

Presented To:Hearing CommitteePresented:Thursday, Mar 12, 2015Report DateTuesday, Mar 03, 2015Type:Public Hearings

Signed By

Report Prepared By Darlene Barker Manager of Compliance and Enforcement *Digitally Signed Mar 3, 15*

Division Review Guido Mazza Director of Building Services/Chief Building Official Digitally Signed Mar 3, 15

Recommended by the Department Paul Baskcomb Acting General Manager of Growth & Development Digitally Signed Mar 3, 15

Recommended by the C.A.O. Doug Nadorozny Chief Administrative Officer Digitally Signed Mar 4, 15

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 9th, 2014, the City of Greater Sudbury Compliance and Enforcement Division received a complaint by telephone which stated that the building had water running through it coming from the roof which was running down the hallways from the top floor to the bottom floor.

Case #648732 was generated and assigned to the area By-law Officer Kyle Anderson for inspection and enforcement follow-up.

On October 14th, 2014, at approximately 9:44 am, Officer Anderson attended 634 Lasalle Blvd, and conducted an inspection of the building. During the inspection Officer Anderson observed that several sections of drywall were missing in the sixth floor hallway. The walls next to the missing sections of drywall still felt very damp to the touch and had signs of water damage. Pipes for the flat roof drains were also visible inside the ceiling and felt damp to the touch. Officer Anderson knocked on the door of a tenant on the sixth floor who advised him that they were a 15 year resident of the building and that the roof had been leaking periodically for approximately 7 years. Officer Anderson then inspected unit and found missing sections of drywall and water

Request for Decision

Appeal of Order to Remedy #647632 - 634 Lasalle Blvd

Recommendation

THAT the City of Greater Sudbury uphold the Property Standards Order for Expert Examination #648732 issued to 1277897 Ontario Ltd, owner of 634 Lasalle Blvd, City of Greater Sudbury.

Finance Implications

No Financial Implications.

Background

Property Standards Order for Expert Examination (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. damage to the walls inside the closet by the front door of the unit. There was also water damage to the paint near the front door and on the kitchen walls.

Deficiencies of the By-law were noted and seventeen (17) photographs were taken. Items of Non-Conformity with the Property Standards By-law 2011-277 are as noted;

Fail to ensure that every roof, and all of its components shall be maintained in good repair and in a safe and structurally sound condition. Section 3.07(1)

Fail to ensure that maintenance of every roof includes:

- i) removal of loose, unsecured or rusted objects or materials;
- ii) removal of dangerous accumulations of snow or ice;
- iii) keeping roofs and chimneys in water tight condition so as to prevent leakage of water into the building; and
- iv) keeping all roof-related structures plumb unless specifically designed to be other than vertical. Section 3.07(2)

On October 15th, 2014, Officer Anderson prepared a Property Standards Order for Expert Examination, outlining the items of non-conformity with the By-law as listed in the previous paragraph. Pursuant to section 15.8 (1)(f) of the Building Code Act the Order requires that a written report be prepared by a professional engineer and provided to the Officer containing findings as to whether the roof of the building is in a condition that is in good repair, structurally sound, safe, and in a water tight condition. Compliance with the terms and conditions of the Order was required before December 1st, 2014. 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; 1277897 Ontario Ltd, 1016 Arthur Street, Unit 101, Sudbury, ON P3A 5N1. The Order was received by "K Hoop" on October 17, 2014, as shown on the Track Status record of Canada Post.

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

- 1. Officer Anderson's electronic notes and case file.
- 2. 17 pictures dated October 14, 2014.
- 3. Copy of Roll Information confirming property owner.
- 4. Copy of Property Standards Order for Expert Examination #648732, dated October 15, 2014.
- 5. Canada Post Tracking record RW743902531CA Delivery Receipt for Order.
- 6. CGS appeal confirmation letter.
- 7. CGS notice of hearing letter.

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, #648732, dated October 15, 2014, to ensure that the owner of the property of 634 Lasalle Blvd, complies with the maintenance and occupancy standards as set out in the CGS By-law, 2011-277.



Case ID 648732

Caller Information				
Known Callers:	1	Anonymous Callers:	0	
Name:				
Address:				
Mobile Phone:				

Case Information

Case Type: Status:	By-Law Property Standards Assigned	Category: Priority:	Property Maintenance Normal
Expected Completi	on: 16-Mar-2015 08:00:00 AM	-	
Last Updated:	12-Feb-2015 07:56:20 AM		
Submitted By:	Jane Lewis On 09-Oct-2014 09:36:57 AM		
Assigned To: Access Code:	Kyle Anderson (By-Law Ward 11-12 Officer) 687886	On 09-Oct-201	14 09:39:49 AM
Subject:	Caller has telephoned for family member, pi	ctures attached of h	alls in Rideau Place of running water
Description:	Caller has stated the building, Rideau Place hallways from 1st to 6th floors. Caller is tele this building.		down from the roof all through the family member who lives in
The case was created as:	Re-Active		
Inspection Complete	Yes	Re-Inspection Complete	No
2nd Re-Inspection	No	3rd Re-Inspection	No
4th Re-Inspection	No		
Location			
Location:	634 LASALLE (RIDEAU PLACE BUILDING)	

