

Request for Decision

Property Standards Appeal, ACR #691251 - Peter Skura

| | |
|---------------|-------------------------|
| Presented To: | Hearing Committee |
| Presented: | Wednesday, Sep 21, 2016 |
| Report Date | Tuesday, Aug 23, 2016 |
| Type: | Public Hearings |

Resolution

THAT the City of Greater Sudbury upholds Property Standards Order to Remedy #691251 issued to Peter Skura and Jeanette Skura, owners of 743 Grandview Blvd, City of Greater Sudbury.

Signed By

Report Prepared By

Kyle Anderson
By-law Enforcement Officer
Digitally Signed Aug 24, 16

Division Review

Brendan Adair
Manager of Security and By-Law
Digitally Signed Aug 24, 16

Recommended by the Department

Caroline Hallsworth
Executive Director, Administrative
Services/City Clerk
Digitally Signed Aug 24, 16

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Aug 26, 16

Recommendations

That the Property Standards Order to Remedy #691251 issued to Peter Skura and Jeanette Skura, owners of 743 Grandview Blvd, City of Greater Sudbury, be upheld.

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 - Presented by Officer Kyle Anderson

On October 2nd, 2015, the City of Greater Sudbury Compliance and Enforcement Division received a complaint which stated that the retaining wall located at 743 Grandview Blvd was in disrepair.

Case #691251 was generated and assigned to the area By-law Officer Kyle Anderson for inspection and enforcement follow-up.

On October 6th, 2015, at approximately 10:18 am, Officer Anderson attended 743 Grandview Blvd and conducted an inspection of the retaining wall. During the inspection Officer Anderson observed the brick and mortar retaining wall supporting a metal fence in the back yard between the properties at 737 and 743 Grandview Blvd. He further observed that the wall lies near the property line. The wall was leaning into the property at 737 Grandview Blvd and the top of the wall was leaning over the base of the wall. There were also broken and missing sections of masonry. The fence was also leaning in the same direction and was no longer plumb. Eight photos were taken during the inspection.

Deficiencies of the By-law were noted and eight (8) photographs were taken. Items of Non-Conformity with the Property Standards By-law 2011-277 are as noted;

- 1) Fail to ensure that all retaining walls, screen walls and ornamental walls are constructed of durable materials and maintained in a structurally sound condition. *Section 2.10(1)*
- 2) Fail to ensure that a fence is maintained in good repair, in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might be reasonable subjected to and reasonably plumb. *Section 2.13(1)*

On November 13, 2015, at approximately 9:41 am Officer Anderson attended at 737 Grandview Blvd and met with the property owner. He observed at that time that the condition of the wall had not changed and no work had been done to the wall. The property owner provided Officer Anderson with a copy of a property survey and accompanying report that clearly indicates that the retaining wall and fence are entirely located on the property at 743 Grandview Blvd. Two photos were taken at that time.

On November 16th, 2015, Officer Anderson prepared a Property Standards Order to Remedy outlining the items of non-conformity with the By-law as listed in above. Compliance with the terms and conditions of the Order was required before May 31st, 2016. The Order was

sent registered mail to the owner of the property to the address last shown on the Assessment Rolls for the City of Greater Sudbury; Peter Skura and Jeanette Skura, 743 Grandview Blvd, Sudbury, ON P3A 4Z8. The Order was received by registered mail on November 19, 2015.

Officer Anderson had occasion to speak with the owners of both 737 and 743 Grandview Blvd on several occasions. Attempts made to mediate the situation between the owners including conversations relating to cost sharing for the required repairs in order to reach a resolution were not successful.

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

1. 8 photos dated October 6, 2015.
2. 2 photos dated November 13, 2015.
3. Copy of Property Standards Order to Remedy #691251, dated November 16th, 2015
4. Copy of Roll Information - confirming property owner.
5. Copy of CGS Parcel Detail Report – confirming property information and owner.
6. Canada Post Tracking record RN094614787CA - Delivery Receipt for Order.
7. Copy of property survey and report received from complainant
8. Copies of property surveys from the CGS property files.
9. Appeal request letter received from Peter Skura December 2, 2015.

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, #691251, dated November 16th, 2015, to ensure that the owner of the property of 743 Grandview Blvd, complies with the maintenance and occupancy standards as set out in the CGS By-law, 2011-277.



Journals

Date According To:

2015/10/08

**Roll Information**

Roll No. 030.038.08100.0000 0

Address 743 GRANDVIEW BLVD

Owners

SKURAPETER

SKURAJEANETTE

Legal Description

MCKIM CON 6 LOT 3 PLAN M1044

LOT 45 PCL 44971 PIN

02171-0170

Mailing Address

IRREG

5649.00SF 50.19FR D

Mortgage Code

Mortgage Acct#

Group Code

Tax Balance

| Tax Levied | Penalty | Adjustment | Payment | Balance |
|------------|---------|------------|---------|---------|
|------------|---------|------------|---------|---------|

Projected Balance

Total Owing:

Assessments

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| ▲ | RTEP | |
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Appeals

Archive Trans

Assessments

Audits

Bill Detail

Capping

Collections

Detail

Correspond ☐

Installments

Local Charge

PAP

Ph-In/Def

Phone,Email... ☐

Post Dated

Receivables

Remarks ☐

Schedules

Tax Sale

Transactions

Vacancy

RECEIVED

DEC 02 2015

CLERK'S

Greater Sudbury
P O Box 5000 STN A
Sudbury Ontario P3A 5P3

► **Property Standards Committee**
Secretary to the Committee
Phone: 7056744455

Peter Skura



December 1, 2015

To Whom It May Concern

Re: Case # 691251

I am writing to request an appearance before the Property Standards Committee to discuss the remedy of the cited non-conformances on my property; 743 Grandview Blvd.

