

Present:	Members	- K. Barrett - A. Bridgeman - S. DeSouza - D. Jean
	Absent	- O. Lambert
	Staff	- K. Little, Secretary - D. Hannan, Staff Resource - T. Abott, MLEO

Chair Barrett called the meeting to order at 7:05 p.m. and explained the role of the Committee, including the fact that if the appellants disagreed with the Committee's decision after tonight's meeting, they could appeal it to the Superior Court of Justice within 14 days of receiving the notice.

Moved by: Member Bridgeman

Carried.

3.1 Property Standards Appeal Committee

Chair Barrett called Mr. Easton Luke to the podium.

Member Bridgeman raised a Motion to allow Mr. Luke to speak first.

Chair Barrett asked that the Rules of Procedure be suspended to allow this.
All in favour.

Chair Barrett asked Officer Abbott to tell the Committee her findings at 90 Church

Street South. She told the Committee that the work has been 90% completed and that Mr. Luke wants an extension of time to complete this work and she is not opposed to giving him until September 12, 2016.

Mr. Luke explained that he needed a little more time than that, due to a few court dates coming up this month. He would like to have until the end of October, 2016.

Officer Abbott said she is open to suggestions for Mr. Luke to have until the end of October, 2016 to find storage and remove the dirt.

Mr. Luke asked if October 30, 2016 was a valid date.

Chair Barrett asked the Committee if they had any comments.

Member Bridgeman asked Mr. Luke how much time does he need. Mr. Luke explained that he has several court matters coming up this month, including family and criminal court, 5 court dates in all. He will be in the court house a lot this month and wants extra time. He would agree to October 15, 2016, as the month of August is very tight for him.

Member Bridgeman asked Mr. Luke what he still needs to do. He replied that he has mounds of dirt that need to be flattened and levelled and there is a storage unit for personal use in the driveway, which he would move farther back on the property so it would not be an eyesore.

Officer Abbott told the Committee that the storage shed has to be moved at least 2m from the property line.

Chair Barrett asked if there were any comments.

Member DeSouza asked if the storage shed was visible to his neighbours. He replied that he has 2 pictures that he took today of the property and got them printed off at Wal-Mart.

Chair Barrett asked the Committee if they wanted to accept the pictures.

Member DeSouza raised a Motion to accept and review the pictures.

All in favour.

D. Hannan, Staff Resource, took the 2 pictures from Mr. Luke and brought them up to the Committee. Mr. Luke told the Committee they could keep the pictures. Chair Barrett asked Officer Abbott if October 15, 2016 was sufficient time for Mr. Luke to landscape and move the white cabinet. She agreed to the October 15, 2016 date.

Chair Barrett agreed that October 15, 2016 is a good day to comply. As October 15, 2016 is a Saturday, the Committee agreed the work would be done by

October 14, 2016.

Member Bridgeman thinks that this is too long a time to give Mr. Luke, as it is giving him 60 days to move a storage unit. She would agree to the end of September, 2016.

Chair Barrett understands that Mr. Luke has other pressing, personal matters to deal with and that Officer Abott agreed that October 14, 2016 is a reasonable time. Officer Abott agreed that technically it could be done sooner.

Member DeSouza agreed with Officer Abott on the date.

Member Jean raised a Motion to grant an extension for the completion date for the Order to be October 14, 2016.

Passed 3 to 1.

SCHEDULE "A"

ITEM

PARTICULARS OF REPAIRS TO BE EFFECTED

1. **Remove from the property, and legally dispose of all refuse and debris, and all unused and/or discarded items located in the side and rear yards, including but not limited to: cardboard, plastic, landscaping bricks, landscaping stones, metal antennas, bikes, lawn mowers, wood pallets, paint cans, pieces of wood and lumber, televisions, household appliances, washers, dryers, lawn mowers, patio furniture, office furniture, office equipment, plastic totes, plastic pails. All yards shall be maintained in a good state of repair, kept clean and free from objects or conditions that might create an unsafe or unsightly condition out of character with the surrounding environment.**
2. **All garbage shall be stored in receptacles and made available in accordance with the waste collection policies, receptacles shall be screened from public view and not create an unsightly appearance.**
3. **Relocate and reorganize all usable, personal domestic storage items, currently being stored in the side and rear yards and ensure all usable domestic storage items do not exceed 30% of the yard area, is neat, is for personal use; and is no greater than 2m in height and ensure that such storage does not create an unsightly appearance.**
4. **Landscape the rear and side yard (north side of dwelling unit) with ground cover appropriate to the neighbouring residential area. All yards shall be maintained in a good state of repair, kept clean and free from objects or conditions that might**

