



AGENDA ANIMAL SERVICES/PROPERTY SERVICES APPEAL MEETING

June 9, 2016 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.



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sarah.moore@ajax.ca or 905-619-2529 ext. 3347

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**MINUTES OF THE
ANIMAL SERVICES/PROPERTY STANDARDS APPEAL COMMITTEE
MEETING HELD IN THE COUNCIL CHAMBERS, AJAX TOWN HALL
At 7:00 p.m. on Thursday, April 14, 2016**

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

1. Call to Order

Chair Barrett called the meeting to order at 7:04 p.m. and asked that everyone turn their cell phones off. She explained the role of the Committee, the sequence of evidence being given and that the appellants could appeal the decision of the Committee to either the General Government Committee or the Superior Court of Ontario if they did not agree with the outcome.

2. Adoption of Minutes

Moved by: Member Jean

That the Minutes of the Animal Services/Property Standards Appeal Committee held on February 11, 2016, be adopted.

Carried.

3. Public Meeting Appeals

3.1 Animal Services Appeal Committee

3.1.1 Lang Appeal – 92 Church St. S., Unit 406

Member Lambert made a Motion to remove the Lang appeal from tonight's Committee agenda.

3.1.2 Curran Appeal – 2914 Beachview Street

Chair Barrett asked Officer Christensen to come up. She also confirmed that Mrs. Curran was in attendance.

Officer Christensen described the events that lead up to him issuing an Order to Restrain on “Ace”, a German Shepherd that resides at 2924 Beachview Street. He explained that on March 6, 2016, the next door neighbor of the Currans pulled into her driveway, opened her trunk to get out some groceries, and a large German Shepherd lunged and growled at her. Officer Christensen believes the Order to Restrain will ensure that this dog is not off leash anymore. He did not include a muzzle restriction due to there being no physical contact between the dog and the victim. The main component of the Order to Restrain is that the dog will have to be leashed/tethered on private property. Usually you are allowed to have your dog off leash on your own private property, however, this dog must be leashed/tethered on his own property.

There were no questions from the Committee.

Chair Barrett called Mrs. Curran up to the podium. She asked Mrs. Curran if she had any questions for the Officer. She asked Officer Christensen when he came to her house, you came to see her and not her dog. He explained that he looked at the history/prior incidents and that he had spoken to the victim and believed it was not necessary to see Ace. Dog owner said basically the same thing as the victim on the day in question. Mrs. Curran asked if her dog had ever attacked anyone else? Officer Christensen said there was one prior complaint in 2015.

Chair Barrett asked for a one minute recess. When she came back, she explained to Mrs. Curran that she could have the assistance of a paralegal, but only one person could speak at a time. The paralegal told the Committee that in January, 2015, Mrs. Curran’s dog was off leash and that a female officer who attended her property told her that her dog could be off leash on her own property. Officer Christensen said that the dog owner articulated to him that his dog will always be off leash on Beachview Street and that he would not change the behavior even after he was told that this was in violation of the Dog and Cat By-law. Mrs. Curran stated again that there was no attack at that time and Officer Christensen responded that there was one that was similar in nature. It was a German Shepherd on Beachview Street that was barking and growling at the complainant.

Mrs. Curran told the Committee that on March 6, 2016 around 2:30 p.m., Ace was catching a ball with her husband. She was on the front step of her house with her daughter. Her husband walked in front of the victim’s driveway and Mrs. Curran was concerned she was going to hit her husband as she was speeding into it. She told the Committee that two other dogs were also out at that time, off leash and going to the ravine. She said that the victim said “get your bleeping dog off my property” and Mrs. Curran’s husband asked her what her problem was. Daughter was yelling for her dad, due to the victim swearing at her husband. Believes that the dog never barked or charged. Daughter was standing behind her husband. The Currans have lived there 19 years and have had no other incidents. Says there have been previous complaints to the Town by this particular neighbor.

Member Lambert asked Mrs. Curran to confirm that her husband was playing with the dog on the street and it was off leash at the time of the incident on March 6, 2016. She replied that he was off leash.

Chair Barrett asked Officer Christensen if he had any questions for the appellant. He asked Mrs. Curran when Ace is being walked by her husband, is he on a leash. She replied that he is. What percentage of the time is he walked on a leash. She replied all the time. Previous to this, Ace would be off leash from house to the ravine. They have put in a tether on the front lawn. Mrs. Curran walks Ace at 6:30 a.m. and even to the car on a leash now. She has also told her kids to always walk him on a leash. He is on a leash on their property and is being walked on a leash.

Chair Barrett asked Mrs. Curran if she was appealing the Order in its entirety or only sections of it. Suzanne Bemrose, Licenced Paralegal, told the Committee that Mrs. Curran would like the Order rescinded. She explained the dogs past and present temperment has not changed. She believes that the witness accounts are one extreme to another as there has been no other biting incidents. The By-law Officer did not see the dog when he visited the home in March, 2016. Her client is now tethering the dog when he is on the front lawn, as she doesn't want any further issues. Mrs. Curran has purchased a 2016 dog licence and her daughter is 15 and son is 12. Ace is a support dog for Mrs. Curran's daughter. They also have a fence. The Currans would like Item #5 to be taken out of the Order as the dog didn't bite anyone and no one needs to know if they move. They would also like Item #6 – Beware of Dog signs, to be removed from the Order as it is a family neighbourhood and does not want to draw attention to their house. Would like to have the Order to Restrain rescinded. Ms. Bemrose brought up a previous Order to Restrain that occurred in Greenwood Park, where it was rescinded.

