. If on a *legal existing waterfront lot*.
4. Maximum number of *private cabins* – 1. *Maximum gross floor area of 30.0 m² on any lot accessory to a permitted seasonal dwelling only.*
5. *Buildings housing livestock and manure handling facilities are subject to the Special Setback Provisions in Section 4.37.1*
6. No *non-residential building or structure* directly associated with a *kennel* or with the cutting or sawing of timber shall be established or erected closer than 300.0 metres to a *residential building* or Residential (R) Zone.
7. Permitted within a *single detached dwelling* only. Maximum number of *guest rooms* – 2.
8. Only where such *use* constitutes a *legal existing use*.

9.3 ZONE STANDARDS

No person shall within any *Zone use* or permit the *use* of any *lot* or *erect, alter, use any building or structure* except in accordance with the following *zone standards* in Table 9.3. A number(s) following the *zone standard, zone heading or description of the standard*, indicates an additional *Zone requirement*. These additional standards are listed as Special Provisions at the end of Table 9.3 below: (By-law 2011-49Z)

	Term	Definition
258.	Race Track	An area of land, other than a road, used primarily for the sports of racing horses or dogs or racing vehicles including, without limiting the generality of the foregoing, racing cars, stock cars, go-carts and motorcycles, with or without related bleachers, spectator stands, refreshment booths, <i>restaurants</i> , stables or other <i>structures</i> or uses <i>accessory</i> thereto.
259.	Recreation Centre, Commercial	An establishment where participatory athletic, recreational or physical fitness facilities are provided for gain or profit, and includes without limiting the generality of the foregoing, a <i>commercial fitness centre</i> and exercise spa or club, a <i>commercial ice or roller skating rink</i> , a <i>commercial squash</i> , tennis or golfing facility and a <i>commercial outdoor recreation area</i> , but does not include a riding stable, <i>place of amusement</i> or <i>amusement park</i> .
260.	Recreation and Community Centre	A <i>building or structure</i> , or part thereof, owned or operated by a <i>private club</i> , a <i>non-profit or charitable institution</i> or a <i>public agency</i> including a facility developed or operated as a public-private partnership, where facilities are provided primarily for athletic or recreational activities or events, and includes, without limiting the generality of the foregoing, an <i>arena</i> and a <i>public pool</i> .
261.	Recreational Amenities	Shall include such facilities as common television rooms, common card rooms, common assembly rooms, hobby rooms, billiard rooms, table tennis rooms, racquet ball courts, <i>swimming pools</i> , health clubs, <i>sauna rooms</i> and <i>decks</i> .
262.	Refreshment Pavilion	A <i>building, structure</i> or facility, designed, intended or used for the sale of food or refreshments to the general public and from which food or refreshment is made available to the customer. No provision is made for consumption of the food or refreshment by the customer within the <i>building</i> .
263.	Rental Store	A <i>retail store</i> in which a <i>building</i> , or part of a <i>building</i> where goods are kept for the purpose of temporary loan to the public and shall include a <i>light equipment sales and rental establishment</i> . A sum of money is paid for the use of the goods for a set period of time and after which the goods are returned. However, a rental store shall not include an <i>automotive leasing establishment</i> or <i>heavy equipment sales and rental</i> .
264.	Required	Required by this By-law.
		REQUIREMENT has a corresponding meaning.

Date	
8-06	
11-10	
04-05	
04-09	
05-01	



SECTION 5 A ZONE - AGRICULTURAL RESERVE

(1) SCOPE

The provisions of this Section shall apply in all Agricultural Reserve (A) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any A Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following A uses, namely:

- (i) an agricultural use;
- (ii) an animal hospital or shelter;
- (iii) a commercial kennel;
- (iv) a forestry use;
- (v) a garden nursery;
- (vi) a public use; -
- (vii) a public utility;
- (viii) a veterinarian's clinic;
- (ix) a single detached dwelling or a mobile home dwelling mounted on a permanent foundation;
- (x) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

No person shall, within any A Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) LOT AREA (MINIMUM)

- (i) single dwellings other than accessory dwellings - 0.4 ha minimum.
- (ii) other uses - 30 ha minimum.