Contacts

Contacta				
Work	Staff Member	Phone [Public]	Email	Fax
By-Law Property	Kyle Anderson (By-Law	(705) 674-4455 x2510	Kyle.Anderson@city.greatersud	(705) 671-0871
Standards	Ward 11-12 Officer)		bury.on.ca	
Case	-		-	

Comments

Date	Туре	Entry	Relates To	Created By
12-Feb-2015 07:56:20 AM	Case Communication	Notice of Hearing issued January 23, 2015 File Attached: Notice of Hearing -B. Nikolic.pdf	By-Law Property Standards	Kyle Anderson
02-Feb-2015 12:00:31 AM	Case Reactivated	System Case Reactivated	By-Law Property Standards	SYSTEM

Printed: 18 Feb 2015 08:43:39 AM

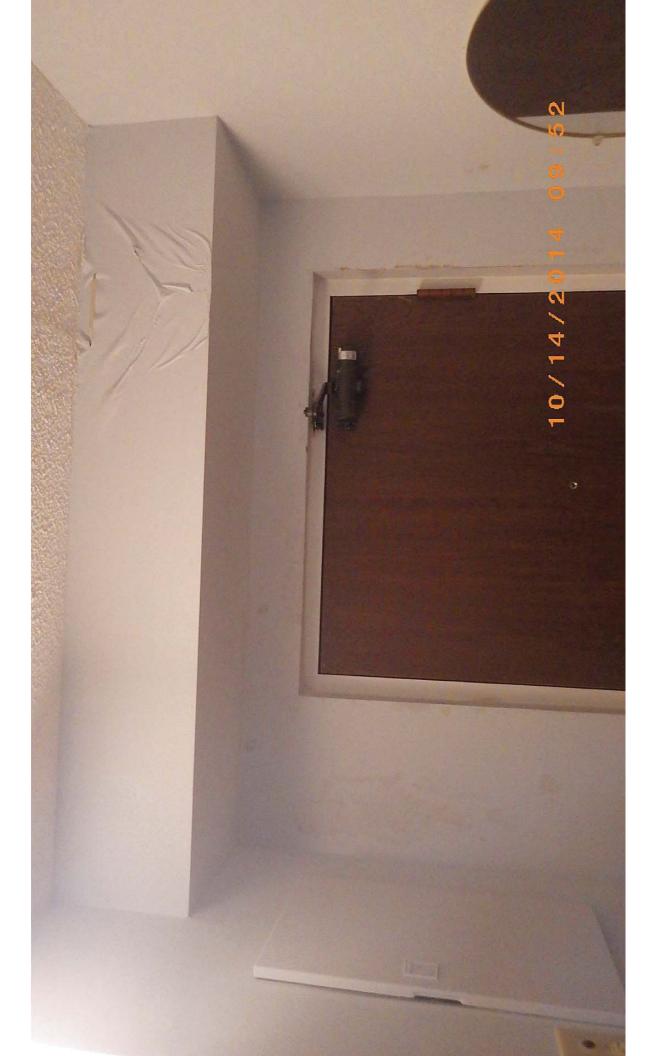
Case Details Report

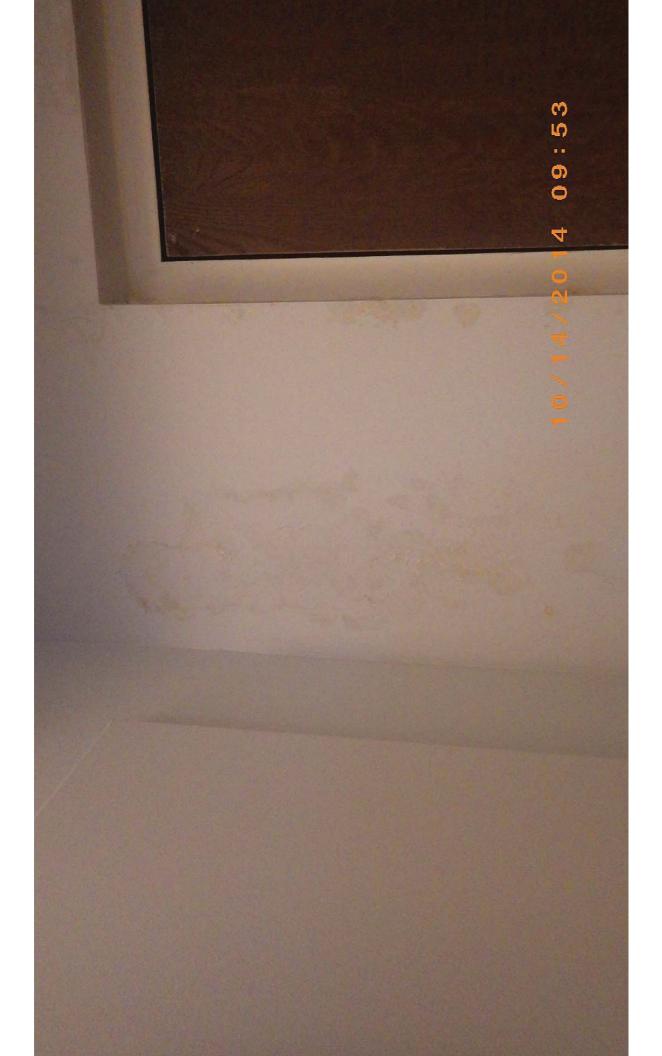
2-Jan-2015 08:34:54 AM	Case Postponed	Other Reactivate on: 02 Feb 2015 Appeal Hearing date has not yet been set.	By-Law Property Standards	Kyle Anderson
2-Jan-2015 12:04:20 AM	Case Reactivated	System Case Reactivated	By-Law Property Standards	SYSTEM
11-Dec-2014 08:17:38 AM	Case Postponed	By-Law Re-Inspect on Due Date Reactivate on: 12 Jan 2015	By-Law Property Standards	Kyle Anderson
11-Dec-2014 12:02:15 AM	Case Reactivated	System Case Reactivated	By-Law Property Standards	SYSTEM
6-Nov-2014 08:53:43 AM	Case Communication	Notice of Appeal issued Nov 20, 2014 File Attached: Appeal Notice Nov 20, 2014.pdf	By-Law Property Standards	Kyle Andersor
5-Nov-2014 08:22:32 AM	Case Communication	Confirmed with the CGS Clerks Dept that a request to appeal the Order has been received from the property owner and that an Appeal Hearing is to be scheduled.	By-Law Property Standards	Kyle Andersor
5-Nov-2014 08:20:53 AM	Case Communication	Email sent November 25, 2014 File Attached: Email sent Nov 25, 2014.pdf	By-Law Property Standards	Kyle Andersor