Member Jean asked Officer Christensen if he believed Mrs. Curran's 15 year old daughter is fit to walk Ace. He replied he has no issue with it and neither does the complainant.

Chair Barrett, on behalf of the Committee, declined to accept pictures or other items from the appellant.

Officer Christensen told the Committee that Mr. Curran agreed that his dog was off leash under his supervision and that his verbal commands work to control the dog. This incident occurred on his own private property. Officer Christensen said that some residents of Ajax are afraid of all dogs and they should not be afraid to walk down the street. This Order ensures that Ace will not be off leash. He has no objection for Mrs. Curran's 15 year old daughter to walk the dog and can take out the Beware of Dog signs and the relocation section from the Order.

Ms. Bemrose would like to see the Order rescinded. The Curran's house is at the end of the road near the ravine and even though it is illegal, it is common for people to walk their dogs off leash.

Chair Lambert asked Officer Christensen about removing the Beware of Dog signs from the Order. He has no issue with removing this clause as there was no physical attack.

Chair Barrett asked Mrs. Curran if she had a fence. She replied yes she does.

Committee Members then went into deliberations, discussing the Items of the Order to Restrain. They have no issue with Item #5 being rescinded.

Staff Resource, D. Hannan, raised a Point of Order for the committee members to speak into the microphone.

The Committee members have no issue with Item #3, which is having the 15 year old daughter walking the dog.

Member Jean has no issue amending the Order, but he does not want to rescind it entirely. He will consider rescinding Items 5 and 6 and amending Item 3.

Chair Barrett agreed with rescinding Items, 1, 5 and 6. Item 3 should be amended to 15 years of age. Item 4 should remain.

Member Lambert stated that Item 3 is for the Curran's 15 year old daughter only. Ace is not to be walked by just any 15 year old.

Paralegal Bemrose asked if the Committee was dealing with Item 2 also about reducing the age from 18 to 15.

Member Lambert asked if the Committee could be specific about the 15 year old. She does not believe the Currans want any other 15 year old to walk Ace.

Chair Barrett said Item 2 would also apply to the 15 year old daughter of the Currans.

Member Jean raised a Motion to amend the Order. Item 2 would change the age from 18 to 15, Item 3 would change the age from 18 to 15 and strike out Item 5 and 6 in their entirety. The rest of the Order is to be upheld.

Chair Barrett agreed to remove Item 1, amend Items 2 and 3, changing the age of the person from 18 years of age to at least 15 years of age. The Currans have also obtained a 1 year licence.

Member Lambert agreed with striking out Item 5 and 6, amending Items 2 and 3 and having Item 4 remain. She also has no issue with striking out Item 1.

Member Jean made a Motion to amend Item 2, replacing the age of 18 with 15, amend Item 3 to replace age 18 with 15, and strike Item 5 and 6 off the Order.

Chair Barrett confirmed rescinding Items 1, 5 and 6, amending Items 2 and 3 and upholding Item 4.

Original Order

You shall:

1. Register and licence the dog with the Town of Ajax. You shall provide proof of such registration and licencing to the Animal Services Division within 15 days of service of this Order. **Note:** Current licensing for 2016 is now in place, effective March 7, 2016.
2. Keep the dog on a leash, no more than 1.8 meters in length, while the dog is on the property of the owner, or tethered so that the dog is physically restrained to a distance of 1 metre from the property line. The leash or tether must be of sufficient strength to prevent an attack and the leashed dog shall be under the full control of a person of at least eighteen years of age. In the alternative the dog shall be kept in a secured and fenced yard. (see Item 4)
3. Keep the dog on a leash, no more than 1.8 meters in length, while the dog is on property other than that of its owner. The leash must be of sufficient strength to prevent an attack and be under full control of a person of at least eighteen years of age.
4. Ensure where this Order requires a secured and fenced yard, the said fence shall be of sufficient height and strength to adequately prevent the dog from escaping. In addition, where a gate forms a part of the fence, the gate shall have a self-closing and self-latching device, both of which shall be kept in good working order.
5. Notify the Town of Ajax, Animal Services, in the event the dog is sold or ownership of the dog is otherwise transferred to any other person, or the dog is relocated to any other address besides the address referred to in this Order, of the new owner's name and address within 5 days.
6. Have clearly posted "BEWARE OF DOG" signs at all entrances of the dwelling unit which the public can access. These signs must be a minimum of 12 inches wide and a minimum of 8 inches tall. Any variation of the sign must be approved by Ajax Animal Services. (Signs may be purchased at 65 Harwood Avenue South, Ajax at cost, \$2.00 tax incl.)

Amended Order

1. Keep the dog on a leash, no more than 1.8 meters in length, while the dog is on the property of the owner, or tethered so that the dog is physically restrained to a distance of 1 metre from the property line. The leash or tether must be of sufficient strength to prevent an attack and the leashed dog shall be under the full control of a person of at least fifteen years of age. In the alternative the dog shall be kept in a secured and fenced yard. (see Item 3).

2. Keep the dog on a leash, no more than 1.8 meters in length, while the dog is on property other than that of its owner. The leash must be of sufficient strength to prevent an attack and be under full control of a person of at least fifteen years of age.
3. Ensure were this Order requires a secured and fenced yard, the said fence shall be of sufficient height and strength to adequately prevent the dog from escaping. In addition, where a gate forms a part of the fence, the gate shall have a self-closing and self-latching device, both of which shall be kept in good working order.

All in favour.