(b) LOT FRONTAGE (MINIMUM) - 60 m

(c) LOT DEPTH (MINIMUM) - 60 m

(d) FRONT YARD DEPTH (MINIMUM) - 10 m

(e) CORNER SIDE YARD WIDTH (MINIMUM)

- (i) legal existing lots having an area of 0.4 ha or less - 3 m
- (ii) other lots - 10 m

- (f) INTERIOR SIDE YARD WIDTH (MINIMUM)
 - (i) legal existing lots having an area of
0.4 ha or less - 3 m
 - (ii) other lots - 10 m
- (g) REAR YARD DEPTH (MINIMUM) - 10 m
- (h) LOT COVERAGE (MAXIMUM)
 - 10%, except that this provision shall not apply with respect to any greenhouse constructed primarily of translucent materials and used solely for growing plants in conjunction with an agricultural use or a garden nursery.
- (i) BUILDING HEIGHT (MAXIMUM)
 - (i) residential uses - 8 m
 - (ii) other uses - 21 m
- (j) MAIN BUILDINGS PER LOT (MAXIMUM)
 - (i) residential uses - 1 only
 - (ii) other uses - no maximum
- (k) BUILDING SEPARATION (MINIMUM) - 2 m
- (l) OPEN STORAGE AREAS
 - Open storage areas shall be permitted in any yard, other than a required yard, in an A zone.
- (m) SPECIAL RESTRICTIONS NEAR RESIDENTIAL LOTS AND ZONES
 - No air strip or feed lot directly associated with an agricultural use nor any non-residential building or structure directly associated with an intensive agricultural use or commercial kennel or with the cutting or sawing of timber, shall hereafter be established or erected closer than 300 metres to a residential building or Residential Zone, nor shall any residential building hereafter be established as a main use in an A Zone within 300 metres of any such building, structure, air strip or feed lot previously established in an Open Space Zone.
- (n) PARKING SPACE REQUIREMENTS - No minimum

(o) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an A Zone:

- (i) not more than 1 name plate ground or wall sign accessory to a dwelling, provided that:
 - 1. no such sign has more than 2 sign faces;
 - 2. the total sign area of any such sign does not exceed 0.2 m² per sign face; and
 - 3. the height of any ground sign does not exceed 1.5 m;
- (ii) business identification or building identification signs consisting of any combination of the following:
 - 1. not more than 1 wall sign, not exceeding 2 m² in sign area, adjacent to each exterior yard;
 - 2. not more than 1 ground sign in each exterior yard, each such sign having a sign area not exceeding 4 m² per sign face or 8 m² in total, located not closer than 3 m to any lot line; and
 - 3. not more than 2 unlit wall signs identifying an agricultural use and painted directly on a building; and
- (iii) not more than 1 advertising ground sign having not more than 1 sign face and a total sign area not exceeding 60 m², provided that:
 - 1. such sign is located adjacent to a section of arterial road which:
 - is either straight or has a maximum curve of 1 degree 30 minutes; and
 - has a grade not exceeding 4%,
 in such a way that such sign faces oncoming traffic and is fully visible from the said arterial road at a distance of not less than 75 m;
 - 2. no part of such sign is located in a required yard or closer to a street line than:
 - 80 m, where the sign area of such sign exceeds 30 m²;
 - 50 m, where the sign area of such sign does not exceed 30 m²; or
 - 23 m, where the sign area of such sign does not exceed 12 m² and the sign face measures not more than 3 m vertically and 4 m horizontally;

(151) "PUBLIC PARK" means an area of public land used primarily for active or passive recreational purposes of any kind or as a conservation area.

"PUBLIC SCHOOL" See "SCHOOL".

(152) "PUBLIC UTILITY" means:

(i) any agency, corporation, board or commission, or any department of the Region or an area municipality, providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage or sewage or refuse collection and disposal services to the general public, and includes, without limiting the generality of the foregoing, any "public utility" as defined in The Public Utilities Corporations Act, R.S.O. 1980, Chapter 424, and any railway company subject to The Railway Act, R.S.C. 1970, Chapter R-2; or

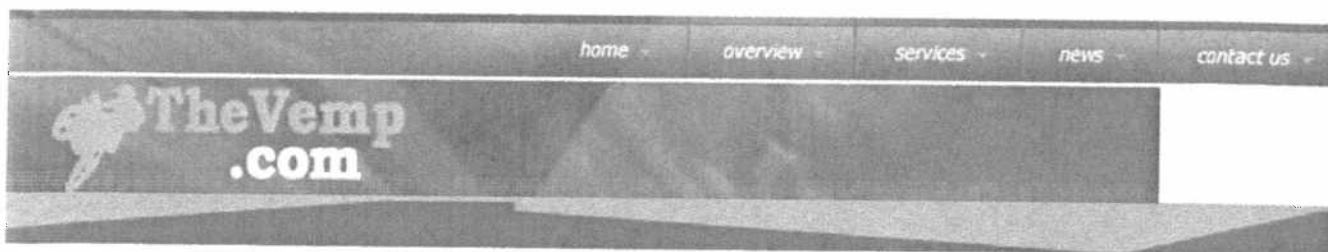
(ii) any use, other than an office, pertaining directly to the provision of such services by any such agency, corporation, board, commission or department, and includes, without limiting the generality of the foregoing, any public works yard or automotive use associated therewith.

