

Recommendations

That the Property Standards Order to Remedy, ACR Case 763501 issued to the property owners of 2501 Blyth Road, City of Greater Sudbury, 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 property within the City, and has been enacted to ensure the safety of residents and the upkeep of properties to prevent the degradation of the community and neighborhoods. This By-law includes provisions relating to property conditions, and maintenance of the property in conformity with the standards required within this By-law.

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 Orders - Presented by Officer Tina Whitteker **See Appendix A**

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

1. Appendix A
2. Photographs taken by Officer Whitteker: July 18, 2017 and November 6, 2017.
3. Photographs and videos taken by owner of adjacent property 2511 Blyth Rd.: photographs taken August 22, 2017 and videos of drainage recorded on August 22, 2017 and October 25, 2017
4. Copy of Property Standards Orders for Expert Examination issued November 6, 2017, to property owners of 2501 Blyth Rd., regarding case file #763501.
5. CityMap Geocortex View printout listing property owners, with insertions for ease of illustration
6. Appeal letter from property owners of 2501 Blyth Rd.
7. CGS appeal confirmation letter.
8. 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.

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. Property owners shall maintain the property in conformity with the standards required in this By-law.

It is the recommendation in this report to uphold the Order to Remedy whereby the owners shall contain lot drainage within the limits of their premises and ensure surface water drainage is not ponding and not being discharged on an adjacent property, and complies with the maintenance and occupancy standards as set out in the CGS By-law, 2011-277 and Order to Remedy issued.