I have had discussions this with Kyle Anderson, Property Standards Officer, regarding these non-conformities. After these discussions new information came to light which I feel needs to be considered regarding the remedy of these non-conformities.

Your consideration of my request is appreciated.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Peter Skura', written over a horizontal dashed line.

Peter Skura



Date: 2016/08/11

Dear Sir or Madam

Please find below the scanned delivery date and signature of the recipient of the item identified below:

Item Number RN094614787CA

Product Name /ARCHIDX

Reference Number 1 Not Applicable

Reference Number 2 Not Applicable

Delivery Date (yyyy/mm/dd) 2015/11/19

Signatory Name

This item has been archived. For signature information please
call us at 1-888-550-6333.

Signature

Yours sincerely,

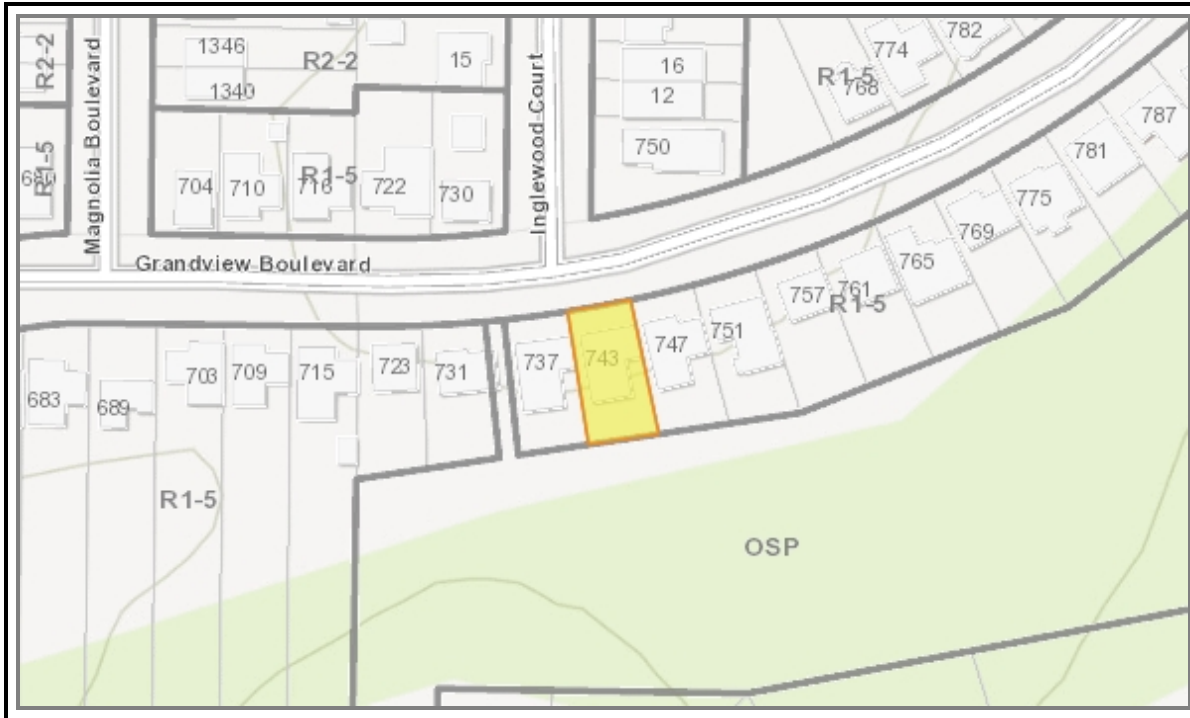
Customer Relationship Network

1-888-550-6333.

(From outside Canada 1 416 979-3033)

This copy confirms to the delivery date and signature of the individual who accepted and signed for the item in question. This information has been extracted from the Canadapost data warehouse

CGS Parcel Detail Report



Parcel Details

Roll : 530703003808100

Local Address : 743 GRANDVIEW BLVD

Mailing Address :

Owner 1 : SKURA PETER

Owner 2 : SKURA JEANETTE

Owner 3 :

Not for Distribution

Legal Description :

MCKIM CON 6 LOT 3 PLAN M1044 LOT 45 PCL 44971 PIN 02171-0170 IRREG 5649.00SF 50.19FR D

Page 1 of 2



Tracking Number: RN094614787CA

Expected delivery: 2015/11/19

[Delivery Standard Date](#)