Carried.

Chair Barrett explained the amended Order to the appellant, Mrs. Curran, and told her she would also get it in writing.

This portion of the meeting ended at 7:45 p.m.

The Committee then took a 5 minute recess.

The Committee resumed at 7:48 p.m.

4.2 Property Standards Appeal Committee

4.2.1 Rashid Appeal – 61 Wilce Drive

Chair Barrett asked if Officer Neal and the owner of 61 Wilce Drive were present. They both responded they were.

Officer Neal gave an overview of the property and the issues there. A complaint was received from the basement tenant at 61 Wilce Drive regarding deficiencies in the apartment. On February 16, 2016, Officer Neal and Officer Vokey inspected the basement apartment and found various deficiencies. Officer Neal issued a Property Standards Order on February 19, 2016 which ordered the repair, removal and installation of several items in the basement apartment, on or before April 4, 2016.

Chair Barrett asked Officer Neal what was on the back side of the kitchen cupboard. He replied that the hole in the drywall was covered with cardboard and tape and it is against a wall. She asked Officer Neal what is showing in the picture on page 69 of the agenda. He replied that they are holes in the carpet that is showing wear and tear. There is approximately 3 feet of length of torn carpet in the living room. Chair Barrett also asked Officer Neal if that was a tear in the carpet on page 70. He replied that yes, it was. She asked what is showing in the picture on page 71 of the agenda and he replied that it was a picture of the bedroom window that may have been leaking and water getting into the house. Officer Neal stated that he saw no signs of water damage. The drywall was also removed during his inspection. Chair Barrett asked if there were any gaps in the wood frame and Officer Neal replied again that he saw no signs of water damage.

Member Lambert asked Officer Neal in the pictures on pages 69 and 70 of the agenda is the tear in the carpet enough that you can see underneath. He replied that on page 69 the carpet is close to the ground and on page 70, that is the ground. Member Lambert asked him if the tear goes through to the concrete floor and he replied that it did.

Member Jean asked if there was any way they can repair the carpet or does it need to be replaced? Officer Neal replied that the carpet is old and has seen better days. It is also a potential tripping hazard.

Chair Barrett asked on page 66 of the agenda if that was a gap in the woodwork. Officer Neal replied it was not. The window is in a good state of repair. Chair Barrett asked him if this was a picture of a bedroom and he replied that it was the s/e side of the dwelling. There are 2 bedrooms in this apartment.

Member Lambert asked Officer Neal about the temperature in the basement being less than 20 degrees Celsius. Officer Neal replied that he took 2 readings – one in the living room and the second reading was taken in the s/e bedroom and they were both registering under 20 degrees Celsius. She asked if there was a vent and Officer Neal replied that the tenant doesn't have access to the thermostat. During his inspection, he waited for the furnace to come on. There was no heat in the bedroom and only a small amount of heat in the kitchen.

Chair Barrett asked on page 68 of the agenda if the picture of the stairs was from outside. Officer Neal said no, these stairs lead up to the laundry room.

Chair Barrett asked the Rashid's if they had any questions for Officer Neal. The daughter responded on behalf of her parents that as she doesn't know the state of the carpet, she had no specific questions.

Staff Resource, D. Hannan, raised a Point of Order, and asked the woman to please identify herself. She replied that she was Humaira Rashid, speaking for her mother. She is the daughter of the homeowners.

Ms. Humaira Rashid explained to the Committee that a lot of the issues outlined in the Order they were already working on with the tenant. Her parents were recently out of the country, so they couldn't fix the items quickly. The drywall was left open upon request of the tenant to see if there was any leak. She explained that they are repairing the window, but need time, as her parents have just come back. Regarding the heating issue when the parents weren't home, it was adjusted to the tenant's liking. She said she was not aware of any towel that was stuffed into the vent, and also told the Committee that the tenant has never complained about the cold. The tenant has two cats and the carpet may be torn from them. She is not comfortable replacing the carpet, as it may be in the same shape in 2-3 weeks. She agreed that they will work with Officer Neal to fix the issues.

Officer Neal had no questions for Ms. Humaira Rashid.

Member Lambert asked if anyone lives upstairs at 61 Wilce Drive. Ms. Humaira Rashid responded that her cousin and brother lived in the house when her parents were away.

Chair Barrett asked if the tenant approached her cousin or her brother during the time that her parents were away and replied that she did not. Ms. Rashid explained that she would like more time to comply. Chair Barrett asked Ms. Humaira Rashid when the tenant moved in. She replied that it was two years ago and the repairs started about two months ago when they ripped the window out. They have since done some repairs to the window and they started the work in December, 2015. They want the tenant to be happy. Chair Barrett asked who is doing the work. Ms. Humaira Rashid replied it is a contractor, but did not know his name. Chair Barrett asked if he came back between December and February and she didn't know as she didn't document any dates. Chair Barrett asked how long do they need to comply. Ms. Humaira Rashid replied that the apartment has been drywalled, the window fixed and they removed the blockage from the heating vent.

Member Lambert asked Ms. Humaira Rashid how long did she need to fix the items and she replied one to one and a half months. 45 days would be good.

Member Lambert asked Officer Neal if he saw the tenant's cat at the time of the inspection. She wondered if the state of the carpet could be from the cat. He replied that on the day of inspection, with the tear length and size, he believed it was just old carpet, with lots of wear and tear. He explained that the cat may have scratched some areas of the carpet, but the carpet was definitely ripped. She asked Officer Neal if the carpet could be repaired or does it need to be replaced? He replied that the carpet should be replaced.