create an unsafe or unsightly condition out of character with the surrounding environment.

That this Order be complied with by October 14, 2016.

Chair Barrett told Mr. Luke that he has until October 14, 2016 to finish the work and he can call the Town if he is done before that. He is free to stay or leave the meeting at this time.

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

3.1.2 Endless Fun Inc. – 400 Monarch Avenue, Unit 14

Derek Hannan, Staff Resource, raised a Point of Order and told the Committee that Mr. Regi Mathew had brought in some documents after the due date and he would like the Committee to see them. Does the Committee want them?

Chair Barrett asked what the documents were. Mr. Mathew explained that they were playground standards in Canada, pictures of other indoor playgrounds in the GTA, his insurance certificate and a report from a certified playground inspector.

She asked Mr. Mathew how many pages was the report and he replied it is 11 pages.

Member Bridgeman raised a Motion to accept this package.

All in favour.

At 7:21 p.m., the Committee took a 5 minute recess to look at the package of documents.

At 7:26 p.m. Chair Barrett asked Officer Abbott to give an overview.

Officer Abbott told the Committee that 400 Monarch Avenue, Unit 14, is located within a commercial industrial area in Ajax. The unit is an indoor playground operating as Endless Fun and Mr. Regi Mathew is the owner/operator of this business.

On March 29, 2016, Officer Abbott attended the business in response to a complaint about the safety of the indoor play structure. As the concerns were outside her area of expertise, Officer Abbott issued an Order to Test to the owner. This Order would require the owner to obtain an independent report from a certified playground inspector for the inspection of the equipment and the surrounding environment and the report is to say whether the equipment is deemed to be safe and if not, what repairs need to be done. The report was to be submitted to the Town by May 2, 2016.

The report was submitted to the Town by MSE Mike Mancevski, P. Eng. Canadian Certified Playground Inspector and also enclosed in the package, for reference, was a blank playground equipment compliance inspection report, used as a template for Certified Playground Inspectors.

Based on the report, a Property Standards Order was issued to Mr. Regi Mathew and the following items were required:

1. Install appropriate signage indicating owner/operators name and contact information.
2. Install appropriate signage indicating the manufacturers name and contact information on the playground equipment.
3. Install signage and identify areas within the playground regarding appropriate age groups for the equipment.
4. Ensure all slides have a minimum clearance which includes the protective surface zone and the no encroachment zone.
5. Adjust the stairs on the spiral slide so as to ensure even spacing.

A notice of appeal was submitted and on July 19, 2016, Officer Abott attended the business to obtain complete measurements of the existing play structures and to take pictures.

Chair Barrett asked Mr. Mathew if he had any questions for Officer Abott.

Mr. Mathew stated that there are no specified indoor playground certifications. He said he talked to the CSA and asked if they had any regulations and they said no. He said the report he provided to Officer Abott from the certified playground inspector said he did not need to change anything in the playground. He said there is 133 inches distance to the bottom of the slide. This is 11 feet, 1 inch. CSA standards say 13 feet clearance and that is for an outdoor playground. He had a hard time building the indoor playground, as parents pay for it and want more play items. He has limited square feet in his facility. On 2-3 levels, you would need multiple structural beams. His equipment has 11 feet from the bottom of the slide to the post. The surface has to be soft and he has a 1" thick rubber mat, soft padding and the equipment is fully netted. You can't fall from the top. If a person came to complain he would know, as he had over 25,000 kids last year and 2,000 play every month at his facility. He told the Committee that they could call his insurance company and see if any people have complained. Since he opened the facility in April, 2015, the increase in visits has almost doubled. If his facility wasn't safe, social media would comment on the safety of the playground.