(153) "QUARRY" See "PIT".

(154) "RACE TRACK" means an area of land, other than a road, used primarily for the sports of racing horses or dogs or racing vehicles including, without limiting the generality of the foregoing, racing cars, stock cars, go-carts and motorcycles, with or without related bleachers, spectator stands, refreshment booths, restaurants, refreshment rooms, stables or other structures or uses accessory thereto.

"REAR LOT LINE" See "LOT LINE".

"REAR YARD" See "YARD"



The VEMP Facilities - Overview

The Valley East Motocross Park training facilities is based in Hanmer, Ontario, Canada on 35 acres of farm land.

The concept of the practice facility is to encourage motocross riders to learn how to excel at their sport from beginner to pro and to promote this fast paced, high energy sport throughout the Northern Ontario Region.

If you need a great place to practice, the VEMP is for you! You will have everything you need to achieve any goal, from open practice, to making new friends.

Please note that the VEMP will have some rules and waivers of liability. Read the park rules and understand them before becoming a member. The rules can be reviewed with this link **PARK RULES** or you can ask for them when you come and sign up. We will also have them posted for all to see at the park.





Valley East Motocross Park

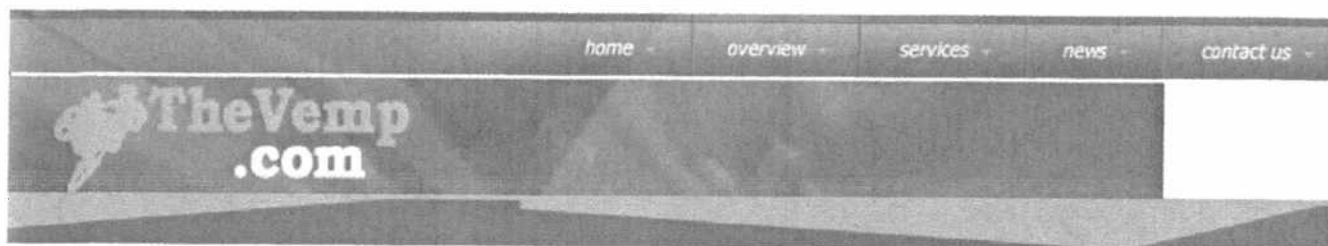
636 Gravel
Hanmer, Ontario
Canada
P3P 1R8

Phone: 705-561-5682
or 705-561-4291
www.thevemp.com

Park Rules

- **No** littering will be accepted. There are multiple waste receptacles throughout the park. Use Them!
- **No** oils or fuels to be dumped anywhere in the park. Members are responsible for their own fluid disposal.
- All track members are to enter the tracks at the beginning of the tracks and exit at the finish of the tracks. Unless otherwise instructed or in the case of an emergency.
- Members are to walk their motor vehicle to and off the tracks, there will be no use of motor vehicles off the tracks.
- There will be **NO** riders permitted on the small track with a motor vehicle **125cc or larger**.
- The schedule posted at **www.thevemp.com** is not flexible and if there are special needs for the track please contact us to make sure you have clearance before coming to the park. Anyone who will come to the park without warning on non scheduled days will not be allowed to enter the park.
- Please respect a top speed of 10km/hr on the entrance/exit road to avoid road damage and unnecessary dust.
- There will be no drugs or alcohol permitted on premises.
- Members must wear proper safety equipment at all times while on the practice tracks. All riders must be accompanied by either a riding partner or a spectator for safety reasons.
- Members who do not follow these rules will get 3 warnings. After the 3rd warning the member will not be permitted to return to the park with **no membership refund**.

Help us keep the park clean, safe and FUN!!!



Latest News

06/04/2011 Season
Opener May 4h (Weather
Permitting):

Please go the news
section to help us
welcome a new sponsor.

Welcome to the

Valley East Motocross Park Website!

