

## **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 2<sup>nd</sup>, 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 6<sup>th</sup>, 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 16<sup>th</sup>, 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 31<sup>st</sup>, 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 16<sup>th</sup>, 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 16<sup>th</sup>, 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.