Member Lambert asked about the handrail that was missing in the picture on page 68 of the agenda. Officer Neal replied that the handrail needs to be installed on these stairs.

Chair Barrett asked Officer Neal to summarize. He explained that during his inspection on February 16, 2016, he noted that the entire carpet had to be replaced, installation of new flooring is needed, drywall in kitchen needs repair, ensure heat at 20 degrees Celsius, have handrail installed, there are to be no water leaks in the bedroom window and complete the repair to the window. He would like to see all the items upheld in the Order.

Chair Barrett then asked Ms. Humaira Rashid to summarize. She believes that the tear in the carpet is not a safety issue. The tenant is not easy to work with to gain access to the basement.

Chair Barrett asked Ms. Humaira Rashid what needs clarification in the Order. She replied that it is regarding the flooring. The Order says it needs to be repaired/replaced – smooth with no tripping hazard. They must remove all sections of the carpet. Ms. Humaira Rashid does not believe it is a safety hazard. Chair Barrett asked her if she needed any other clarification. She replied that she did not.

The Committee then went into deliberations. Member Lambert said the homeowners are asking for 30-45 days to comply. She has no problem with that and can give her an extension. She does have a concern with the homeowners not replacing the carpet in the basement. Believes it can

cause a hazard with the uneven floor and can cause tripping. Carpet in a basement provides insulation, whereas concrete keeps in the cold.

Member Jean agreed with Member Lambert about replacing the carpet. Concerned about tripping – ok with an extension, but closer to 30 days.

Chair Barrett agrees with the timeline and that the homeowners can use other materials for the basement floor. She is, however, concerned about the window. The homeowner is waiting for it to rain before the window is patched up. Believes the towel may have been stuffed into the vent to redirect heat into other areas.

Member Lambert asked Officer Neal if the tenant needs a separate thermostat as she has to ask the upstairs residents to change the heat. Officer Neal responded that there is nothing in the By-law that they have to have their own thermostat.

Member Lambert made a Motion that the Order be upheld and that the work must be completed within 30 days of tonight's meeting, which is May 14, 2016.

SCHEDULE "A"

ITEM	PARTICULARS OF REPAIRS TO BE EFFECTED
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This is with regard to the basement apartment at 61 Wilce Dr.

1. Fully remove all sections of carpet in the basement of the dwelling.
2. Install a material of flooring in the basement which is reasonably smooth and level and will afford a safe passage, free of any tripping hazards.

Please note: At the time of my inspection there were several sections of carpet which were damaged, ripped, and torn.

3. Repair the hole in the drywall specifically located on the inside of the kitchen cupboard, and ensure that the drywall is matched with the similar material, and is in a good state of repair.

Please note: At the time of my inspection this hole was covered with a piece of cardboard and duct tape. The hole is located inside of the kitchen cupboard on the bottom level.

4. Ensure that the heat in every room in the dwelling meets the minimum requirement of 20 degrees Celsius, as outlined in the Town's Heating By-law, # 71 – 2005.

Please note: During my inspection temperature readings were taken in the living room, and in the bedroom located on the south west side of the dwelling. The temperature in both rooms was less than 20 degrees Celsius.

5. Ensure that the living room window that is situated right above the kitchen table is properly fitted to the window frame to prevent the entrance of the elements, and is leak free and is in a good state of repair.
6. Install a handrail on the wall which leads from the basement to the laundry room, in order to afford a safe passage. The hand rail and all associated components must be sound, safe, secure and structurally sound and maintained in a good state of repair. The construction of the hand rail must be installed and maintained in accordance with the Ontario Building Code.

Please note: The specifications for the handrail are to comply with the Ontario Building Code. Refer to the Code for specific requirements.

Items 7 and 8 are in regards to the bedroom located on the south east side of the dwelling.

7. Ensure that the bedroom window and the foundation wall are free of all water leaks, and ensure that the window and the foundation wall are in a good state of repair.
8. Complete the repair to the window, ceiling, and the wall surrounding the window, so that they are in a good state of repair. Ensure that the wall is finished in a manner that matches the existing wall.

The work must be completed by May 14, 2016.

All in favour.

Carried.

This portion of the meeting ended at 8:26 p.m.

Verbal Update

5.1.1 Richards Appeal – 4 Leach Drive

Staff Resource, D. Hannan, told the Committee that the dog owner has not appealed to the General Government Committee and has complied with the Order to Restrain.

5.2.1 2330829 Ontario Inc. Appeal – 252 Hunt Street

Staff Resource, D. Hannan, told the Committee that the matter is still before the courts and there are now additional charges.

Adjourned by Member Lambert at 8:28 p.m.

Carried.

Chair



MEMO

TO: Animal Services Committee
FROM: Joe Lang, Municipal Law Enforcement Officer
DEPARTMENT: Legislative and Information Services; By-law Services
SUBJECT: Appeal of Order to Restrain # 16-101825
DATE: Thursday June 9th, 2016
TIME: 7:00pm
LOCATION: 65 Harwood Avenue South, Ajax, in Council Chambers

Synopsis of Evidence

Mar. 18, 2016 Received complaint regarding a dog on dog bite incident that occurred on Mar. 14, 2016 at approximately 6:30-6:45pm in the area of Card Street and Harkins Street.