*** Picture Gallery ***

Click Here to Check it Out!

The Vemp would like to thank riders & spectators for attending the sanctioned CMRC motocross race that was held on Sunday Aug 28/11.

It was a huge turnout with 74 riders & over 300 spectators.

I would also like to send out a special thanks to the people that made this event a success:

Shayne(dozing, watering, setting up), Chris Patey(setting up, building a fence, watering, starting gate), Kent Orford(building a fence, watering), Yvon & Laurie (watering, lap scoring), Blaine Mallette(Grass cutting), Tracy & Marcel Houle(flyers, lap scoring, flagging) Basinet family(Admission, grass cutting), Jalbert Family (building a fence, admission), Foisy family(lap scoring), George Champagne(setting up), Tyrone Daniels(watering), Karren Gerrad(clerk), Randy Hall(referee), Bruno Gervais(supplying a dozer) & North Shore Search & Rescue team.

I would personally like to thank Yvon & Laurie for having practices held at the Vemp on Wednesday's during the week. This has helped riders to practice for their race weekends & for the non-racers, to just get out on the track & have fun.

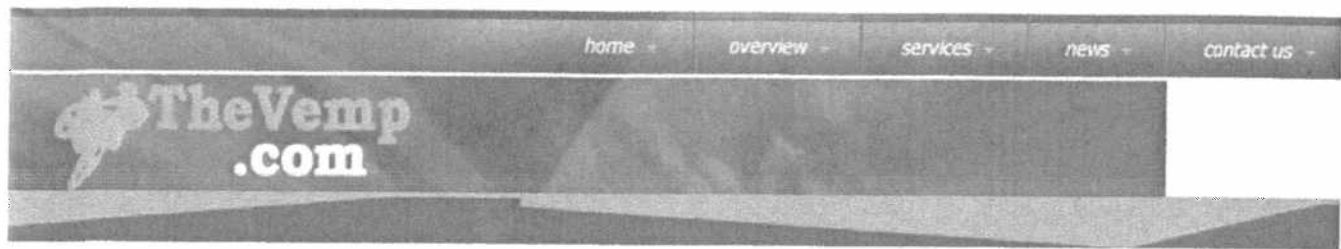
*** New Season Schedule ***

We, at the VEMP, would like to welcome everyone to our website.

This will be an exciting season at the VEMP as things have changed again. We have our existing 1.4km technical track as well as a newly designed 50 track. We are also proud to announce that this season we will have a brand new 1.8km outdoor style track ready to ride. Both tracks will have a full watering system to help use keep that dirt moist and full of traction. The details of our program will be available 24/7 on this website and will be updated regularly with upcoming event information and facility updates.

We will be continuously working on the park, with the daily maintenance schedule to make sure that it is a great riding experience for all. The VEMP will become a great hot spot to ride and put in some excellent practice motos.

We also would like to encourage all members and visitors to participate in the



VEMP Crew



Serge Solomon

Valley East Motocross Park

636 Gravel Dr. Hanmer, Ontario

(705) 222-VEMP

Contact Information

Please feel free to contact us at any time. We are more than happy to answer any questions you may have about what we have to offer.

Owner/Operator/Trainer

Serge Solomon - ssolomon@thevemp.com or (705) 561-8837



Shayne Therrien

Grounds Keeper

Shayne Therrien

You can also MAIL us at:

THE VEMP - 3178 Lina St., Val Caron, Ontario P3N 1C8



2012/04/18



2012/04/18



2012/04/18



2012/04/18



2012/04/18



2012/04/18

Request for Decision

Appeal of Order to Remedy - Elm Street, Sudbury

Presented To:	Hearing Committee
Presented:	Wednesday, May 23, 2012
Report Date	Tuesday, May 15, 2012
Type:	Public Hearings

Recommendation

THAT the City of Greater Sudbury uphold the Order to Remedy Non-Conformity with Standards for Maintenance and Occupancy #391526 issued to the Estate of Minnie Lee C/O Peter Lee, 1254 McIntyre Street W, North Bay, ON., owner of 154 Elm St, Sudbury.

Background

The Order to Remedy Non-Conformity with Standards for Maintenance and Occupancy (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 2009-100, 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 residential property within the City and for requiring property not in conformance with the standards therein to be repaired and maintained to conform with the standards. This by-law was enacted to ensure the safety of residents and the upkeep of residential properties does not lead to the degradation of a neighbourhood and of the community.