[Track Another Item](#)

[\\$0.85 0-30g](#) | [\\$1.20 30-50g](#) | [\\$1.80 50-100g](#)

USA

[\\$1.20 0-30g](#) | [\\$1.80 30-50g](#) | [\\$2.95 50-100g](#)

International

[\\$2.50 0-30g](#) | [\\$3.60 30-50g](#) | [\\$5.90 50-100g](#)



History

[? Get Delivery Certificate](#)

| Date | Time | Location | Description | Retail Location | Signatory Name |
|------------|-------|-------------|--|-----------------|-------------------------------|
| 2015/11/19 | 11:42 | SUDBURY, ON | Delivered | | Peter Skura or Jeanette Skura |
| | 11:42 | | Signature image recorded for Online viewing | | Peter Skura or Jeanette Skura |
| | 10:40 | SUDBURY, ON | Item available for pickup at Post Office | | |
| | 06:01 | SUDBURY, ON | Item in transit to Post Office ? | SUPERMALL PO | |
| 2015/11/18 | 13:01 | SUDBURY, ON | Attempted delivery. Notice card left indicating where item can be picked up. | | |
| | 09:50 | SUDBURY, ON | Item out for delivery | | |
| | 06:05 | SUDBURY, ON | Item processed ? | | |
| 2015/11/17 | 15:34 | SUDBURY, ON | Item picked up by Canada Post ? | | |

[Shipping Options and Features for this Item](#)



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 # 691251

Date of Inspection: OCTOBER 8, 2015

Time: 10:18 AM

By-Law No.: 2011-277

Municipal address or legal description of property ☒ Occupied ☐ Unoccupied

743 GRANDVIEW BLVD, SUDBURY, ON - MCKIM CON 6 LOT 3 PLAN M1044 LOT 45 PCL 44971 PIN 02171-0170

Name of owner and mailing address

PETER SKURA, JEANETTE SKURA

DESCRIPTION OF NON-CONFORMITY

LOCATION

**BY-LAW
Reference**

- | | | | |
|----|---|--------------------------|------------------------------------|
| 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 2011-77, Part 2, Ss 2.10(1) |
| 2) | Owner, fail to ensure that a fence is maintained in good repair, in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might be reasonable subjected to and reasonably plumb. | Side yard and back yard. | By-Law 2011-77, Part 2, Ss 2.13(1) |

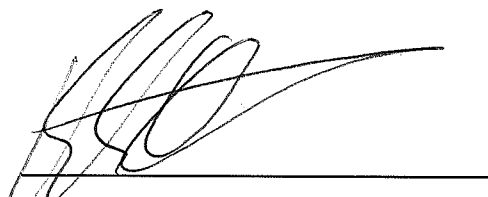
REQUIRED ACTION

- 1) Remove or replace the retaining wall in the back yard on the west side of the property.
- 2) Remove or replace the fence in the back yard and side on the west side of the property.

There must be compliance with the terms and conditions of this order
before this date: MAY 31ST, 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 DECEMBER 7TH, 2015. 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: NOVEMBER 16, 2015.

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.

| | | | | |
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| Original - CONTRAVENOR* | Copy - OFFICE | Copy - PROPERTY STANDARDS OFFICER | Copy - BUILDING CONTROLS | Copy- FIELD |
|----------------------------|------------------|--------------------------------------|-----------------------------|----------------|

