



AGENDA PROPERTY STANDARDS APPEAL MEETING

April 9, 2015 at 7:00 p.m. Council
Chambers, Town Hall

Online Agenda: Anything in **blue** denotes an attachment/link. By clicking the links on the agenda page, you can jump directly to that section of the agenda. To maneuver back to the agenda page use the **Ctrl + Home** keys simultaneously **OR** use the "Bookmark" icon on the navigation panel to the left of your screen.



Alternative formats available upon request by contacting:
sarah.moore@ajax.ca or 905-619-2529 ext. 3347

1. Call to Order

2. Approval of Minutes

2.1 December 11, 2014 Page 2

3. Public Meeting/Appeals

3.1 Property Standards Committee

3.1.1 2 Elizabeth Street - Chimienti..... Page 6

4. Verbal Update

4.1 Property Standards Committee

4.1.1 8 Sharp Crescent – Nazim

5. Other / New Business

5.1. Online Agendas

6. Adjournment

**MINUTES OF THE
PROPERTY STANDARDS COMMITTEE
MEETING HELD IN THE COUNCIL CHAMBERS, AJAX TOWN HALL
At 7:00 p.m. on Thursday, December 11, 2014**

Present:	Members	- P. Graham - G. Grinton - N. Malandrino - J. Mitschang
	Staff	- D. Hannan, Staff Resource/Acting Secretary - C. Weller, Senior MLEO

1. Call to Order

Chair Mitschang called the meeting to order at 7:03 p.m. and asked that everyone turn their cell phones off. He asked if Bibi Nazim or Mohamed Nazim were present. Ms. Nazim stood and acknowledged that both she and her husband were present. Chair Mitschang also asked if anyone else was present with regard to the 8 Sharp Crescent appeal. A Mr. Doug Bourassa stood in the gallery and advised the Committee that he was a lawyer with Chaitons LLP. He advised that he was representing and was there on behalf of the first mortgager C.I.B.C. ("Bank"). Chair Mitschang asked Mr. Bourassa if he was also representing the Nazim's. Mr. Bourassa replied that he would be able to shed some light on the current issues with regard to finances and repairs to the property and that although the Bank and the Nazims have a common interest in the repairs of the property, that he does not represent the them.

2. Adoption of Minutes

Moved by: G. Grinton

That the Minutes of the Animal Services Committee Meeting held on July 10, 2014, be adopted.

Carried.

3. Public Meetings/Appeals

3.1 Property Standards Committee

3.1.1 8 Sharp Crescent – B. Nazim & M. Nazim

Chair Mitschang asked Ms. Nazim if there was anything in her appeal package

that was submitted by the Town that she disagreed with. Ms. Nazim stated that she was not in disagreement with anything submitted to her by the Town in her package. Chair Mitschang asked Ms. Nazim, as indicated in her appeal letter, if she was only before the Committee this evening to seek an extension to the timelines. Ms. Nazim replied yes.

Chair Mitschang asked the Committee members if anyone objected to skipping the presentation of Town staff and going straight to the portion of the meeting where the Appellant would state her case. G. Grinton asked Chair Mitschang if he could ask a question of Town staff. Chair Mitschang said certainly. G. Grinton asked Officer Weller, in his opinion, if there were any dangers with regard to the property as a result of the fire. Officer Weller replied no.

Moved By: G. Grinton

That the rules of the Committee be suspended in order for the Appellant to present her case first.

Carried.

Chair Mitschang then asked Ms. Nazim if she could explain to the Committee why she was requesting more time.

Ms. Nazim explained that the issue why the repairs weren't done was there was a problem with funding. Ms. Nazim explained that there were issues with the insurance cheque to pay for the repairs.

Mr. Bourassa stood and advised that perhaps he could shed more light on the outstanding issue of funding. Mr. Bourassa explained that the insurance company holding the policy on this property has taken issue with an additional mortgagee on the property and has to this point refused to release the funds to the Bank or the Nazims. Mr. Bourassa continued to state he believed that the issues between the three parties were resolved and thought that the cheque would have been released last week however there turned out to be an issue with some paperwork that delayed the release of the cheque. Mr. Bourassa stated that as he has experience in these types of matters, that he is fully confident that the cheque to compensate for the damages would be released by the end of the year.

Mr. Bourassa stated that there was a plan in place to begin repairs once the funds were released as the insurance policy covered the "cost of recovery".

