

Hearing Committee Report for File 1076589 – Property Standards By-Law 2011-277

Presented To:	Hearing Committee
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Meeting Date:	June 23, 2021
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Type:	Public Hearing
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Prepared by:	Melissa Laalo By-Law & Security
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Recommended by:	General Manager of Corporate Services
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Report Summary

This report provides a recommendation regarding an Order to Remedy issued for repairs to a retaining wall.

Resolution

THAT the City of Greater Sudbury upholds the Property Standards Order to Remedy issued pursuant to Section 15.3(3.1) of the Building Code Act as outlined in the report entitled “Hearing Committee Report for File 1076589 – Property Standards By-law 2011-277”, from the General Manager of Corporate Services, presented at the Hearing Committee meeting on June 23, 2021.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

This report refers to operational matters and has no direct connection to the Community Energy and Emissions Plan.

Financial Implications

There are no financial implications with this report.

Background

The 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

On January 27 2021, the City of Greater Sudbury Compliance and Enforcement Division received a complaint which stated that the retaining wall located at 419 Winchester Avenue was in disrepair.

Case #1076589 was generated and assigned to the area By-Law Enforcement Officer SHERIDAN for inspection and enforcement follow-up if required.

On February 4 2021 at approximately 11:12 am, Officer SHERIDAN attended the subject property to conduct an inspection of the retaining wall. During the inspection it was observed several areas where mortar had eroded and masonry had fallen. Moreover, the wall is protruding outwards from the base. Due to the inability to gauge if the wall is in structurally secure condition or not, the Officer created ACR 1078410 on February 5 2021 for the opinion of Building Services. Five (5) photos were taken of the wall and forwarded to Building Services.

On March 18 2021 at 4:36 pm a Building Inspector, Jason RADLEY emailed the Officer a synopsis of the Building Services' inspection. Building Services found that the wall is structurally sound, but noted that minor improvements would bring the wall into a good state of repair.

On March 29 2021 an Order to Remedy Non-Conformity with Standards for Maintenance and Occupancy of All Property was issued to the property owners of the subject property. Items of Non-Conformity with Property Standards By-law 2011-277 are as noted;

- 1) All retaining walls, screen walls and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition. *Section 2.10*

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

- 1) 5 photos dated February 4 2021
- 2) Copy of inspection email from Building Services (J. RADLEY) dated March 18 2021
- 3) Aerial photo of property from 1946 (provided by Building Services)
- 4) Aerial photo of property from 1969 (provided by Building Services)
- 5) Copy of Property Standards Order to Remedy #1076589, dated March 29 2021

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, #1076589, dated March 29 2021, to ensure that the owner of the property complies with the maintenance and occupancy standards as set out in the CGS By-law, 2011-277.