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January 27, 2017

██████████
93 Logan Avenue
Sudbury, ON P3C 3E3

Dear ██████████

Re: ██████████ v. ██████████ - Property Dispute - Our File No. 73338

We are the solicitors for ██████████ and confirm that we are in receipt of an Order to repair or replace a retaining wall along a property. The retaining wall does not support our client's property it supports the neighbouring property but does appear to support a wood framed garage located on your property. Our client is not responsible for the retaining wall and it appears that the only reason the retaining wall is on their property is that it is buckling and this retaining wall was in place prior to our client's purchase of this property.

It is our understanding that the Property Standards Committee has issued an Order to Remedy against you and our client who is the owner of 89 Logan. Our client has no interest in preserving the retaining wall. She derives no benefit from the retaining wall and would be prepared to have a slope between your property and our client's property. Unfortunately, the removal of the retaining wall may adversely affect the garage that is on your property. As such it is certainly in your interest to repair the retaining wall and to place the retaining wall entirely on your property as our client has no intention of incurring more costs than necessary.

Our client is prepared to permit you to enter onto their property in order to affect a repair so long as you do not damage our client's property. Our client is doing so in the interest of being good neighbours and to bring this matter to your attention otherwise the need will be to remove the said retaining wall.

We would be pleased to discuss this matter with you at your convenience with an aim towards a reasonable resolution to this issue as the municipality is attempting to deal with this issue of the retaining wall which is encroaching on our client's property.

Yours very truly,
WEAVER, SIMMONS ^{LLP}

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Email: majhuneault@weaversimmons.com
MAJH:sv

cc: Client
Ms. Tina Whitteker (via email)

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June 29, 2017

Ms. Tina Whitteker
Property Standards Officer
City of Greater Sudbury
200 Brady Street
Sudbury, ON P3A 5P3

VIA EMAIL TO: tina.whitteker@greatersudbury.ca

Dear Ms. Whitteker:

Re: [REDACTED] v. [REDACTED] - Our File No. 73338

It has come to our attention that [REDACTED] has not attempted to resolve this issue with respect to our client. Our client was in Italy from March 8th to June 7th, 2017. [REDACTED] served a Plaintiff's Claim upon our client and actually attended at Small Claims Court attempting to obtain a Judgment as against our client who was, of course, absent. We can confirm that the action has dismissed as [REDACTED] had not suffered any damages.

At this stage our client reiterates her demands that the retaining wall be repaired and that you enforce the Property Standards By-Law. We respectfully disagree with your interpretation that retaining walls are split on a 50/50 basis and it is our client's view that the retaining wall should be removed from our client's property as it is encroaching upon our client's lands. We further take the position that the retaining wall needs to be repaired or removed and that there be an Order for the repair of the wall be made against Ms. Sutherland.

We would be pleased to discuss this matter with you at your convenience and remain,

Yours very truly,
WEAVER, SIMMONS LLP



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Email: majhuneault@weaversimmons.com
MAJH/sv

cc: Client (via email)
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