G. Grinton asked Mr. Bourassa if a timeline was in place once the money was released and was told no, not at this time as there are far too many variables to give a reasonable expectation of time. Mr. Bourassa stated that he believed a couple of months was far too "aggressive" of a date and stated to the Committee

that the Bank is as eager and committed as the Nazims to complete the repairs.

N. Malandrino asked Mr. Bourassa to confirm when he thought the insurance company would release the funds and was told by the end of 2014.

P. Graham asked Mr. Bourassa when he believed the work would get done and Mr. Bourassa stated that he was unsure of date and was not prepared to state a date at this time. Mr. Bourassa stated that he is being cautious not to give a date to the Committee as he does not want to give a timeline that can't be met.

G. Grinton asked Officer Weller if it was obvious from the outside that this house needed work and Officer Weller stated that other than a large lock on the front door there is no obvious signs of damage.

Chair Mitchang then asked Ms. Nazim if she could shed some light on an approximate timeline for the work which she stated no, she could not.

G. Grinton suggested to the Committee members that perhaps they could extend the date of the Order to April 30, 2015, and mandate that the owners must come into the Town and keep us posted. D. Hannan, Staff Resource /Acting Secretary was asked if this was possible. Mr. Hannan suggested extending the timeline of repairs to what the Committee thought was reasonable and including an item that should the owners of the property believe that they will not meet the compliance date that they could come back to the Town and request to appear before the Committee prior to the deadlines expiring.

Mr. Bourassa stated that he believes the Committee suggestion to be reasonable.

N. Malandrino asked Mr. Bourassa if a contractor was already contracted. Mr. Bourassa stated that the estimate of repairs was completed by a contractor but there was nothing stopping anyone from securing a different one. The Committee was advised that it is common practice to use the original contractor.

The Committee then went into deliberations.

Chair Mitchang advised that he liked the proposed solution, however, he felt that the completion date of April 30, 2015 was too soon and stated that he believed a more reasonable date of completion would be May 31, 2015.

Moved by: G. Grinton

That the date of compliance for Order Number 14-109358 be extended to May 31, 2015.

And

If the property owners of 8 Sharp Crescent, Ajax, Ontario, believe that they will require additional time to complete the required work contained in Order Number 14-109358, that they may prior to May 31, 2015, request the Town place them on a Property Standards Appeal Agenda to request additional time to complete the repairs.

Carried.

Chair Mitschang explained to the Appellant the Committee's decision. He advised that they would receive this decision in writing. He explained that if the Appellant is not satisfied with the outcome of tonight's decision, she was welcome to appeal the decision to the Superior Court of Ontario.

This portion of the meeting finished at 7:20 p.m.

4. Verbal Update

4.1 Property Standards Committee

4.1.1 18 Hiley Avenue. – E. Laughlin

D. Hannan, Staff Resource/Acting Secretary, advised the Committee that charges had been laid and the matter is before the Courts for failing to comply with a Property Standards Order.

N. Malandrino moved that the meeting be adjourned at 7:29 p.m.

All in favour.

Carried.

Chair

**2 Elizabeth Street, Ajax, Ontario – Property Standards Order, File # 15 100590 –
Appeal Package**

Synopsis

Prepared by MLEO Kristina Foreman

OVERVIEW

2 Elizabeth Street, Ajax, Ontario is a legal non-conforming, tenanted, multi-residentially zoned property, owned by Nicholas, Antoinette, and Guiseppe Chimienti. The property contains unscreened waste and waste containers, unsightly storage of domestic items as well as garbage and debris in side and rear yards.

FACTS

January 28, 2015

- Complaint received regarding the unkempt garbage storage area and the storage of garbage and debris throughout the property.

January 30, 2015

- MLEO K. Foreman attended the property.
- MLEO K. Foreman observed that the garbage storage area was not screened from public view. Several recycling and garbage receptacles, and garbage items were in plain view from the street and neighbouring properties at north/east end of the property. Large pieces of sheet metal (appeared to be awning material) were stored at side of building. Debris was stored in and around a trailer parked at the north/west end of property. More debris items were stored on the deck, and at the south and south/west ends of the property. Debris items included but are not limited to scrap metal, lumber, cardboard, old patio furniture, mattresses, shopping cart, aquarium, cabinets, and cupboards.
- (10) photos taken.

February 2, 2015

- Property Standards Order issued under Section 15.2 of the Building Code Act sent via pre-paid registered mail.
- The Order required conformity with the By-law on or before **March 6, 2015**.

February 12, 2015

- Request for appeal letter received from the Chimienti Family of 15 Mapson Crescent, Ajax, Ontario.