Mar. 21, 2016 Called and spoke to the complainant, Mangla SHARMA. I asked for a statement, pictures and any vet records that she had. It was explained to me over the phone that the she was walking her small breed dog, "Kiev", on Card Street towards Harkins Street when she saw the appellant with two dogs on leashes and another female accompanying her. She told me the appellants dog, described as mostly white with black patches started barking and pulled the appellant and her other dog towards her dog. The appellant's dog bit onto Kiev near his face and a struggle ensued to separate the two dogs from each other. Two male residents from 1 Card Street came to assist and were successful in separating the dogs from each other.

Received 2 pictures of Kiev's injuries via email from the complainant's daughter Neena. The first picture shows the injury before stitches and the second picture shows the injury after stitches. The puncture wound is located very close to Kiev's left eye on the side of his face. Pictures are attached to this package.

Mar 22, 2016 Received witness statement and vet records from Mangla SHARMA via email. Both documents attached to this package.

Attended 49 Iles Street, homeowners not home, left card with young female who had answered the door. Asked that her parents call me.

Mar. 23, 2016	<p>I attended 1 Card Street to speak with the witnesses to the incident, Carlos ARAUJO and his adult son David. The information they provided to me coincided with the statement I had received from the complainant. They advised me that they were outside on their front porch and watched the entire incident unfold on the sidewalk in front of their house. They described the appellant and her white coloured dog who they told me started barking and pulling the appellant towards the complainant and her dog. They told me the white coloured dog bit onto the complainant's dog while the appellants other dog took no part in the altercation.</p> <p>Carlos told me that he and his son ran to help separate the dogs from each other. Carlos told me that his son David tried pulling the appellants dog from its rear legs while Carlos struck the dog in the head using a closed fist. He recalls striking the dog 3-4 times before it let go of the complainant's dog. During the commotion, David received a minor laceration to his hand but isn't sure if it was from a dog bite or something else.</p>
Mar. 26, 2016	<p>Attended 49 Iles Street and spoke to the appellant's adult daughter, Courtney. Courtney advised me that the 2 dogs living at the house were Maple and Bailee. Maple was described as a female, white and brown coloured Chow/Hound X who is approximately 3years old. Bailee was described as a female, black coloured Rottweiler/Shepherd X who is approximately 11years old. I gave Courtney my business card and asked that she tell her parents I was there to speak to them about the dog incident.</p>
Mar. 30, 2016	<p>Contacted the appellant, Linda BANNERMAN, via email after attempts to speak over the phone were unsuccessful due to her not being home or myself not being in the office. Emails were exchanged and she was provided with a PDF copy of the Order to Restrain that was to be sent on March 31st, 2016.</p>
Mar. 31, 2016	<p>Sent Order to Restrain via registered mail. Order attached to this package.</p>
Apr. 01, 2016	<p>Order was delivered by Canada Post.</p>
Apr. 11, 2016	<p>Received request for appeal of the Order from the appellant.</p>
Apr. 12, 2016	<p>Notice of appeal date was sent to the appellant by registered mail.</p>

Day of incident - March, 14 2016

Time - approximately between 6:30 pm to 6:45pm.

Place Card and Harkins Street

Kiev and I were walking towards Harkins Street.

As Kiev and I walked towards Harkins street, I heard someone with dogs coming towards me. I noted two ladies with two dogs, as they approached the stop sign. I had already stopped well away from the stop sign for the two dogs and their owners to pass by. One dog was either dark brown or black in color. Second dog had white fur with black patches.

Upon seeing Kiev the white/black fur dog started to bark and ran towards me pulling the owner and the other dog. White and black fur dog grabbed Kiev between his teeth. I was screaming and shouting at the owner to pull their dog away from Kiev.

On hearing the commotion residents (Carlos Araujo and his son David) from 1 Card Street, Ajax, came to our aid and managed to pull the dogs apart. Kiev was badly traumatized. One of the individuals who had helped to release the dogs was also hurt on his finger and commented that Kiev was hurt. I noted some bleeding. All the lady had to say was go home and clean it with hydrogen peroxide.

When the dogs were pulled apart, I said to the owner "your dog had bitten my dog" (Kiev). All she said was its saliva take him home and he will be fine and clean it up with hydrogen peroxide.

At no point the owner called her dog by name to stop. I was very upset and shaken and felt the dog owner did not offer a sincere apology.

This was an unprovoked attack. If it wasn't for the residence of 1 Card Street the end result would have been very different. I took Kiev for an emergency treatment at Pickering Animal Hospital, 1450 Kingston Rd, Pickering, where he was attended by Dr Melissa Cogswell.

Next day I went to see the owners of the dog, to discuss this incident. I showed her the picture of the wound and the invoice. I requested compensation. I was compensated next day.

During my previous walks with Kiev, I have seen the dog in question often barking, in the back yard of 49 Isle Street, which backs on to the AGB School on Harkins Street.

Mangla Sharma







The Corporation of the Town of Ajax

ORDER TO RESTRAIN

(Issued pursuant to the Town of Ajax Dog and Cat By-law, as amended)

ISSUED TO: LINDA BANNERMAN
WAYNE BANNERMAN
49 ILES ST
AJAX ON L1T 3V1

AS AN OWNER OF A DOG DESCRIBED AS: "Maple", a female, white and brown coloured, mixed breed type dog

FILE NUMBER: 16 101825

An investigation of an incident involving your dog has been conducted by the Ajax Animal Services Section and it has been determined that your dog bit another dog on March 14th, 2016.