Chair Barrett asked Mr. Mathew why the Order should not apply to his establishment.

Mr. Mathew said his playground equipment is not modifiable. Signs have been installed and if there were standards to follow, he would have followed them.

Chair Barrett asked the Committee if they had any questions and she asked Mr. Mathew who

installed the playground equipment. He explained that it came from China. She asked again who installed it and he said it came with instructions and he had some people build it. It consists of pvc piping with joints. Chair Barrett asked how it was put together and Mr. Mathew explained that they used an allen key as they are very thick pipes. She asked if there was any adhesive or glue used and he said there wasn't.

Chair Barrett asked Mr. Mathew when he was installing the playground equipment, how did he decide on the design. He explained that he sent the floor design to the company in China and followed their recommendations.

Member Bridgeman asked Mr. Mathew to clarify the difference in space at the bottom of the slide. How much space is actually there. He replied 11' 1".

Officer Abott explained that it should be 15 feet.

Member Bridgeman said Mr. Mathew called CSA before building the indoor playground and asked who he called. He said it was a 1-800 number. She asked if they put him through to someone who specializes in indoor playgrounds and he replied that they just answered his questions.

Chair Barrett asked Mr. Mathew what aspect of the Order he was appealing and he replied he is appealing the distance between the bottom of the slide and the column. Chair Barrett asked him if it was the wave slide or the column slide and he replied it was the wave slide. Mr. Mathew also told the Committee that all the necessary signs are up and the stairs have been fixed, as per the Property Standards Order.

Chair Barrett asked Officer Abott if she had gone back at any time and she replied she was only there on July 19, 2016.

Member Bridgeman confirmed that there is one slide not fixable and Officer Abott said he would have to take down the whole structure and he cannot. Item 4. b) only applies to this slide.

Chair Barrett asked Officer Abott to summarize her findings. Officer Abott explained that the steel support column is similar to an outdoor playground, in that it is no different than a tree. Cannot guarantee that kids will come down the slide one at a time. Children wear socks and when they come down feet first, they could hit the post. There is a potential for a severe injury. No difference between a tree and there is a cost involved to fix this safety issue. Has to be a change.

Chair Barrett then asked Mr. Mathew to summarize and he said he is asking for an exemption for the slide as it is beyond his control. The whole column is padded and standards should apply to all playgrounds in the GTA.

The Committee then went into deliberations.

Chair Barrett stated that this mandate was only for the Town, not the whole GTA. She asked Mr. Mathew how many hours did it take for him to put together the playground equipment and he said it was two months. He cannot take the whole structure apart as it is not in the corner.

Chair Barrett explained that Officer Abbott needs to go out and make sure the signs are all there. There needs to be safety for playgrounds.

Member Bridgeman said that CSA standards are just a guideline. They are not enforceable inside or outside and agrees there should be a standard. It is problematic, but the business owner took precautions. She doesn't feel strongly either way.

Member Jean said there has been a hazard identified and there are guidelines to prevent injuries. An expert identified the slide distance to the pole as a hazard.

Member Bridgeman agrees with Member Jean and she asked if there were any other ways to rectify the hazard. There have been no injuries, so she was wondering if there was something else Mr. Mathew can do, like maybe post some extra signs. You also have to sign a waiver of liability and pay money to play there. Mr. Mathew confirmed that the parents have to sign a waiver.

Member DeSouza asked how old can a child be to go on a slide. She agrees it is the same level of risk if it was a pole or a tree. Is there an age restriction? Mr. Mathew said that no one under the age of 4 is allowed, but 4-12 year olds are allowed.

Chair Barrett asked if there was any other alternative to the guidelines without taking apart the structure.

Officer Abbott explained that the report was from a certified engineer and without modifications, the slide area could not be brought into compliance under the guidelines.

Member Bridgeman asked Officer Abbott what the specific complaint was and she explained that it was for safety reasons, number of children, etc. She also told the Committee that she forwarded a report regarding a knee wall for the bumper cars to the TSSA.

