

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 # 230906-000268		
Date of Inspection: September 14 and 19, 2023	By-Law No.:2009-101	
Municipal address or legal description of property <input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Unoccupied		
236 AUTUMNWOOD CRES NEELON CON 3 LOT 10 PLAN M1055 LOT 122 RP 53R8626 PART 5 PART 6 PCL 45362 IRREG 3431.00SF 32.66FR 11.51D		
Name of owners and mailing address		
DUNHAM CARMEN G DUNHAM WAYNE W 236 AUTUMNWOOD CRES SUDBURY ON P3B 3Z4		
DESCRIPTION OF NON-CONFORMITY	LOCATION	BY-LAW REFERENCE
No owner shall fail to keep his or her yard free and clear of objects, accumulations and conditions that create an unsafe condition, a health hazard, or an unsightly condition.	236 Autumnwood Crescent, Sudbury	4. (1)
No owner shall fail to remove any refuse on his or her yard, whether or not he or she caused or permitted the refuse to be on the yard.	236 Autumnwood Crescent, Sudbury	4. (2)
No owner shall fail to cut down and remove from his or her yard any dead, diseased, decayed, or damaged hedges, shrubs or trees.	236 Autumnwood Crescent, Sudbury  (Photos Attached, Tree Assessment Attached)	6. (2)
REQUIRED ACTION		
Following the above:		
1. Cut down and remove any dead, diseased, decayed, or damaged trees (photos attached)		
2. Remove domestic waste (tree cuttings and brush) upon removal of any trees.		
<u>OR</u>		
Provide a written report prepared by a Professional Arborist licensed to practice in the Province of Ontario containing findings as to confirming the trees are not dead, diseased, decayed or damaged		
There must be compliance with the terms and conditions of this notice before this date: <b>October 29, 2023</b>		

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

As per the City of Greater Sudbury User Fee By-Law, non-compliance of a Notice that is in default (past the compliance date) shall result in an automatic fee of \$230.00. Any requirement for remedial action shall result in an automatic fee of \$230.00. These fees shall be billed to the property owner and non-payment shall result in the amount being applied to the tax roll.

**APPEAL FROM NOTICE Section 23 (2)** – A person served with a Notice who disagrees with all or any part of its content, may submit an objection in writing to the General Manager within five business days of his or her deemed receipt of the Notice. The General Manager is authorized to conduct a review and to revoke, confirm or alter all or part of the Notice. Written notice of the decision of the General Manager shall be provided to the person who filed an objection.

**Section 23 (4)** – Where a person disagrees with all or any part of the content of a Notice as confirmed or altered by the General Manager, he or she may appeal to the Hearing Committee by submitting an appeal in writing addressed to the City Clerk within five business days of the date of deemed receipt of the General Manager's decision, along with an appeal fee, (as per 2023 User Fees: \$128.00 including HST)

**OFFENCE**

**Section 24 (1)** - Every owner who contravenes any of the provisions of this By-law, or fails to comply with a Notice to perform work under Section 20, (or as amended or confirmed by the General Manager or the Hearing Committee), is guilty of an offence and on conviction is liable to a maximum fine of \$5,000.00 as provided for in the Provincial Offences Act.

**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.



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**Gerald Sagle**  
By-Law Enforcement Officer  
Greater City of Sudbury  
705-674-4455 ext. 4322  
gerald.sagle@greatersudbury.ca

Date Notice Served: September 28, 2023

 RN 749 296 605 CA