In accordance with the Town of Ajax Dog and Cat By-law, as amended, you are hereby served with notice that you, as owner of the dog, are hereby ordered to comply with the requirements as set out as follows:

You shall:

1. Ensure that the dog is licensed with the Town of Ajax pursuant to the current Town of Ajax Dog and Cat By-law, as amended.
2. Keep the dog restrained on a chain of sufficient strength to prevent any further attack or bite while the dog is on the property of its owner. The dog must be kept back a minimum distance of three (3) meters from any property line, and the dog must be muzzled using a humane muzzling device to prevent biting.

OR

In the alternative the dog shall be kept in a secured and fenced yard, which fence shall be of sufficient height and strength to adequately prevent the dog from escaping. In addition, where a gate forms a part of the fence, the gate shall have a self-closing and self-latching device, both of which shall be kept in good working order. All fences on private property must comply with the Town's Zoning By-law and the Town's Fence By-law.

3. When the dog is off the property of its owner, the dog shall be on a leash of no more than 1.8 meters in length and of sufficient strength to prevent an attack. The dog shall also be muzzled using a humane muzzling device to prevent the dog from biting.

4. Keep the dog under the full control of a person of at least sixteen years of age while the dog is away from the owner's property.
5. Notify the Town of Ajax, Animal Services, in the event the dog is sold or ownership of the dog is otherwise transferred to any other person, or the dog is relocated to any other address besides the address referred to in this Order, of the new owner's name and address within 5 days.

An Office Consolidated copy of the Town of Ajax Dog and Cat By-law, as amended, forms part of this Order and is attached hereto. To obtain Certified copies of By-law #127-2009, #145-2010, and #28-2015 please visit the Legislative & Information Services section located at Ajax Town Hall at the address below.

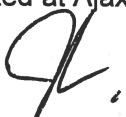
YOU MAY APPEAL THE ITEMS OR CONDITIONS OF THIS ORDER BY SENDING A NOTICE OF APPEAL, BY REGISTERED MAIL, OUTLINING WHICH ITEMS OR CONDITIONS ARE BEING APPEALED, WITHIN 10 DAYS AFTER SERVICE OF THE ORDER, TO:

Secretary, Animal Services Committee
65 Harwood Avenue South
Ajax, ON
L1S 2H9

Upon receipt of notification of an appeal, the Committee shall, as soon as practical, conduct a hearing, it being understood that during the time between the date of the Order to Restrain and the date of the hearing of the appeal by the Committee, the owner shall comply with all the requirements as outlined in this Order to Restrain.

As a result of the issuance of this Order, you are herewith responsible for ensuring compliance with the provisions of the Town of Ajax Dog and Cat By-law, as amended. Failure to do so will result in a prosecution under the *Provincial Offences Act, R.S.O. 1990, Chap. P.33*, as may be amended from time to time.

Dated at Ajax, Thursday March 31st, 2016


Joe Lang
Municipal Law Enforcement / Animal Service Officer
Town of Ajax
(905) 619-2529 ext. 3315

April 8, 2016

Animal Services Committee

File Number: 16 101825

RECEIVED
TOWN OF AJAX
APR 11 2016
LEGISLATIVE AND
INFORMATION SERVICES

As the owner of Maple, who was involved in the incident that took place on March 14, 2016, I would like to appeal the Order to Restrain.

In my research to understand dog behavior in this kind of situation, I consulted Kathy Asling. Kathy Asling is the founder of Animal Guardian Society who is the longest running dog rescue in Durham region. Kathy has 30 years' experience in training dogs. Upon the examination of the pictures of the wound, Kathy suggested that it could be the result of a tooth puncture and not a bite. A dog's canine tooth is very sharp and with both dogs having their mouths open, a tooth could have very easily become positioned under another dog's lip. With both owners pulling on the leashes or collars to separate the two animals, a small tear or puncture could be the result. The picture of the wound supports this theory. The wound is small and only needed a few stitches. This is not the result of aggressive behavior. If a dog was truly aggressive or vicious, the wound would tend to be larger and be on the back of the neck or the throat.

Once the dogs were separated and both owners were able to have a closer look at our animals, I discovered that the other dog's leash was broken. If the leash actually broke before the dogs made contact, this could possibly be seen as confrontational to my dog. If the other dog was perceived as aggressive to my dog, then Maple was simply defending herself.

Maple is a young dog, approximately, 2.5 years old. The order to restrain states that Maple would need to wear a muzzle whenever she is off my property, for the rest of her life. In her case, that could mean 12 years or more. This seems to be a very harsh sentence for a dog so young without any previous history of dog attacks.

I wish to appeal the order to restrain that has been placed on Maple. The picture of the wound does not support the label of an aggressive dog. The wound was small and not placed on the neck or throat as it would be in case of a vicious attack. Maple is a young dog with no prior history of dog attacks.

Sincerely,



Linda Bannerman

49 Iles Street

Ajax, Ontario



**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

Tuesday, April 12, 2016

Linda Bannerman
49 ILES ST
AJAX ON
L1T 3V1

RE: Order To Restrain Appeal Date

FILE NUMBER: 16 101825

Please be advised that The Animal Services Appeal Committee is in receipt of your letter requesting an appeal to Order to Restrain Number 16 101825.

The Animal Services Appeal Committee will hear the appeal on **THURSDAY, JUNE 9, 2016**. 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 will 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.