2-Oct-2014 03:39:38 PM	Case Communication	Canada Post Certificate of Delivery confirms delivery of registered mail containing the Order for Expert Examination on October 17, 2014. File Attached: CPC Delivery Certificate October 17, 2014.pdf	By-Law Property Standards	Kyle Andersor
2-Oct-2014 03:34:22 PM	Case Communication	1530 hrs - Received a voicemail message from the building owner advising that he intends to appeal the Order to Remedy and requesting a call back.	By-Law Property Standards	Kyle Andersor
		Called back no com left in the voicemail box to leave a message.		
5-Oct-2014 10:47:39 AM	Case Postponed	Order Issued Reactivate on: 01 Dec 2014 Order for Expert Examination issued Oct 15, 2014 Date for compliance of December 1, 2014 Registered mail.	By-Law Property Standards	Kyle Andersor
5-Oct-2014 10:47:39 AM	Action Code (Case)	Order Issued Please indicate the date the order is due to be completed by.	By-Law Property Standards	Kyle Andersor
5-Oct-2014 10:47:06 AM	Completion Date Revised	By-Law Order to Remedy Expected case completion date changed from: 20 Nov 2014 09:39:50 AM to: 31 Dec 2014 09:39:00 AM	By-Law Property Standards	Kyle Anderson
5-Oct-2014 10:46:44 AM	Case Communication	Order for Expert Examination issued Oct 15, 2014 Date for compliance of December 1, 2014 Registered mail. File Attached: Order for Expert Examination Oct 15, 2014.pdf	By-Law Property Standards	Kyle Andersor
5-Oct-2014 10:00:18 AM	Case Communication	Tax roll search done October 15, 2014 File Attached: Tax roll search October 15, 2014.pdf	By-Law Property Standards	Kyle Andersor
5-Oct-2014 09:57:27 AM	Case Note	October 14, 2014 File Attached: IMGP2877.JPG	By-Law Property Standards	Kyle Andersor
5-Oct-2014 09:57:16 AM	Case Note	October 14, 2014 File Attached: IMGP2874.JPG	By-Law Property Standards	Kyle Andersor
5-Oct-2014 09:57:08 AM	Case Note	October 14, 2014 File Attached: IMGP2873.JPG	By-Law Property Standards	Kyle Andersor