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 - Presented by Officer Gregory Bergeron

On March 30, 2012 the City of Greater Sudbury By-Law department received a copy of a letter of correspondence addressed to the owner of 154 Elm Street from a neighboring property regarding the pigeon population and holes and opening in the roof at 154 Elm Street, Sudbury.

Signed By

Report Prepared By

Troy Rosignol
By-law Enforcement Officer
Digitally Signed May 15, 12

Division Review

Guido Mazza
Director of Building Services/Chief
Building Official
Digitally Signed May 15, 12

Recommended by the Department

Bill Lautenbach
General Manager of Growth and
Development
Digitally Signed May 15, 12

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed May 15, 12

Case #391526 was generated and assigned to the area By-law Officer, Gregory Bergeron for inspection and enforcement follow-up.

On April 3, 2012, at approximately 12:45 pm, Officer Bergeron attended 154 Elm Street, Sudbury and conducted an inspection of the property. The building, which is currently for sale, is a vacant single family dwelling which was constructed in approximately 1920.

During the inspection Bergeron observed that the southwest section of the roof no longer had any shingles. He observed holes and openings in the roof leading into the attic. He observed pigeons entering and exiting from the holes and openings in question. He observed that the shingles on the roof were in an advanced state of deterioration. He also observed that the roof of the front porch was also in a state of decay and bowed in the centre.

Deficiencies of the By-law were noted and seven (7) photographs were taken. Items of Non-Conformity with the By-law are as noted;

1. *Every part of a building or structure on a property shall be maintained in good repair and in a structurally sound condition so as:*
 - a. *To be capable of sustaining safely its own weight, and any additional load which it may normally be subjected;*
 - b. *To be capable of safely accommodating all normal structural movements without damage, decay or deterioration.*
 - c. *To prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration; and*
 - d. *To be capable of safely and adequately performing its functions subject to all reasonable serviceability requirements.*
2. *Every roof and all of its components shall be maintained in good repair and in a safe and structurally sound condition.*
3. *Without limiting the generality of this Section, such maintenance includes:*
 - c. *Keeping roofs and chimneys in a water-tight condition so as to prevent leakage of water into the building;*
4. *If any building is unoccupied, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazard and shall effectively prevent the entrance thereto of all unauthorized persons.*
5. *The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings which entry may be obtained with at least 12.7 mm (0.5 inch) waterproof sheet of plywood securely fastened to the building and painted a colour compatible with the surrounding walls.*

On April 11, 2012, Officer Bergeron prepared an Order to Remedy Non-Conformity with Standards for Maintenance and Occupancy, outlining the items of non-conformity with the By-law as listed in the previous paragraph, and requiring compliance with the terms and conditions of the Order before May 11, 2012. The Order was sent registered mail to the owner of the property to the address as last shown on the Assessment Rolls for the City of Greater Sudbury; Estate of Minnie Lee C/O Peter Lee, 1254 McIntyre Street W, North Bay, ON. The Order was received by the Peter Lee on April 13, 2012, as shown on the Track Status record of Canada Post.

The Order included the following repairs to be conducted in Order to be in Compliance with City of Greater Sudbury Property Standards By-Law 2011-277:

1. *Conduct necessary repairs to roof to be in a state of good repair and structurally sound – Sections 3.01-1, 3.07-1, 3.07-2, 7.01-1, 7.01-2.*
2. *Conduct necessary repairs to porch roof to be in state of good repair and structurally sound – Sections 3.01-1, 3.07-1, 3.07-2, 7.01-1.*
3. *Conduct necessary repairs to roof to prevent the entry of moisture and to be in a water tight condition. Section - 3.07-2.*

On April 23, 2012, Officer Bergeron received a (2) page letter from Mr. Peter Lee requesting an appeal.

Attached to this report for the Committee's review and in support of the recommendation are the following;

1. Correspondence letter of complaint dated March 27, 2012.

2. 7 pictures dated April 3, 2012.
3. Copy of Roll Information - confirming property owner.
4. Copy of Order to Remedy Non-Conformity with Standards for Maintenance and Occupancy, #391526 dated 11 April 2012.
5. Canada Post Tracking record RW 696 437 560 CA - Delivery Receipt for Order
6. Letter from Peter Lee requesting Appeal of the Order, dated April 23, 2012.
7. CGS appeal confirmation letter.
8. Order to Remedy Unsafe Building.