February 13, 2015

- Letter sent to Nicholas, Antoinette, and Guiseppe Chimienti of 15 Mapson Crescent, Ajax, Ontario advising that the Property Standards Appeals Committee will hear the appeal on April 9, 2015.

1 Dec. 2015

2 Elizabeth Street

K. C.



② Fri. Dec 30/15

Elizabeth Street

A.K.



③ Fci. Jan 18/30/15

Elizabeth Street

A.C.



④ Fri. Jan 30/15

2 Elizabeth Street

K. Z



⑤ Fri Jan 30/15

Elizabeth Street

K.L.



© Fri. Jan 30/15

2 Elizabeth Street

K.S



7 Fri Jan 30/15

2 Elizabeth Street

ok. ~



⑧ Fri. Jan 30/15

2 Elizabeth Street

K-2



⑨ Fri Jan 30/15

2 Elizabeth Street

8-2

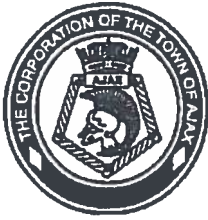


⑩ Fci: 303015

2412015 to street

K. S.





The Corporation of the Town of Ajax

ORDER

(Issued pursuant to the Building Code Act, S.O. 1992, c23)

ISSUED TO: Nicholas Chimienti
Antoinette Chimienti
Guiseppe Chimienti
15 Mapson Crescent
Ajax, ON
L1T 3N2

PROPERTY: 2 Elizabeth Street, Ajax, Ontario
CON 2 PT LOT 16 NOW RP 40R5114 PART 1
010003146000000

FILE NUMBER: 15 100590

This property has been found not to be in conformity with the Standards of Maintenance and Occupancy established by this Municipality and as set out in the Property Standards By-law #91-2012.

SCHEDULE "A", attached hereto, sets out the work required to remedy such violations and to bring the property into compliance with the By-law.

Be advised that this property must be made to conform with the By-law on or before **Friday, March 6, 2015**. If repairs or clearance are not carried out within the specified time, the Town of Ajax may carry out the repairs or clearance at the owner's expense, and/or legal action may ensue.

Further information may be obtained from By-law Services in the Legislative & Information Services Department at 65 Harwood Avenue South, Ajax, Ontario, L1S 2H9.

Dated at Ajax, Monday, February 2, 2015

A handwritten signature in black ink, appearing to read "K. Foreman", is written over a horizontal line.

Kristina Foreman
(905) 619-2529 ext. 3219

YOU MAY APPEAL THE ITEMS OR CONDITIONS OF THIS ORDER BY SENDING A NOTICE OF APPEAL, BY REGISTERED MAIL, WITHIN 14 DAYS AFTER SERVICE OF THE ORDER,

TO: Secretary, Property Standards Committee
65 Harwood Avenue South
Ajax, Ontario, L1S 2H9

SCHEDULE "A"

ITEM	PARTICULARS OF REPAIRS TO BE EFFECTED
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- 1. Ensure all waste being stored on the property awaiting collection, including containers or receptacles, is screened from public view and the screening is maintained in a good state of repair. Ensure this storage is maintained in a tidy and odour-free condition.**
- 2. Remove from the property, all refuse and debris, and all unused and/or discarded items being stored on the property, including but not limited to the following:**
 - a) excess garbage, lumber, and litter along the northeast end of the property;**
 - b) large pieces of metal siding leaning against the dwelling;**
 - c) garbage and debris inside and surrounding the trailer parked at the northwest side of the rear yard;**
 - d) garbage, broken furniture, discarded cabinetry and cupboards, cardboard, scrap lumber, scrap metal, and broken aquarium stored on the deck in rear yard;**
 - e) scrap lumber, mattress, and box spring stored along the fence at the south end of the rear yard; and**
 - f) garbage, shopping cart, discarded patio furniture, scrap lumber, and scrap metal piled at the southwest side of the rear yard.**
- 3. Neatly store all non-damaged, and/or usable domestic storage items located on the property in either the rear or side yards. Ensure the items are stored in accordance with Section 4.11 of this By-law.**
- 4. Cease the practice of storing any refuse, debris, or unused and/or discarded items on the property.**



REPAIR STANDARDS – PROPERTY STANDARDS BY-LAW #91-2012

Section 3.3 The owner of any property, which does not conform to the standards, shall repair and maintain such property to conform to the standards, or shall clear the site of all buildings, structures, debris and refuse and leave it in a graded and levelled condition.