CANADA
POST

POSTES
CANADA

REGISTERED
DOMESTIC
CUSTOMER RECEIPT

RECOMMANDÉ
RÉGIME INTÉRIEUR
REÇU DU CLIENT

R

To
Name

Destinataire
Nom

Address

Adresse

City / Prov. / Postal Code

Ville / Prov. / Code postal

Declared Value
Valeur déclarée

\$

FOR DELIVERY
CONFIRMATION

CONFIRMATION
DE LA LIVRAISON

www.canadapost.ca
or/ou
www.postescanada.ca

1 888 550-6333

CPC Tracking Number

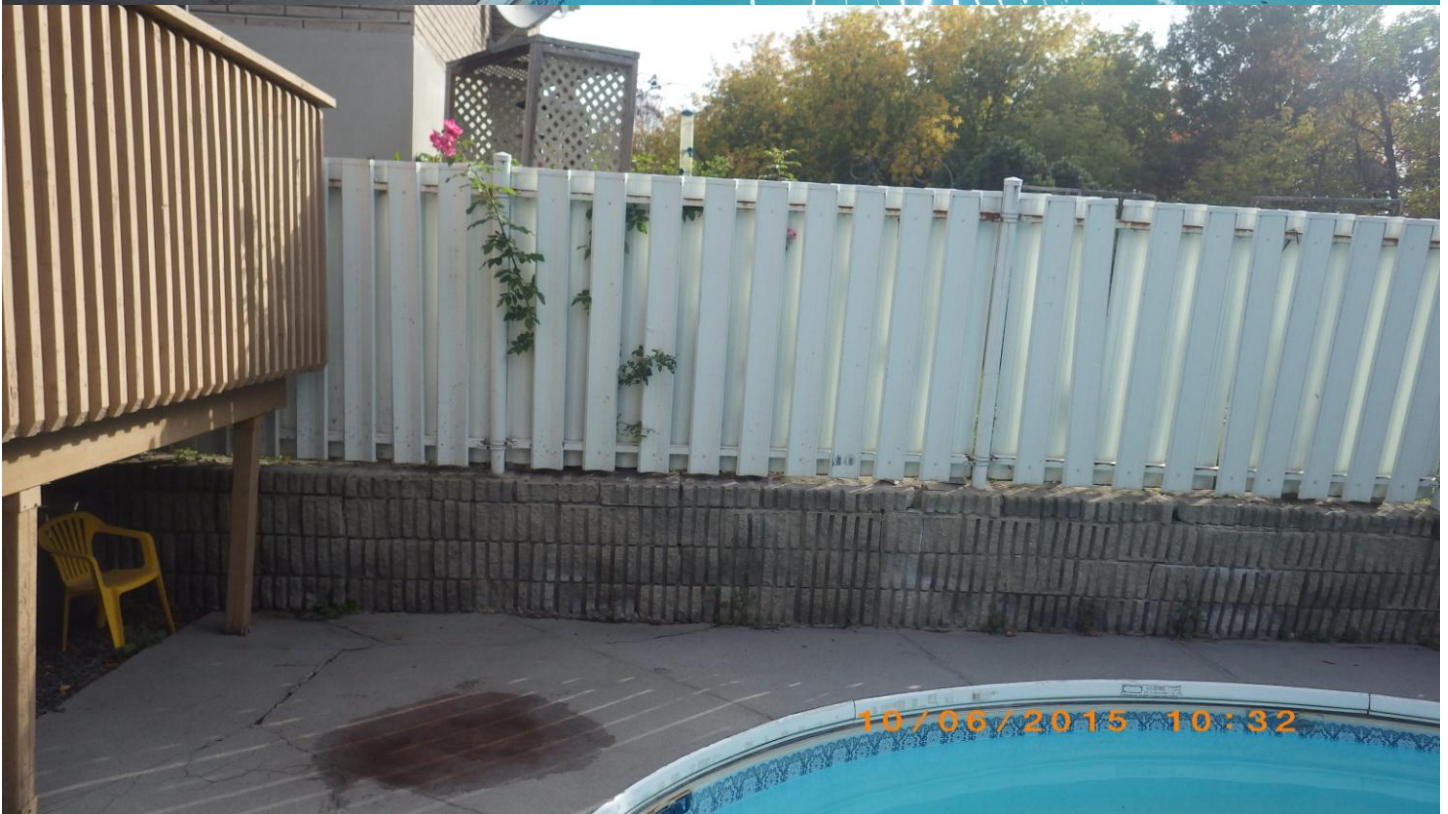
Numéro de repérage de la SCP

33-086-584 (14-06)

RN 094 614 787 CA



Photos taken by K. Anderson
November 13, 2015
743 and 737 Grandview Blvd
Sudbury, ON



Photos taken by K. Anderson
October 6, 2015
743 and 737 Grandview Blvd
Sudbury, ON



Photos taken by K. Anderson
October 6, 2015
743 and 737 Grandview Blvd
Sudbury, ON