Member Bridgeman asked if the officer had any other authority to make up another Order. Can you require Mr. Mathew to do anything else. Officer Abbott said she relied on the information from the certified engineer to issue her Property Standards Order.

Mr. Mathew asked the inspector if he had to do any modifications and he was told no.

Member DeSouza said even though there is no CSA standards for playgrounds there could be potential safety issues if a child hits the column coming down the slide

Member Bridgeman asked whose responsibility is it to stop a child from hitting the column. It is not straightforward and not a law to be followed. Can other committee members guide her to make another Order.

Staff Resource, D. Hannan, raised a Point of Order and told the Members that the Committee has the exact same powers as the officer. They can strike it down and make a new one.

Member Bridgeman asked if the Officer could issue a new Order does it have to be based on the Order to Test?

D. Hannan, Staff Resource, explained that the Officer's job ends when the Order is issued. Now it is in the Committee's hands.

Chair Barrett said that Officer Abbott asked a professional to deal with the Order to Test she issued and it is unfortunate to have to take down and reassemble the playground equipment. An expert says there is a hazard and although there may be no cost indicated in the report, they would have to take the equipment apart to fix the problem.

Member Bridgeman said the expert could not tell Mr. Mathew the cost of taking down the equipment, as it is not a major safety issue, just a big job. The report indicated that it is not a high hazard, just a medium hazard.

Member DeSouza asked Mr. Mathew what other options could he try. He replied that he has thick foam padding on the post and there have been no injuries reported. She asked if there had been any child asking for ice or anything else. He replied no, not one.

Member Bridgeman says that the column is already padded and that he should just identify the hazard by putting a sign on the column.

Chair Barrett asked what would happen if he closed the middle slide, would he still have the encroachment issue. Can the expert reassess the one slide directly in front of the pole. If this slide was closed, it may reduce the hazard.

Member DeSouza asked if that was feasible and Mr. Mathew replied that it was not, as all the equipment is interconnected.

Member Bridgeman confirmed that there is no division of the equipment, just different colours, but it is all one piece.

Member DeSouza asked what the piece of paper on the column in one of the pictures says. Mr. Mathew told the Committee that it says no adults or toddlers allowed. She asked if the restrictions are enforced and he replied that he has staff on site all the time.

Chair Barrett said that this is a difficult decision. The equipment would be hard to take down and she realizes it. She's not satisfied with just a sign being put up.

Mr. Mathew told the Committee that he could put one more staff member at the slide.

Chair Barrett said that the report states that there needs to be a certain amount of space at the bottom of the slide to the pole and Mr. Mathew said it is 11' at the bottom of the slide to the column.

Member Bridgeman says the pole needs to be identified as a hazard. Instead of blue padding, it should be bright orange reflective padding and maybe have the word "caution" on it.

Member DeSouza says limit the age of the children going on the slide from 4-12 to 4-8 or 9.

Chair Barrett asked if there should be a height restriction? Member DeSouza agreed and asked

if you could take this information back to the inspector. She agreed that the padding should be in a bright colour and reflective.

Member Jean said he likes the idea of an additional staff member that could be used as a backup.

Member DeSouza says the signage could say “use at own risk”.

Chair Barrett says that the extensive waiver has a clearly defined level of risk.

Member DeSouza asked if there is another committee or agency to help make a decision.

Chair Barrett said that the Committee needs to make a decision. She agreed with adding extra signage, as this would bring it to the customer’s attention.

Member Bridgeman said she was willing to make a Motion and asked if the Committee members had any other ideas. She believes that the age/height/weight restrictions may be too difficult to enforce.

Chair Barrett said they could ask Mr. Mathew to take the Order back to the engineer and then reconvene.

Member DeSouza agrees to Mr. Mathew taking it back and that extra staff at the slide is a good idea.

Chair Barrett asked Officer Abbott what her position is. Is there significant risk for injury? She explained that she is not sure she can comment on it and she stands by the Order she issued.

Member Jean doesn’t agree with taking it back to the expert as he has already said there are no enforceable regulations available for indoor playgrounds. Mr. Mathew would incur extra cost and get the same answer. An extra staff member and bright orange padding on the pole would be something the Committee would accept.