On May 4, 2012, Building Inspector Tony Pigeggi issued an Order to Remedy Unsafe Building pursuant to Subsection 5.15.9-(4) of the Building Code Act with respect to the unsafe condition of the covered front porch.

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 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 to Remedy Non-Conformity with Standards for Maintenance and Occupancy, #391526, dated 11 April 2012, to ensure that the owner of the property of 154 Elm Street, complies with the maintenance and occupancy standards as set out in the CGS By-law, 2009-100.



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 # 391526

Date of Inspection: 3 April 2012		Time: 12:50 hrs.	By-Law No.: 2011-277
Municipal address or legal description of property		Occupied <input type="checkbox"/> X Unoccupied	
154 Elm Street, Sudbury, ON.			
Name of owner and mailing address			
Estate of Minnie Lee, C/O Peter Lee,			
DESCRIPTION OF NON-CONFORMITY		LOCATION	BY-LAW Reference
1.	Every part of a building or structure on a property shall be maintained in good repair and in a structurally sound condition so as: a. To be capable of sustaining safely its own weight, and any additional load which it may normally be subjected; b. To be capable of safely accommodating all normal structural movements without damage, decay or deterioration c. To prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration; and d. To be capable of safely and adequately performing its functions subject to all reasonable serviceability requirements.	Roof and porch roof	3.01- 1
2.	Every roof and all of its components shall be maintained in good repair and in a safe and structurally sound condition.	Roof and porch roof	3.07 - 1
3.	Without limiting the generality of this Section, such maintenance includes: c. Keeping roofs and chimneys in a water-tight condition so as to prevent leakage of water into the building;	Roof	3.07- 2
4.	If any building is unoccupied, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazard and shall effectively prevent the entrance thereto of all unauthorized persons.	Roof and porch roof	7.01 - 1
5.	The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings which entry may be obtained with at least 12.7 mm (0.5 inch) waterproof sheet of plywood securely fastened to the building and painted a colour compatible with the surrounding walls.	Roof	7.01 - 2

REQUIRED ACTION

- Conduct necessary repairs to roof to be state of good repair and structurally sound.
- Conduct necessary repairs to porch roof to be in state of good repair and structurally sound.
- Conduct necessary repairs to roof to prevent the entry of moisture and to be in a water-tight condition.

There must be compliance with the terms and conditions of this order
before this date: **11 May 2012**.

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 **1 May 2012** and, in the event that the order is not appealed, it shall be deemed to be confirmed. Subsection 15.3 (2).


Gregory Bergeron
 Property Standards Officer
 705-674-4455 ext. 2433

Date Order Served: **11 April 2012**

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.

Original - CONTRAVENTOR*	Copy - OFFICE	Copy - PROPERTY STANDARDS OFFICER	Copy - BUILDING CONTROLS	Copy- FIELD
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		REGISTERED DOMESTIC CUSTOMER RECEIPT		RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT		
To Name		Destinataire Nom		FOR DELIVERY CONFIRMATION		CONFIRMATION DE LA LIVRAISON
Address		Adresse		www.canadapost.ca or/ou www.postescanada.ca		1 888 550-6333
City / Prov. / Postal Code		Ville / Prov. / Code postal		CPC Tracking Number 33-086-584 (11-04)		Numéro de repérage de la SCP RW 696 437 560 CA
Declared Value Valeur déclarée		\$				



2011.04.03 12:40



FOR SALE
ROYAL LEPAGE
Real Estate
TED LEE
ASSOCIATE BROKER
673-9900
Hurry

2011.04.03 12:40



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2011-04-03 12:40



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2011.04.03 12:50



2011.04.03 12:50



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Tracking Number

RW696437560CA

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2012/04/13	AM	NORTH BAY	Item successfully delivered		

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2012/04/13	AM	NORTH BAY	Item successfully delivered		
	AM		Signature image recorded for Online viewing		<u>LEE</u>
	08:36	NORTH BAY	Item out for delivery		
	07:30	NORTH BAY	Item processed at local delivery facility		
2012/04/12	18:53	SUDBURY	Item arrived at postal facility		
	15:30	SUDBURY	Item picked up by Canada Post		