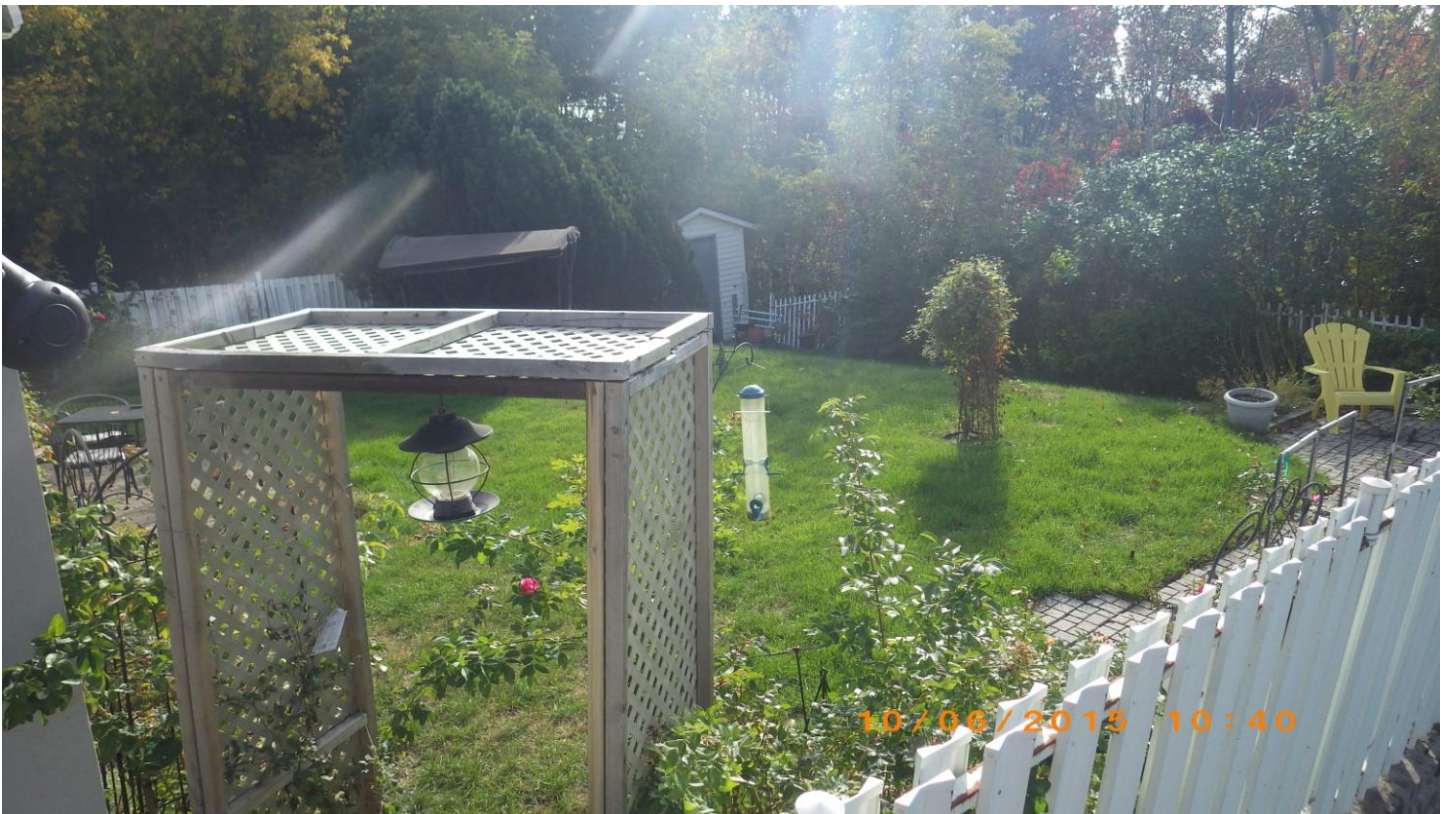


10/06/2015 10:33



Photos taken by K. Anderson
October 6, 2015
743 and 737 Grandview Blvd
Sudbury, ON