If you wish to have any hardcopy material included in the agenda package for the Committee's review, you must supply the Town with a copy of it on the Wednesday, one week before your appeal date. The material can be brought into Ajax Town Hall and left for my attention at the Information Desk between 8:30 a.m. to 4:30 p.m., Monday to Friday. **Any documents you wish the Committee to review after this date must be done by a vote of the Committee on the day of the Appeal.**

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

Sincerely,

Karen Little
Secretary, Animal Services Appeal Committee
(905) 619-2529 ext. 3341
karen.little@ajax.ca

Appellant's Submission

May 30, 2016

File Number 16 101825

Date of incident: Monday March 14, 2016

RECEIVED
TOWN OF AJAX
MAY 31 2016
LEGISLATIVE AND
INFORMATION SERVICES

Animal Services Appeal Committee:

I am asking on behalf of my dog, Maple, that you revoke the Order of Restraining. I truly believe that this was an isolated event and is not indicative of the behavior of Maple. I have included several letters of recommendation from people who know me and my dogs. As you can see she has no prior history behavior similar to this at all.

Since the day of the incident, Maple will not walk in our neighborhood in daylight hours. I believe the beating that she received by the unknown male by-stander has made her fearful that she will meet up with him again.

In the documents that I obtained through the Freedom of Information act, I see that the other owner first contacted the Town of Ajax on March 21, 2016. This is the week after the incident. I feel that she wanted to receive reimbursement for the vet bill before she called the township.

Once again, I am asking that the Order of Restraining be removed from Maple. She is a young dog with no prior history of dog attacks at all. My friends and neighbors that have known Maple all of her life know that this incident was an isolated event and does not represent Maple's personality.

Sincerely,



Linda Bannerman

May 30, 2016

File Number 16 101825

Incident date: Monday March 14, 2016

My daughter and I were walking with our 2 dogs on March 14, 2016.

As we approached the corner of Harkins and Card, we saw the other owner with her dog

The dogs saw each other and ran towards each other

The dogs began to fight. I was focused on pulling my dog's leashes and calling their names to distract them

Two men were standing outside very close to where we were. They came over.

I was shocked to see one of the men, who I didn't know and who didn't know my dogs, proceed to straddle Maple and repeatedly deliver "karate chop style" blows to the bridge of Maple's nose.

How was Maple going to have a chance to escape this? She was lucky to get away when she did.

I believe that this man contributed greatly to the extent of the injury to the other dog.

I did not see any blood on any of the dogs. The other owner's dog had a wet cheek.

The following evening, the other owner came by with her daughter to show me a picture of the wound and the vet bill, which I briefly looked at. I was offered a copy of the bill but never received one.

I paid the bill, as I felt that, if the situation was reversed, I would expect the same. I was not arguing the fact that my dog's tooth caused a wound to the other dog. This was an accidental event. It does not represent Maple's personality.

April 8, 2016

Animal Services Committee

File Number: 16 101825

As the owner of Maple, who was involved in the incident that took place on March 14, 2016, I would like to appeal the Order to Restrain.

In my research to understand dog behavior in this kind of situation, I consulted Kathy Asling. Kathy Asling is the founder of Animal Guardian Society who is the longest running dog rescue in Durham region. Kathy has 30 years' experience in training dogs. Upon the examination of the pictures of the wound, Kathy suggested that it could be the result of a tooth puncture and not a bite. A dog's canine tooth is very sharp and with both dogs having their mouths open, a tooth could have very easily become positioned under another dog's lip. With both owners pulling on the leashes or collars to separate the two animals, a small tear or puncture could be the result. The picture of the wound supports this theory. The wound is small and only needed a few stitches. This is not the result of aggressive behavior. If a dog was truly aggressive or vicious, the wound would tend to be larger and be on the back of the neck or the throat.

Once the dogs were separated and both owners were able to have a closer look at our animals, I discovered that the other dog's leash was broken. If the leash actually broke before the dogs made contact, this could possibly be seen as confrontational to my dog. If the other dog was perceived as aggressive to my dog, then Maple was simply defending herself.

Maple is a young dog, approximately, 2.5 years old. The order to restrain states that Maple would need to wear a muzzle whenever she is off my property, for the rest of her life. In her case, that could mean 12 years or more. This seems to be a very harsh sentence for a dog so young without any previous history of dog attacks.

I wish to appeal the order to restrain that has been placed on Maple. The picture of the wound does not support the label of an aggressive dog. The wound was small and not placed on the neck or throat as it would be in case of a vicious attack. Maple is a young dog with no prior history of dog attacks.

Sincerely,

Linda Bannerman

49 Iles Street

Ajax, Ontario

THE ANIMAL GUARDIAN SOCIETY

1970 Conc. Rd. 9, RR2 Blackstock, Ontario, Canada, L0B1B0

Phone: 905-263-TAGS (8247)

Fax: 905-263-8311

info@animalguardian.org

www.animalguardian.org

Registered Charity BN 86783 2180 RR0001

I am writing on behalf of Maple Bannerman who was recently requested to wear a muzzle when not on her own property.

I would like to provide some background on Maple. She came to our rescue in 2013 and immediately went to foster care. During her time in foster care, she never exhibited any aggressive tendencies. We did observe some herding behavior however.

After her adoption as stated in our agreements, Maple with her family attended our 8 weeks of behavior training. Maple was never a problem with the other dogs, she did well and both her and her family completed the 8 weeks of training successfully.

Over the years I have seen many cases of dogs on leash becoming over aroused and over stimulated. Some may label that behavior aggression, I do not. Often when dogs are in this state with mouths open they can by accident catch a tooth on the other dog, most owners will quickly pull the dog off which results in the tear to the other dog and injury.

Maple is a young dog with no history of aggression; she has always been a very social dog with both people and animals.