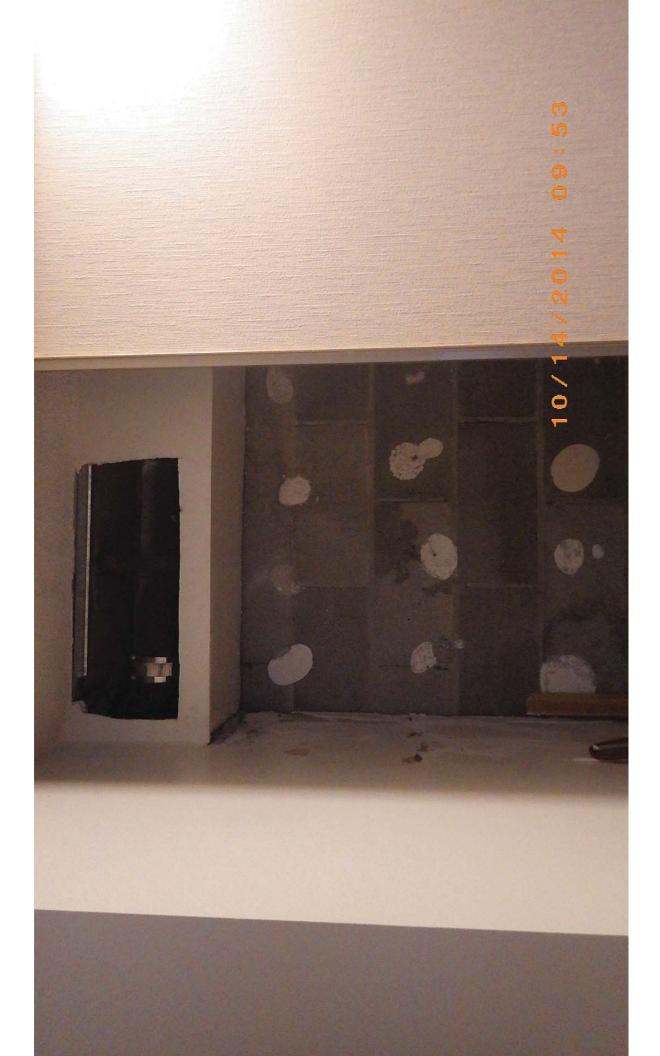
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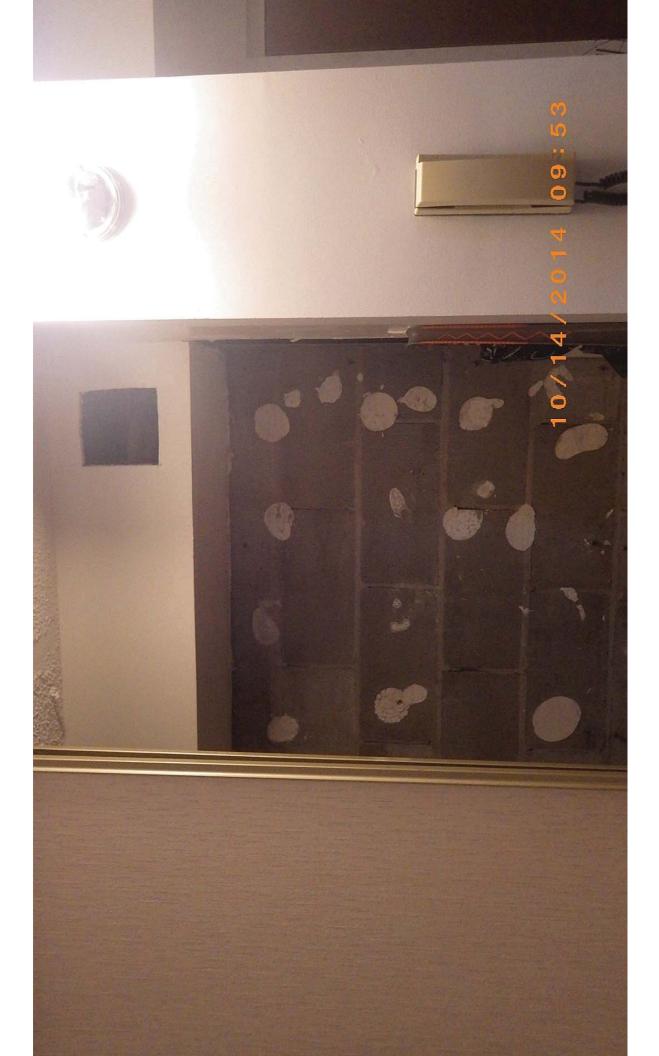
Case Details Report

lser: cbylawe1				
15-Oct-2014 09:57:00 AM	Case Note	October 14, 2014 File Attached: IMGP2872.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:56:52 AM	Case Note	October 14, 2014 File Attached: IMGP2888.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:56:43 AM	Case Note	October 14, 2014 File Attached: IMGP2885.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:56:34 AM	Case Note	October 14, 2014 File Attached: IMGP2884.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:54:30 AM	Case Note	October 14, 2014 File Attached: IMGP2883.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:53:57 AM	Case Note	October 14, 2014 File Attached: IMGP2881.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:53:47 AM	Case Note	October 14, 2014 File Attached: IMGP2880.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:53:38 AM	Case Note	October 14, 2014 File Attached: IMGP2879.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:53:29 AM	Case Note	October 14, 2014 File Attached: IMGP2878.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:35:45 AM	Case Communication	October 14, 2014, 0944 hrs - Inspected problem location, observed several sections of the ceiling were missing in the sixth floor hallway. The walls next to the missing sections of ceiling still felt very damp to the touch and had signs of water damage. Piping front the flat roof drains were visible inside the ceiling and also felt damp to the touch. I knocked on the door of apartment and spoke with advised that is a 15 year resident of this building and that the roof has been leaking for approximately 7 years. I also observed inside unit missing sections of drywall and water damage inside the closet by the front door. There was also water damage to the paint near the door and in the kitchen.	By-Law Property Standards	Kyle Anderson
09-Oct-2014 09:39:49 AM	Case Assignment	Assigned Case to Owner Case ID: 648732 has been assigned to By-Law Ward 11-12 Officer (Anderson, Kyle). Assigned to Ward 12 Officer.	By-Law Property Standards	Jane Lewis
09-Oct-2014 09:37:34 AM	Case Communication	Photos of hallways at Rideau Place. File Attached: 2014 spring thaw damage 634 Lasalle Blvd.docx	By-Law Property Standards	Kyle Anderson
09-Oct-2014 09:36:57 AM	Case Notification	System Case was notified to By-Law Ward 1-2 Officer(Holt, Stephen), By-Law Ward 3-4 Officer(Bergeron, Greg), By-Law Ward 5-6 Officer(Romanyszyn, Tina), By-Law Ward 7-8 Officer(Rossignol, Troy), By-Law Ward 9-10(Lefebvre, Gilles), By-Law Ward 11-12 Officer(Anderson, Kyle).	By-Law Property Standards	Jane Lewis
09-Oct-2014 09:36:57 AM	Case Submission	System Case was submitted by Wendy McBain.	By-Law Property Standards	Jane Lewis