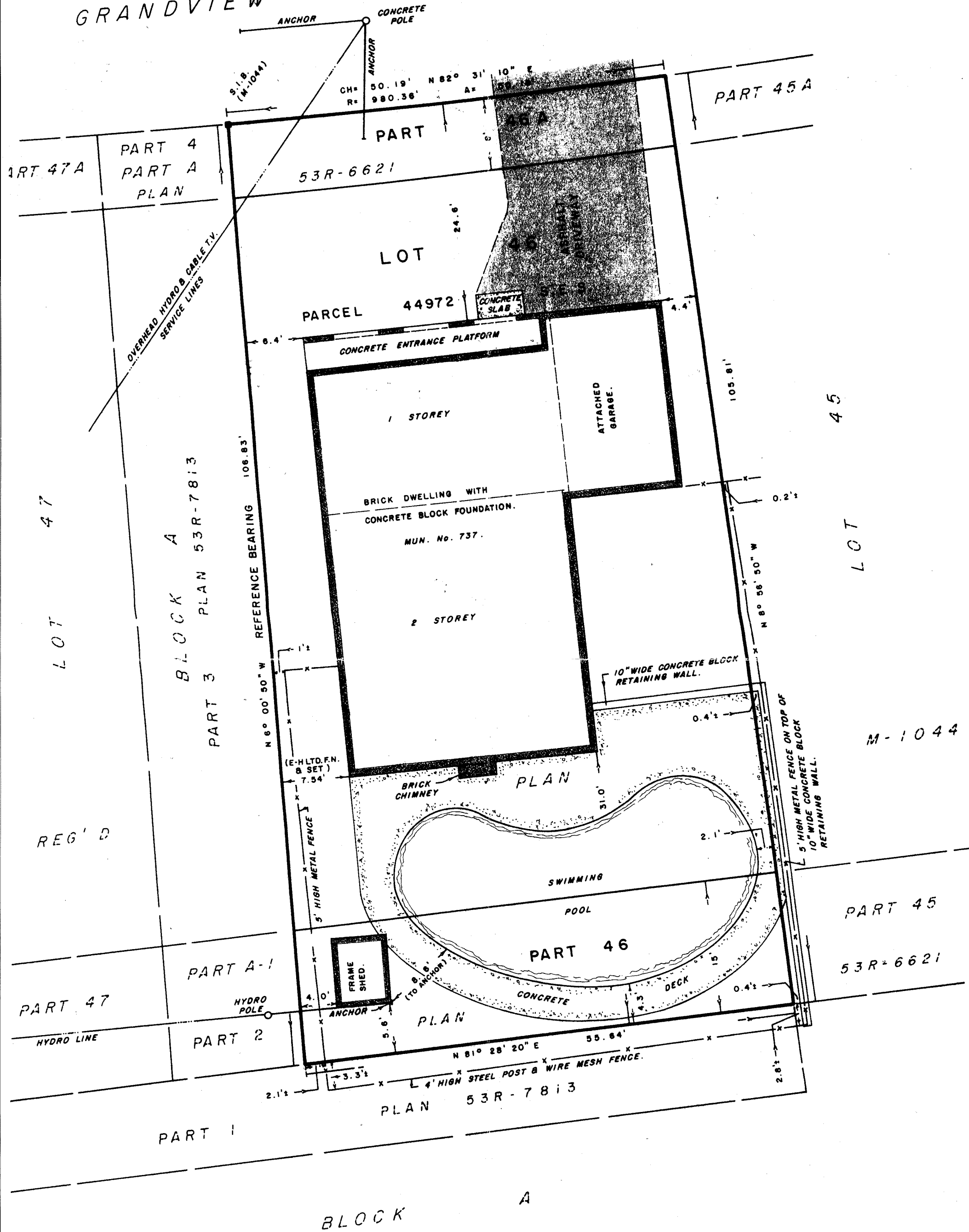


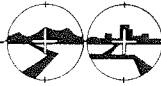


Photos taken by K. Anderson
October 6, 2015
743 and 737 Grandview Blvd
Sudbury, ON

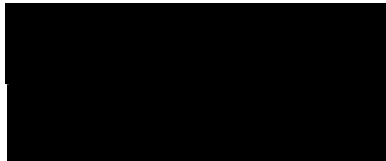
GRANDVIEW

BOULEVARD





D.W. ENDLEMAN, B.Sc., P.Eng., O.L.S., C.L.S.
R.G. HOLDER, O.L.S., C.L.S.

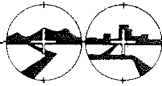


SURVEYOR'S REPORT

This is to CERTIFY that on November 27, 1985 we performed a building location survey of Lot 46 on Grandview Boulevard, as shown on Plan M-1044 registered in the Land Registry Office at Sudbury, situate in the Township of McKim, now in the City of Sudbury, in The Regional Municipality of Sudbury, in the District of Sudbury. We have the following to report:

- (1) A split level dwelling (one and two storey) with concrete block foundation and attached garage, bearing Municipal Number 737 Grandview Boulevard, a frame shed, and an in-ground swimming pool are situate on said Lot 46, and are entirely within the limits thereof.
- (2) There are no encroachments of other buildings onto said Lot 46.
- (3) Lot 46 on Plan M-1044 is all of Parcel 44972 registered in the Land Registry Office for Sudbury East Section.
- (4) On November 28, 1985, when we searched in the Land Registry Office, we found the following easements registered against this Parcel:

| Inst. No. | In Favour Of | Description |
|-----------|--|----------------------------------|
| 404381 | The Corporation of the City of Sudbury | Part 46 - Plan 53R-6621 |
| 404382 | The Hydro-Electric Commission of The City of Sudbury | Part 46A - Plan 53R-6621 |
| 404383 | Bell Canada | Part 46 - Plan 53R-6621 |
| 404384 | Sudbury Cable Services Limited | Part 46A - Plan 53R-6621 |
| 440000 | The Hydro-Electric Commission of The City of Sudbury | Parts 46 and 46A - Plan 53R-6621 |



D.W. ENDLEMAN, B.Sc., P.Eng., O.L.S., C.L.S.
R.G. HOLDER, O.L.S., C.L.S.

page 2

- (5) The location of the said buildings is accurately shown on the attached plan, signed by D. W. Endleman, Ontario Land Surveyor, and dated November 29, 1985.
- (6) The following should be noted:
 - (a) A 10" wide concrete retaining wall with a 5 ft. high metal fence is located near the boundary line between this property and the property to the east, but is entirely on the property to the east and south.
 - (b) The 5 ft. high fence near the east boundary continues northerly from the retaining wall to a point opposite the south end of the attached garage. This fence is constructed entirely on Lot 45.
 - (c) The swimming pool is partly (approximately half) located on Part 46, Plan 53R-6621, which is subject to easements referred to above.
 - (d) By Instrument No. 48250, the Hydro Electric Commission of the City of Sudbury agreed to permit a swimming pool, change house and fence to be constructed on Part 46. However, this agreement required that the pool be no closer than 9.0 ft. from a head anchor. The pool at one point is 8.6 ft. from this head anchor.
 - (e) Overhead hydro and Cable T.V. lines lead from a concrete pole on Grandview Boulevard to service the dwelling located on Lot 47. These lines run across Lot 46. Not all of Lot 46 over which these lines cross are covered by an easement.
 - (f) A 4 ft. high steel post and wire mesh fence constructed near the rear (south) limit of said Lot 46 is entirely on the adjacent lands to the south (Block A - Plan M-1044).

All of the above items are shown on the attached plan.