Member Bridgeman said there is already an age restriction. She agrees with identifying the pole and having an extra staff member.

Member DeSouza says that Mr. Mathew has gone to other playgrounds and has not seen any signs for age restrictions.

Member Bridgeman raised a Motion to remove Item 4. b) from the Order and add Item 6. a) to the Order, which states that the column at the bottom of any slide over 1.2m must be surrounded by padding of a bright/fluorescent colour identifying it as a hazard and also have a sign on the pole stating “Caution” and that Item 6. b) be added for a staff member to be located at the bottom of the slide to monitor use.

ORIGINAL ORDER

SCHEDULE “A”

ITEM

PARTICULARS OF REPAIRS TO BE EFFECTED

1. Install appropriate signage indicating owner/operators name and contact information. Such signage shall be “readily identifiable” and “clearly visible” and located within the play area as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 5 1.
2. Install appropriate signage indicating manufacturers name and contact information on play equipment as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 5, Item 2.
3. Install signage and identify areas within playground regarding composite play structures. Such signage shall indicate the appropriate age groups as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 5 Item 3.
4. As per Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 6.3 Item 6:
 - a) ensure that all slides less than 1.2 m (47.24 in) in platform height shall have a minimum of 1.8 m (70.87in) of clearance which includes the protective surface zone, (see attached diagram), and
 - b) ensure that all slides greater than 1.2 m (47.24 in) in platform height shall have a minimum of 4.0 m (156 in) of clearance which includes the protective surfacing zone (2.4 m), plus the no encroachment zone (1.8 m).The width of protected no encroachment zone shall equal the slide bedway width plus .5 m on either side. (see attached diagram)
5. At 2 spiral stairs rises vary from 330 mm (13 in) to 430 mm (16.93 in), adjust the stairs so as to ensure even spacing within +/- 6 mm (1/4 in) and +/- 2 degrees tolerance as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Item 6.5 Item 13.

AMENDED ORDER

SCHEDULE “A”

ITEM

PARTICULARS OF REPAIRS TO BE EFFECTED

1. Install appropriate signage indicating owner/operators name and contact information. Such signage shall be “readily identifiable” and “clearly visible” and located within the play area as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 5 1.
2. Install appropriate signage indicating manufacturers name and contact information on play equipment as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 5, Item 2.
3. Install signage and identify areas within playground regarding composite play structures. Such signage shall indicate the appropriate age groups as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 5 Item 3.
4. As per Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 6.3 Item 6:
 - a) ensure that all slides less than 1.2 m (47.24 in) in platform height shall have a minimum of 1.8 m (70.87in) of clearance which includes the protective surface zone, (see attached diagram), and
5. At 2 spiral stairs rises vary from 330 mm (13 in) to 430 mm (16.93 in), adjust the stairs so as to ensure even spacing within +/- 6 mm (1/4 in) and +/- 2 degrees tolerance as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Item 6.5 Item 13.
6.
 - a) The column at the bottom of any slide over 1.2m must be surrounded by padding of a bright/fluorescent colour identifying it as a hazard and also have a sign on the pole stating “Caution,”and
 - b) That a staff member be located at the bottom of the slide to monitor use.

All in favour.

This portion of the meeting was finished at 8:21 p.m.

7. Verbal Update

7.1 Animal Services Committee

7.1.1 Bannerman Appeal – 49 Iles Street

D. Hannan, Staff Resource, told the Committee that the Bannermans have appealed the Committee's decision to the Town's General Government Committee to be held in September, 2016 for Council to make a decision.

7.2 Property Standards Committee

7.2.1 McNee Appeal – 16 Garnett Drive

D. Hannan, Staff Resource, told the Committee that the Order has been complied with.

7.2.2 Speed Appeal – 25 Meekings Drive

D. Hannan, Staff Resource, says the tree has been cut down and the debris has been put in a neat pile at the side of the house for personal use. They are in compliance.

Member Bridgeman made a Motion to Adjourn at 8:23 p.m.

All in favour.

Chair