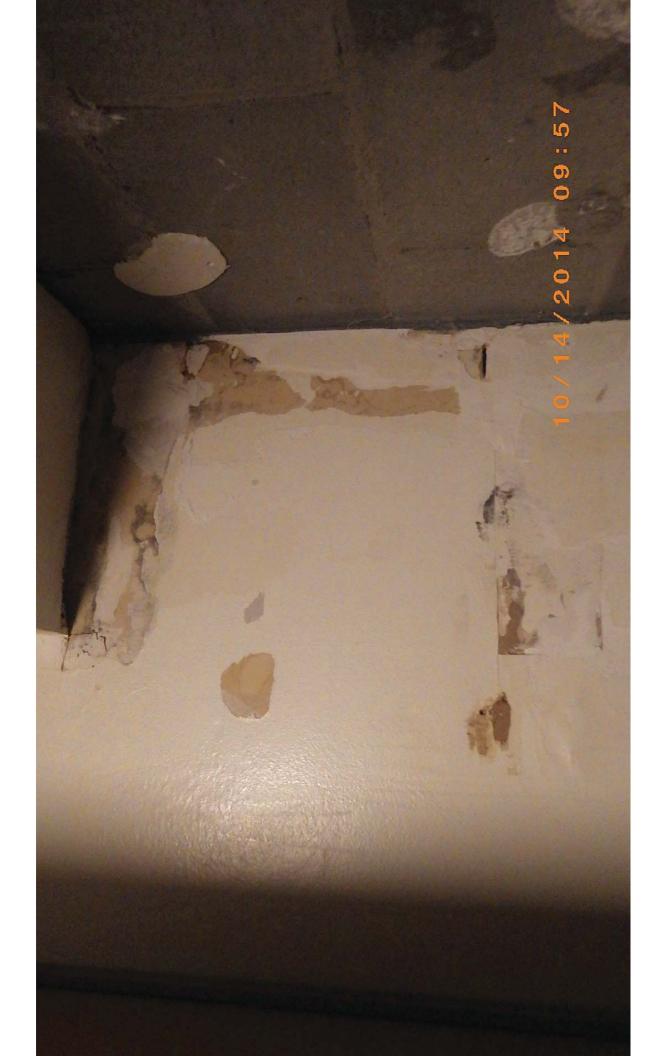








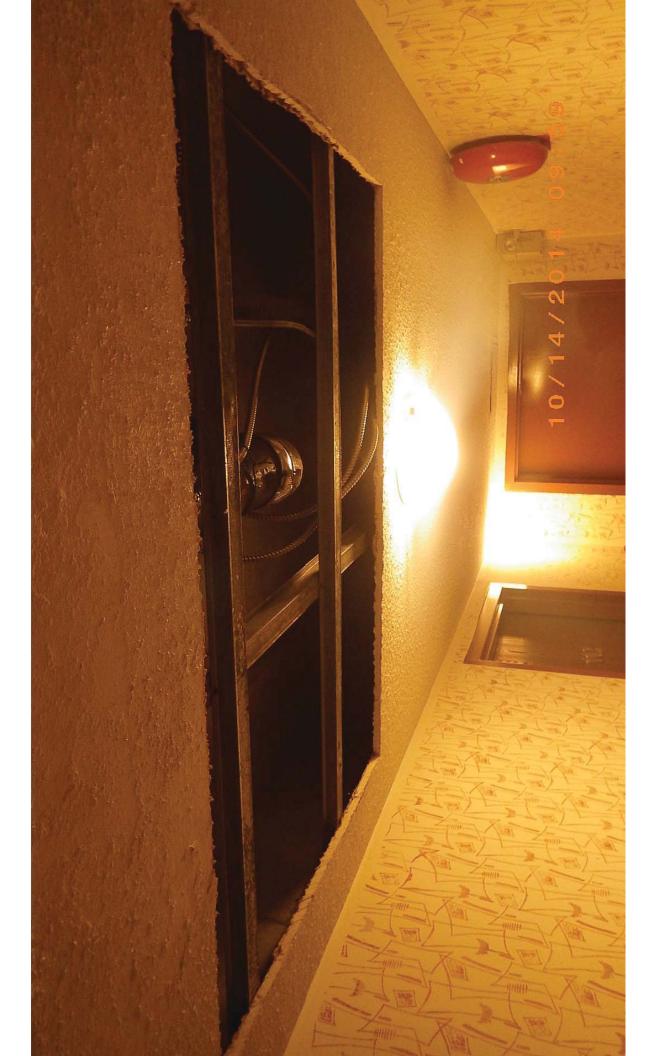


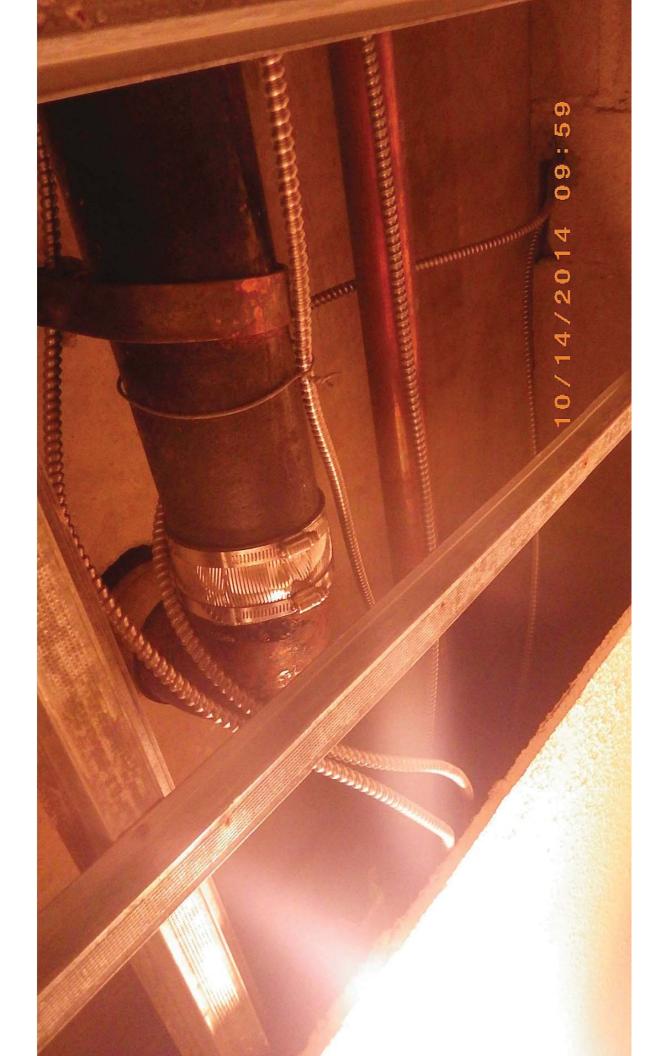


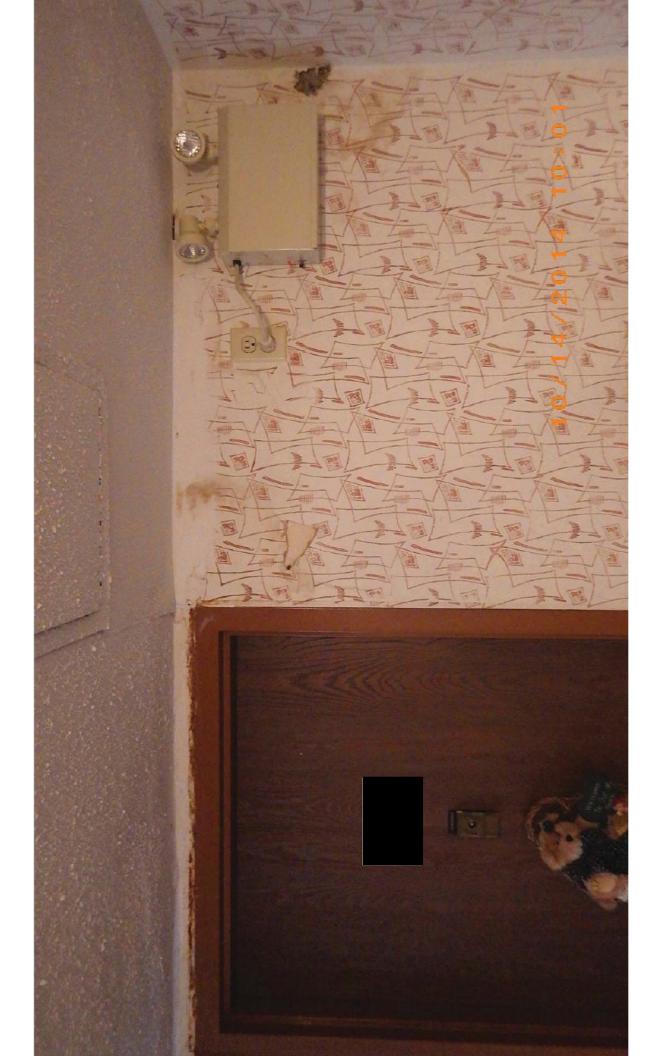




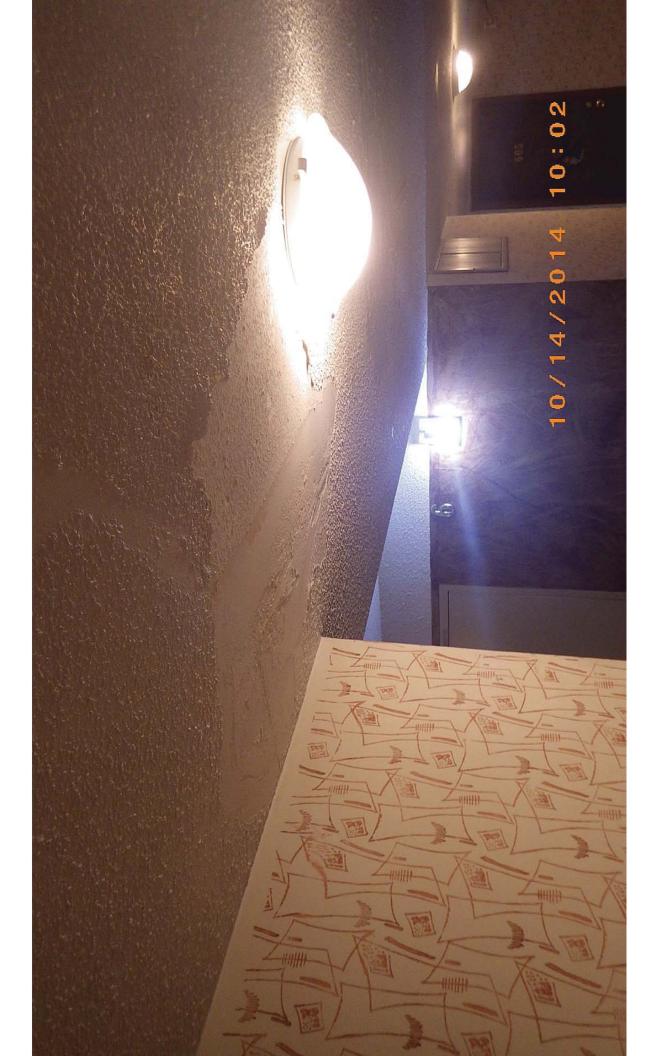


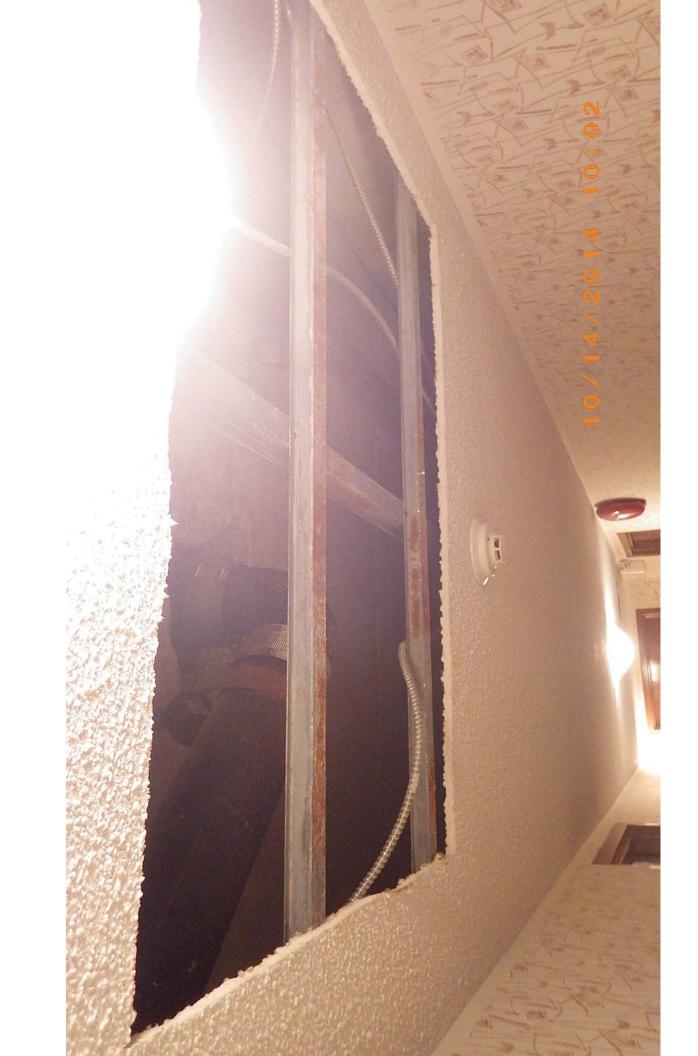
















🖾 Roll Inquiry			
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Roll Information		2014/10/15	Archive Trans
Roll No. 030.030	0.00300.0000		Assessments
Address 634	LASALLE BLVD		Audits
Owners	Legal Description		Bill Detail
1277897 ONTARIO LTD	MCKIM CON 6 LOT 3 RP		Capping
	53R10099 PARTS 1 & 2 PI	N	Collections
	02171-0210		Detail
Mailing Address	OTHER		Correspond
1016 ARTHUR ST UNIT 101	1.04AC 160.13FR D		Installments
	Mortgage Code		Local Charge
SUDBURY ON	Mortgage Acct#		PAP
P3A5N1	Group Code		Ph-In/Def
			Phone,Email 🗖
Tax Balance		Assessments	Post Dated
Tax Levied Penalty Adjustme	ent Payment Baland	Ce MTEP	Receivables
		MTES	Remarks
		MTFS	Schedules
Projected Balance	Total Owing:		Tax Sale
riojecteu balance	rotar owing.		Transactions
			Vacancy



PO BOX 5000 STN A

200 BRADY STREET SUDBURY ON P3A 5P3

CP 5000 SUCC A 200 RUE BRADY SUDBURY ON P3A 5P3

PROPERTY STANDARDS ORDER FOR EXPERT EXAMINATION

Issued pursuant to Section 15.8(1) of The Building Code Act, S.O. 1992, Chapter 23, as amended.