Section 3.4 All repairs and maintenance of property shall be carried out:

- a) with suitable and sufficient materials;**
- b) by tradespersons duly qualified by applicable legislation or governing body, in the trade concerned;**
- c) in compliance with all relevant legislation;**

- d) with the benefit of relevant permits and approvals including, but not limited to, building permits;
- e) in a manner accepted as good workmanship in the trades concerned; and
- f) in conformity to the Ontario Building Code, where applicable.

- Section 4.1** All vacant lots, every yard, and all property, shall be kept clean and free from objects or conditions that might create a fire, health or accident hazard.
- Section 4.2** Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris, garbage or other objects that create an unsafe or unsightly condition, out of character with the surrounding environment, shall be removed.
- Section 4.10** Domestic storage is not permitted in the front yard.
- Section 4.11** Domestic storage may be stored in a rear and/or side yard, provided that such storage:
- a) does not exceed 30% of the yard area of the cumulative total of the side and rear yards;
 - b) is neat;
 - c) is for personal use; and
 - d) is no greater than 2 m (metres) in height.
- Section 4.45** Garbage, refuse and ashes shall be promptly stored in receptacles and made available for removal in accordance with the Municipal collection policies or any regulating authority and/or any By-law regulating curbside waste collection.
- Section 4.46** Every building, dwelling and dwelling unit shall be provided with sufficient receptacles to contain all garbage, refuse and ashes that accumulate on the property. The receptacles shall be maintained in a good state of repair.
- Section 4.47** Garbage containers or receptacles shall be washed and disinfected as often as is necessary to maintain a clean and odour free condition. Tight fitting lids shall be affixed to each garbage receptacle.
- Section 4.48** All exterior garbage storage areas, including containers or receptacles, shall be screened from public view and the screening shall be maintained in a good state of repair.
- Section 7.6** An owner who fails to comply with an Order that is final and binding is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the Building Code Act.
- Section 7.7** If an Order is not complied with in accordance with the Order as deemed final and binding or as confirmed or as modified by the Property Standards Committee or a Judge, the Municipality may cause the property to be repaired or demolished accordingly, and shall be entitled to recover the expense incurred in doing any demolition or repair as municipal real property taxes. The expense of division fence repair shall be determined in accordance with the Town of Ajax Fence Cost Sharing By-law.

February 12/2015

RECEIVED
TOWN OF AJAX

FEB 12 2015

**LEGISLATIVE AND
INFORMATION SERVICES**

T0: Secretary Property Standards Committee

File # 15 100590

May we please have an extension, because the items are frozen to the ground?

We will remove items as soon as possible as the items defrost.

Sincerely

The Chimienti Family

Tel: 905-686-8905

A handwritten signature in black ink, appearing to be 'The Chimienti Family', written over a horizontal line.



Legislative &
Information Services

Tel. 905-683-4550
Fax. 905-683-1061

TOWN OF AJAX
65 Harwood Avenue South
Ajax ON L1S 2H9
www.ajax.ca

Friday, February 13, 2015

THE CHIMIENTI FAMILY
15 MAPSON CRES
AJAX ON
L1T 3N2

SUBJECT PROPERTY: 2 Elizabeth St PT 1
CON 2 PT LOT 16 NOW RP 40R5114 PART 1
010003146000000

FILE NUMBER: 15 100590

Dear Sir/Madam:

Please be advised that The Property Standards Committee is in receipt of your letter requesting an appeal to Order Number **15 100590** for the above subject property.

The Property Standards Appeals Committee will hear the appeal on **THURSDAY, APRIL 9, 2015**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee may be hearing several matters that night, in addition to your own and you may have to wait for your Agenda item to be called.

Please be advised that this is a Committee of Council, and as such, is required pursuant to the Municipal Act 2001, to hold your appeal in the public domain. Thus, your appeal will be fully accessible and open to the public. Any member of the public may attend and view the proceedings. In addition, the agenda for the meeting and the subsequent minutes of the meeting will be posted on the Town's website.

Should you require any Audio / Video equipment for your appeal, you must supply the Town with a copy of your materials the Monday before your Appeal date. This will ensure that your materials are compatible with the Town's software. The materials can be brought into Ajax Town Hall and left to my attention at the Information desk between 8:30am to 4:30pm, Monday to Friday. Please supply direct contact information with your materials in the event there is a problem with the material.

Should you have any questions or concerns, please contact me directly at the number below.

Sincerely,

Karen Little
Secretary, Property Standards Committee
(905) 619-2529 ext. 3341
karen.little@ajax.ca