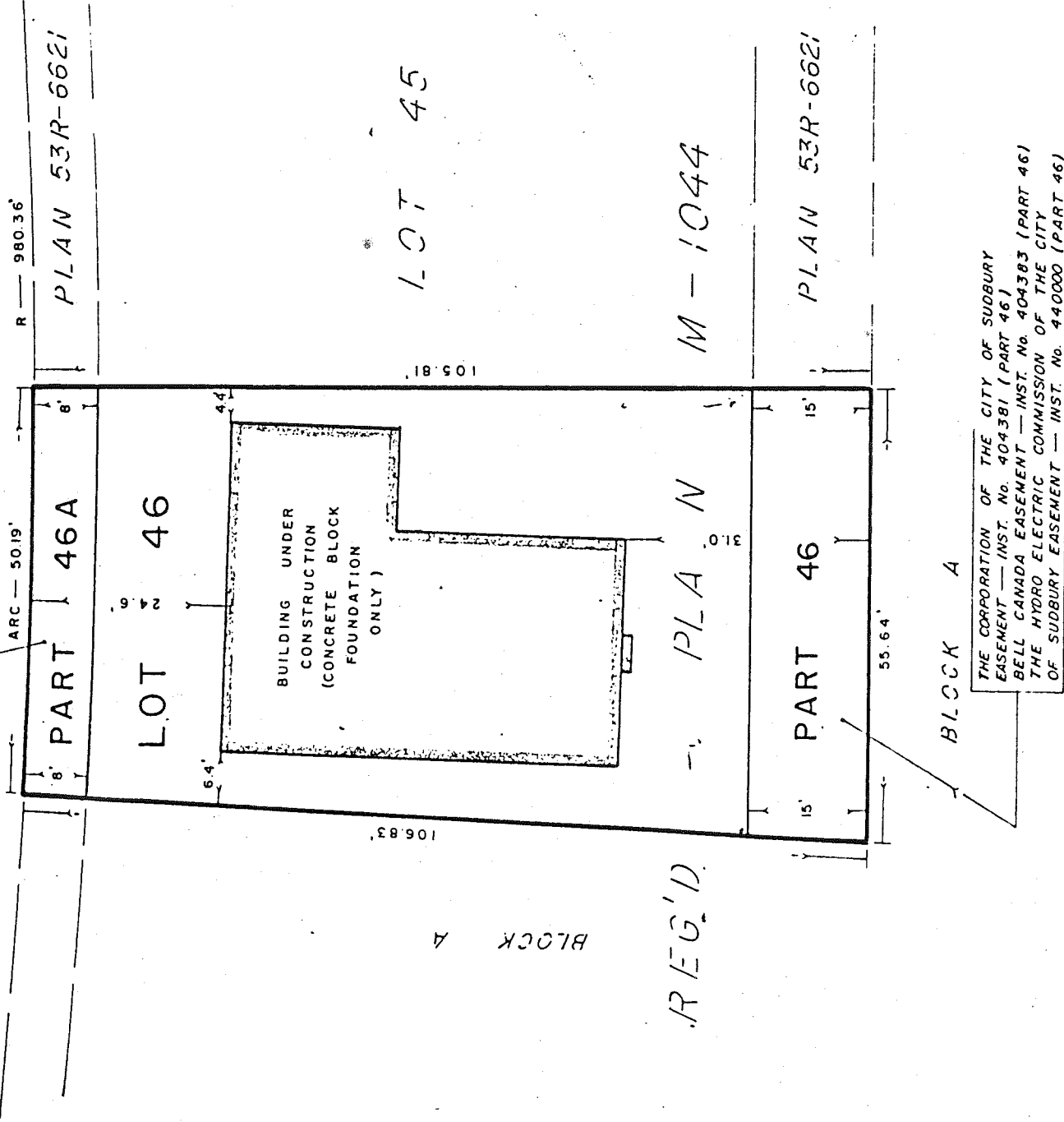
November 29, 1985.
DWE/bm

D. W. Endleman
.....
D. W. Endleman,
Ontario Land Surveyor.

GRANDVIEW

BOULEVARD

THE HYDRO ELECTRIC COMMISSION OF THE CITY
OF SUDBURY EASEMENT — INST. No. 404382 (PART 46A)
SUDBURY CABLE TV SERVICES LIMITED EASEMENT
INST. No. 404384 (PART 46A)



NOTE:

- 1) THIS IS A PLAN OF SURVEY FOR MORTGAGE PURPOSES ONLY AND IS NOT TO BE USED FOR REGISTRATION IN THE LAND REGISTRY OFFICE.
- 2) NO MONUMENTS HAVE BEEN PLANTED.