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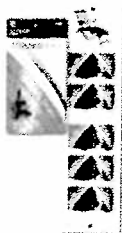
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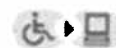
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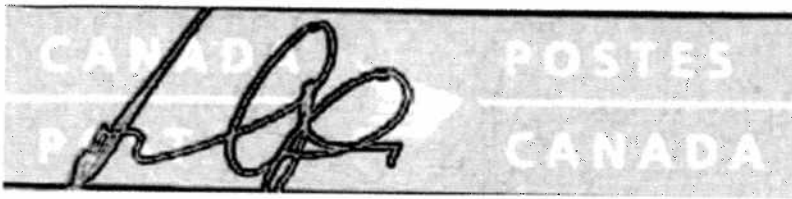
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April 23, 2012

Secretary of Committee
Property Standards Committee
City of Greater Sudbury
Box 5000, 200 Brady Street
Sudbury, Ontario
P3A 5P3

Dear Sir:

Re: Non-Conformity # 391526
Estate of Minnie Lee
154 Elm West

This is to inform you that the Estate of Minnie Lee is appealing the decision of non-conformity as expressed by your Mr. Greg Bergeron, Property Standards Officer. I am the estate trustee as probated December 3, 2010 by the Ontario Superior Court of Justice. I am responsible for the integrity of the property and assets. The unoccupied house has been up for sale "as is" for nearly a year and is registered with the realty firm of Royal LePage as posted in the front and back of the property.

Let me address the Order of Non-conformity in the order your Mr. Bergeron presented it that is the main concern is the roof, porch and the "board up the building".

The main roof or the peak roof has a small hole about six inches in the extreme northwest corner. The hole is on the overhang of the roof therefore any water does not drain into the house and consequently does not affect the structure as eluded to in your document. Upon inspection of the roof from the attic the integrity of the wood is sound. Roof boards are made from rough lumber planks as in the days of old and not plywood which would deteriorate more readily. The hole in the roof was a result of the guano from feral pigeons that frequent the area. These birds are unwanted and are not encouraged to stay in the area. Our contractor, Mr. Patrick Diotte of Barne Building and Construction Inc., stated the house structure is solid; there is no movement what so ever.

The open air front porch which I assume your order pertains to is in need of repairs. On the other hand the porch was used all year as a staging area. Last summer several vagrants lived on the porch; they were evicted. The roof does not leak but it is an eye sore and in need of repair if it were to be used in the future. Consideration to remove the porch was given over a year ago but it was decided to sale "as is". The new owner will decide the future of the porch. The foundation has not moved since I was a child well over sixty years ago.

All the lower windows and doors were boarded up to prevent unwanted entry. Additional locks were placed on all the doors. The yellow plywood used matches the yellow brick of the house. Last summer the covers were removed for saleability of the property but will remain in place for the future.

Based on the synopsis of your non-conformity charge the main thread of your case is the structure of the house is in jeopardy. Based on our contractor at the time, the structure is sound. It is an eye sore but your order does not address that issue. The property is up for sale and to show our willingness to move a sale, the price has dropped forty thousand dollars. The next owner may want the house removed and for the Estate to spend money for repair at this time is premature. For the reasons stated above I am requesting that the Order to Remedy Non-conformity be quashed.

To show you that we are operating in good faith the Estate has carried out the following since being probated in December of 2010:

- The Estate has removed four derelict motor vehicles along with a metal shed and garage.
- Employed someone to maintain the property, pick up litter, cut the grass and monitor weekly.

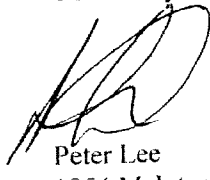
- The property has been placarded with no trespassing and private property signs front and back
- The yard is restricted to unauthorized individuals by barricading the walk way, pad locking the yard gate to discourage trespassers. Front yard is totally fenced to prevent trespassers.
- The taxes in excess of two thousand dollars, the utilities of sewer, water and hydro along with property insurance of two thousand dollars a year are paid up to date even though the property has been unoccupied for over two years. The water service has been officially shut off at the curb box.
- All the lower windows and doors have been covered over with plywood to prevent unauthorized entry. The doors have been given extra pad locks to prevent forced entry.
- It has taken nine, forty yard NIM containers to clean out the house. Through this process we have recycled all the metals such as boilers, dryers, washers, ironing presses, stoves and open and closed water tanks. Over a dozen trailer loads of paper and card board has been recycled through your facilities. Large quantities of antifreeze, paint, oils and washer fluids have been recycled through your hazardous waste depot verses landfilled; your hazardous waste truck made two pickups.
- The furnace oil tank has been drained of its contents to prevent potential spills from occurring.
- Property perimeter has been marked off with iron T bars and further tagged with florescent ribbons.

