

Recommendations

That the Property Standards Order To Remedy issued by Municipal Law Enforcement Officer Craig Moxam to Deja Properties Inc c/o [REDACTED] and [REDACTED] on November 24,2017, be upheld.

Background

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 Brendan Adair:

See Appendix A.

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

- 1- Property Standards Appeal Committee Report prepared by MLEO Moxam.
- 2- Photographs 1-14 taken by MLEO Moxam at 1710 Bancroft on November 17,2017.
- 3- Corporate search and Registry Act /Land Titles documents as provided by City of Greater Sudbury legal department. Contact Kathie Bowschar-Lische
- 4- Order To Remedy.
- 5- Photographs 15-16 taken by MLEO Moxam of posted Order to Remedy at 1710 Bancroft on November 24,2017.

6- Request for Appeal letter submitter by Derek Schryer to the Hearing Committee dated December 17, 2017

Witness List:

██████████ formerly of 1710 Bancroft Drive Apartment █.

██████████ of 1710 Bancroft Drive Apartment █.

Andre Guillot, Manager of Building Services City of Greater Sudbury.

MLEO Craig Moxam.

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 neighborhood and of a community."

It is for these reasons that the recommendation in this report is to uphold the Order, #778158 and 778163 dated November 24, 2017, to ensure that the owner of the property of 1710 Bancroft Drive Sudbury, complies with the maintenance and occupancy standards as set out in the CGS By-law, 2011-277.