PLAN SHOWING LOCATION OF BUILDING ON

LOT 46, REG'D PLAN M-1044

TOWNSHIP OF MCKIM, CITY OF SUDBURY
REGIONAL MUNICIPALITY OF SUDBURY
DISTRICT OF SUDBURY

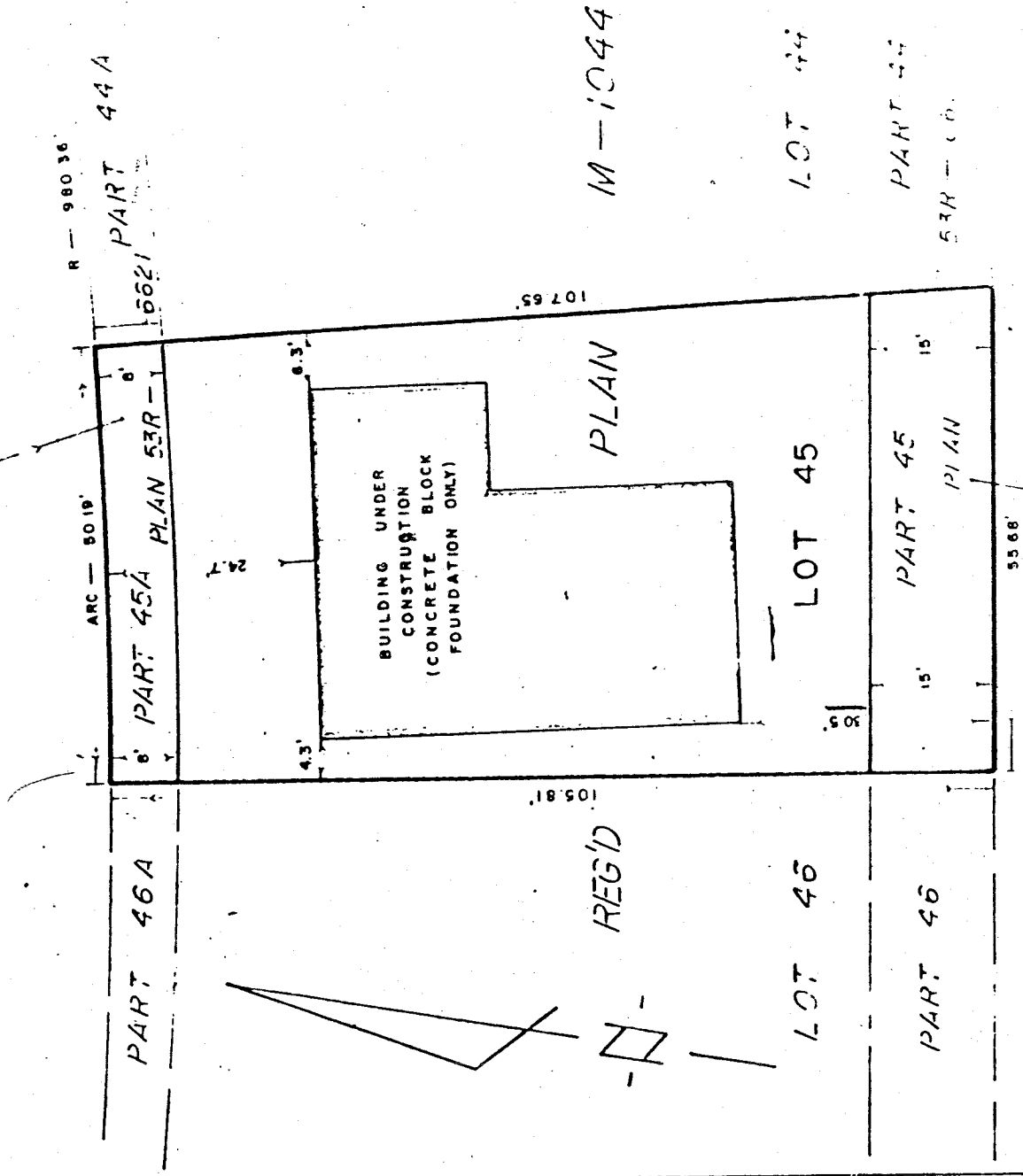
| | | | |
|--------------------|----------------|---------------------|--------|
| DATE: MAY 11, 1979 | PL. BY D.B. | REF. No. (25) MCKIM | M-1044 |
| SCALE: 1" = 20' | CH'D BY R.G.H. | W.O. No. 79-94 | |

ENDLEMAN-HOLDER LIMITED
ONTARIO LAND SURVEYORS
PROFESSIONAL ENGINEERS
174 ELM ST. W., SUDBURY, ONTARIO

[Signature]
ONTARIO LAND SURVEYOR

BOULEVARD

THE HYDRO-ELECTRIC COMMISSION OF THE CITY OF
SUDBURY EASEMENT -- INST. NO. 404382 (PART 45A)
SUDBURY CABLE TV SERVICES LIMITED EASEMENT
-- INST. NO. 404384 (PART 45A)



THE COMPLETION OF THE
EASEMENT NOT BE
BUT CANADA FARMING
(PART 25)

NOTE:

- 1) THIS IS A PLAN OF SURVEY FOR MORTGAGE PURPOSES ONLY AND IS NOT TO BE USED FOR REGISTRATION IN THE LAND REGISTRY OFFICE.
- 2) NO MONUMENTS HAVE BEEN PLANTED.

| PLAN | SHOWING | LOCATION | OF | RECORD | NO. |
|------|---------|----------|-----|--------|-----|
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| 403 | 404 | 405 | 406 | 407 | |

LOT 45, REG'D PLAN M---1044

TOWNSHIP OF MCKIM, CITY OF SUDBURY
MUNICIPALITY OF SUDBURY
DISTRICT OF SUDBURY

DATE: APRIL 30, 1979 PL. BY L.B. REF No. 1

100