As you have read the Estate has been diligently trying to recycle and clean at the same time adhere to your orders of non-conformity.

A year ago your Mr. Bergeron placed an order against the Estate for having waste material around the property. At that time we were in the process of cleaning the property. Forty Yard waste containers were rented from NIM Waste Disposal. NIM allows a three day grace period after which an additional rental fee is applied to the containers. To offset this we would stock pile the waste outside in the yard or on the porch until forty yards was achieved to fill a container. Mr. Bergeron claims to be acting on a complaint from our neighbours to the east, Anzil. This past winter the Coopers to the west were caught dumping their snow load from their parking lot onto the estate. The amount was at least ten feet high by twenty feet by thirty feet. I have enclosed pictures for your perusal. A letter was forward to them addressing our concerns. Shortly after, I received a letter from the Coopers; I append a copy for your information. I now receive another order from your office concerning holes in the peak roof; holes were a result of the guano from feral pigeons. We do not want the birds there nor do we encourage them. Originally during the nineteen fifties and sixties these birds frequented Coopers property as the premises was a rooming house. When the house was appraised the appraiser indicated that the Coopers and Anzil were interested in the property for parking. Anzil's group has approached the Estate to use the yard for parking.

Your agency has issued two orders on the property with in a space of a year. I don't know if your agency is over zealous in carrying out the typical "bean count". I do know every time an order is placed on a property; the value decreases somewhat. The obvious question would be that perhaps there is collusion going on between your agency and prospective purchasers. I am contemplating forwarding a copy of this letter to your Mayor asking her to investigate.

Yours truly



Peter Lee

Enclosed
cc Royal LePage Realty
cc Valin Partners Law, Mr. Gordon Prisco

Order to Remedy Unsafe Building

Pursuant to Subsection 5.15.9-(4) of the *Building Code Act, 1992*

Order Number:

Date Order issued: May 4, 2012

Address to which Order applies:

Application/Permit Number:

154 Elm Street
Sudbury, Ontario

Order issued to:

1. Estate of Minnie Lee C/O Peter Lee

An unsafe condition, as defined in subsection 15.9-(2) of the Building Code Act, is found to exist at the above-noted location by reason of the following:

Description of Unsafe Condition	Location	Section Reference
The existing exterior front covered porch and landing are in a condition which is considered to be structurally inadequate for the purpose for which it is to be used and could be hazardous to the health and safety of persons accessing it.	The existing front covered porch roof at the address listed above.	Ontario Building Code Act 15.9(2)(a)&(b)
Required Remedial Steps		
Provide temporary means of restriction to the area, and temporary shoring, cribbing and measures required to maintain safe conditions at the front covered porch roof during the completion of the proposed remedial work. Within a reasonable amount time, if not sooner, obtain a building/demolition permit and proceed with the reconstruction or demolition of the exterior front porch, to restore the structural integrity and normal use of the affected area.		

You are hereby ordered to take the remedial steps set out above or render the building safe ON OR BEFORE May 18, 2012.

Order issued by:

Name Tony Pileggi

BCIN 14557

Signature

Telephone no. 674-4455 Ext 4329

Contact name
(optional)

Contact tel. number (optional)

Prohibiting occupancy of unsafe building – If an order of an inspector under subsection 15.9-(4) is not complied within the time specified in it, or where no time is specified, within a reasonable time, the Chief Building Official may, by order, prohibit the use or occupancy of the building and may cause the building to be renovated, repaired or demolished to remove the unsafe condition. See ss. 15.9-(6) to (9).

Municipal lien – If the building is in a municipality, the municipality shall have a lien on the land for the amount spent on the renovation, repair or demolition of the building under subsection 15.9-(4) and the amount shall be deemed to be municipal taxes and may be added by the Clerk of the municipality to the collector's roll and collected in the same manner and with the same priorities as municipal taxes. See subsection 15.9-(10).

PENALTIES ARE PROVIDED FOR VIOLATION OF THE BUILDING CODE ACT AND BUILDING CODE

- It is illegal to obstruct the visibility of a posted Order. It is also illegal to remove a posted Order unless authorized by an inspector or Registered Code Agency. (Building Code Act, 1992 s. 36)
- Failure to comply with this order is an offence which could result in a fine. (Building Code Act, 1992 s. 36)

For more information on this order, or to request a copy of the Building Code Act and forms, call the public records department by any person responsible for the work, during normal office hours. See the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. 156 s. 11(1)(c).