

Recommendations

That the Property Standards Order issued to the owner of 91 Logan Ave., City of Greater Sudbury be upheld.

Background

Property Standards Order for repair or replace of a retaining wall (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 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: 3 photographs dated August 16, 2016, 1 photograph dated August 26, 2016, and 1 photograph dated November 23, 2016
3. Copy of Property Standards Orders for Expert Examination and Property Tax Viewer- August 26, 2016, #726860.
4. Correspondence by [REDACTED], Marc Huneault, dated January 27, 2017 and June 29, 2017
5. Copy of pertinent section of Survey

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.

It is recommendation in this report to uphold the Order to Remedy for joint repair to the retaining wall, or to confirm that one owner of the adjoining properties to be responsible for the repairs, and

complies with the maintenance and occupancy standards as set out in the CGS By-law, 2011-277 and Order to Remedy issued.