			Case # 6487	32
Date	of Inspection: OCTOBER 14, 2014	Time: 9:44 AM	By-Law No.: 2	2011-277
Mun	cipal address or legal description of pr	operty X Oco	cupied	Unoccupied
634 I	ASALLE BLVD, SUDBURY, ON - MCKIM	CON 6 LOT 3 RP 53R10099 PA	RTS 1 & 2 PIN 021	71-0210
Nam	e of owner and mailing address			
1277	897 ONTARIO LTD, 1016 ARTHUR ST, U	NIT 101, SUDBURY, ON, P3A 5	N1	
I	DESCRIPTION OF NON-CONFORMITY		LOCATION	BY-LAW Reference
1)	Every roof, and all of its components sha and in a safe and structurally sound cond		Roof of building.	By-Law 2011-277, Part 3, Section 3.07 (1)
2)	 Maintenance of every rood shall include: a) removal of loose, unsecured or robbine removal of dangerous accumulation b) removal of dangerous accumulation c) keeping roofs and chimneys in prevent leakage of water into the distingent leakage of water into the distingent to be other than vertication 	ions of snow or ice; water tight condition so as to building; and ires plumb unless specifically	Roof of building.	By-Law 2011-277, Part 3, Section 3.07 (2)
		REQUIRED ACTION		
 Provide a written report prepared by a professional engineer licensed to practice in Ontario containing findings as to whether the roof of the building at 634 Lasalle Blvd, Sudbury, is in a condition that is in good repair, structurally sound, safe, and in a water tight condition. In order for the report to be considered acceptable it must satisfy the following: a) The report shall be an original copy addressed to the owner of the subject property. b) The report shall detail the current condition of the property, or element of the property under examination. c) Where repairs are required, the report shall detail recommended method of repair and materials. d) Where repairs are required, the report shall contain a schedule of work, with an estimate date of completion, and; e) The report shall be signed and stamped by a professional engineer licensed to practice in Ontario. 				
	There must be complia before t	nce with the terms and condition his date: <u>DECEMBER 1ST, 2014</u>	ons of this order <u>I.</u>	

TAKE NOTICE THAT if such report is not submitted within the time specified in this order, the Municipality may complete the report at the expense of the owner. Clause 15.8 (1) (f).

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 **NOVEMBER 5TH, 2014** and, in the event that the order is not appealed, it shall be deemed to be confirmed. Subsection 15.3 (2).

Continuation of Order to Remedy Re: Case #648732

Date Order Served: OCTOBER 15, 2014.

Kyle Anderson Property Standards Officer, Municipal Law Enforcement Officer 705-674-4455 ext. 2510

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

MATION VRAISON
scanada.ca
érage de la SC



Date: 2014/10/22

Dear Sir or Madam

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

Item Number	RW743902531CA
Product Name	Not Available
Reference Number 1	Not Applicable
Reference Number 2	Not Applicable
Delivery Date (yyyy/mm/dd)	2014/10/17
Signatory Name	КНООР
Signature	Kan for

Signature

POST 4

Yours sincerely,

Customer Relationship Network

1-888-550-6333.

(From outside Canada 1 416 979-8822)

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



November 20, 2014

B. Nikolic 1477897 Ontario Limited 453 Lake Point Court Sudbury, ON P3E 6J3

Dear Mr. Nikolic:

Re: Appeal to Order to Comply – 634 Lasalle Boulevard, Sudbury Case #648732

This will acknowledge receipt of your letter received November 6, 2014 appealing the Order to Remedy issued under the City of Greater Sudbury's Maintenance and Occupancy Standards By-law #2011-277.

The Hearing Committee of the City of Greater Sudbury has been appointed to hear Property Standards Appeals. You will be notified of the date and time of the hearing. Please bring any information you feel relevant in presenting your position to the Hearing Committee.

Please be advised that this hearing is a public process; the agenda will be made available on the City's website and the hearing is open to the public to attend.

If you have any concerns or require any further information, do not hesitate to contact the undersigned at 705-674-4455, ext. 2010.

Yours truly,

homason

Tanya Thompson Deputy City Clerk

CC:

D. Barker, Manager of Compliance & Enforcement Services K. Anderson, Property Standards Officer

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

CP 5000 SUCC A 200, RUE BRADY SUDBURY ON P3A 5P3

705.671.2489

www.greatersudbury.ca www.grandsudbury.ca City of Greater Sudbury Ville du Grand Sudbury



January 23, 2015

B. Nikolic 1477897 Ontario Limited 453 Lake Point Court Sudbury ON P3E 6J3

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

Dear Mr. Nikolic:

CP 5000 SUCC A 200, RUE BRADY SUDBURY ON P3A 5P3

Re: Appeal – Order for Expert Examination –634 Lasalle Boulevard, Sudbury ACR #648732

705.671.2489 www.greatersudbury.ca www.grandsudbury.ca This will acknowledge receipt of your letter dated November 6, 2014 appealing the Order for Expert Examination issued under the City of Greater Sudbury's Maintenance and Occupancy Standards By-law 2011-277.

The Hearing Committee of the City of Greater Sudbury has been appointed to hear Order to Remedy Appeals. The Committee Meeting will begin at **4:00 p.m.** on **Thursday, March 12, 2015** in **Committee Room C-11** at Tom Davies Square. Please bring any information you feel relevant in presenting your position to the Hearing Committee.

Please be advised that this hearing is a public process; the agenda will be made available on the City's website and the hearing is open to the public to attend.

If you require any further information, do not hesitate to contact me at 674-4455, ext. 4206.

Yours truly,

Monpson

Tanya Thompson Deputy City Clerk

cc: D. Barker, Manager of Compliance & Enforcement Services K. Anderson, Property Standards Officer G. Mazza, Director-Building Services/Chief Building Official