We are strong advocates for the human animal bond, and we also understand that even with the best of intentions accidents can and do happen.

We hope that you will give consideration to removing the muzzle order from Maple

Should you wish to reach me please feel free to contact me at any time.

Sincerely

Kathy Asling

Lisa Ferries
213 Valley Gate
Pickering, Ontario L1V 4M8
May 16, 2016

Town Of Ajax

I have known Linda and Wayne Bannerman for more than 25 years. In all the time I have known them, visited their home, and walked with them, I have never had any cause for concern about their excellent and responsible pet ownership.

Linda goes well and above beyond typical pet ownership having many times provided a loving and caring home for rescue dogs. She has a calm, confident and firm manner when dealing with animals. She attends pet training and ensures that her dogs are well socialized and respect boundaries.

As a guest at the Bannerman home I have never witnessed any poor pet behavior. The dogs are calm and well mannered, listen well and obey commands.

Maple is a warm and loving dog. I do understand there was an incident, I was very surprised and I am quite sure it was an isolated incident that would not be repeated.

Please give Maple that opportunity to resume outdoor walks without a muzzle.

Very Sincerely Yours,

Lisa Ferries

May 5, 2016

Animal Services Committee,

My wife and I have known the Bannerman family for approximately 10 years. They live just around the corner from us. Their daughters have provided excellent care for our dogs for the last 6 years because we both work shift work and need someone to come in to feed and let our dogs out. We have regular contact with both of their dogs, Bailee and Maple. Both dogs are very loving. Maple especially has a very sweet and gentle nature. Maple has had contact with our dogs with no problem what so ever, therefore we were shocked to hear of the incident that occurred in March in our neighborhood. We do not feel that Maple has any aggressive tendencies at all. We are very confident in saying that this incident must have been an isolated occurrence and does not represent Maple's true nature.

Please remove the Order of Restrain on Maple and allow her to walk without a muzzle.

Sincerely,

The image shows two handwritten signatures in blue ink. The first signature is 'Dan Huck' written in a cursive style. The second signature is 'Deb' followed by a long horizontal line, also in a cursive style.

Deb and Dan Huck

Ajax, ON

To whom it may concern

I just heard about the implications that have come upon Linda and her dog Maple. We have known the Bannerman's for many years. They have another dog, Bailey and have fostered many other dogs hence how Maple came into their home. Maple has a lovely nature and I believe would not hurt anyone or any other animals unless it was to protect herself.

This dog should not be penalized because the incident at hand and should be given just a warning and another chance.

Claudia Livingstone
Oshawa, ON

Synopsis
prepared by Officer Tami ABOTT

OVERVIEW

16 Garnett Drive, Ajax, Ontario is residentially zoned property owned by Steven Hugh MCNEE. The property is located in a mature subdivision near the lake front in south Ajax.

FACTS

April 15, 2016 Complaint received by By-law Services regarding the overall condition and appearance of the property, including but not limited to accumulation of garbage, and inoperable vehicles.

April 18, 2016 Officer ABOTT attended the property located at 16 Garnett Drive, Ajax. Officer ABOTT was accompanied by Officer CHRISTENSEN. CHRISTENSEN attended the property in relation to an Animal Control matter unrelated to Property Standards.

During the inspection it was noted that the property was in violation of the Property Standards By-law.

The Officer noted the following violations:

Peeling paint on window and door frames, peeling paint on the overhang above the front bay window, peeling paint on garage doors. (see attached photos)

Gutter/eavestrough at front of house above the garage was hanging from the soffit area. (see attached photos)

Two vehicles, a silver Chrysler and a Black Infinity parked/stored on driveway in an inoperable condition, flat tires, expired validation tags. (see attached photos)

Accumulations of garbage in front, side and rear yards, including but not limited to food and beverage containers, plastic, household waste, wood, and cardboard. (see attached photos)

Accumulation of dog feces in rear and side yards. (see attached photos)

Gates required to be locked and self closing in accordance with the Pool enclosure by-law easily accessible, stack of wood used to hold door closed. (see attached photos)

Rear raised deck not in good state of repair, poses safety hazard - missing balusters, in addition to presenting and unsightly appearance with peeling paint or other weather resistant material, exposed accumulation of materials, debris, and garbage beneath the raised rear deck. (see attached photos)

April 19, 2016 Property Standards Order (see attached) issued under Section 15.2 of the Ontario Building Code Act.

Order required that several remedial actions be undertaken and the property be in compliance with the Property Standards Order 16-102650 as written on or before Thursday, May 19, 2016.

April 29, 2016 A letter of appeal was submitted to the attention of the property Standards Committee Secretary. (see attached)

May 3, 2016 – A letter submitted from the Secretary of the Property Standards Committee was sent by registered mail to the attention of the registered owner of the property Steve MCNEE. (see attached)



16 Garnett Drive Apex April 18 2016 J Abbott ABBOTT

1 of 24



16 Garnett Drive Ajax April 18 2016 V. R. B. A. B. O. T. T. 2024



16 Barnett Drive Ajax April 18 2016 ³⁵ T. Abbott ABOTT

3024



16 Garnett Drive Apex April 15 2016 ³⁶ J. Abbott ABUT

4/15/24



116 Garnett Drive Ajax April 18 2016 VPBett ABUTT



16 Garnett Drive Apex April 18 20³⁸6

VAbet/ ABOT1

60024



16 Garnett Drive Ajax April 18³⁹ 2016 TRish ABOTT

7024



160 Garnett Drive Apr

April 18 2016

T Abbott ABO77

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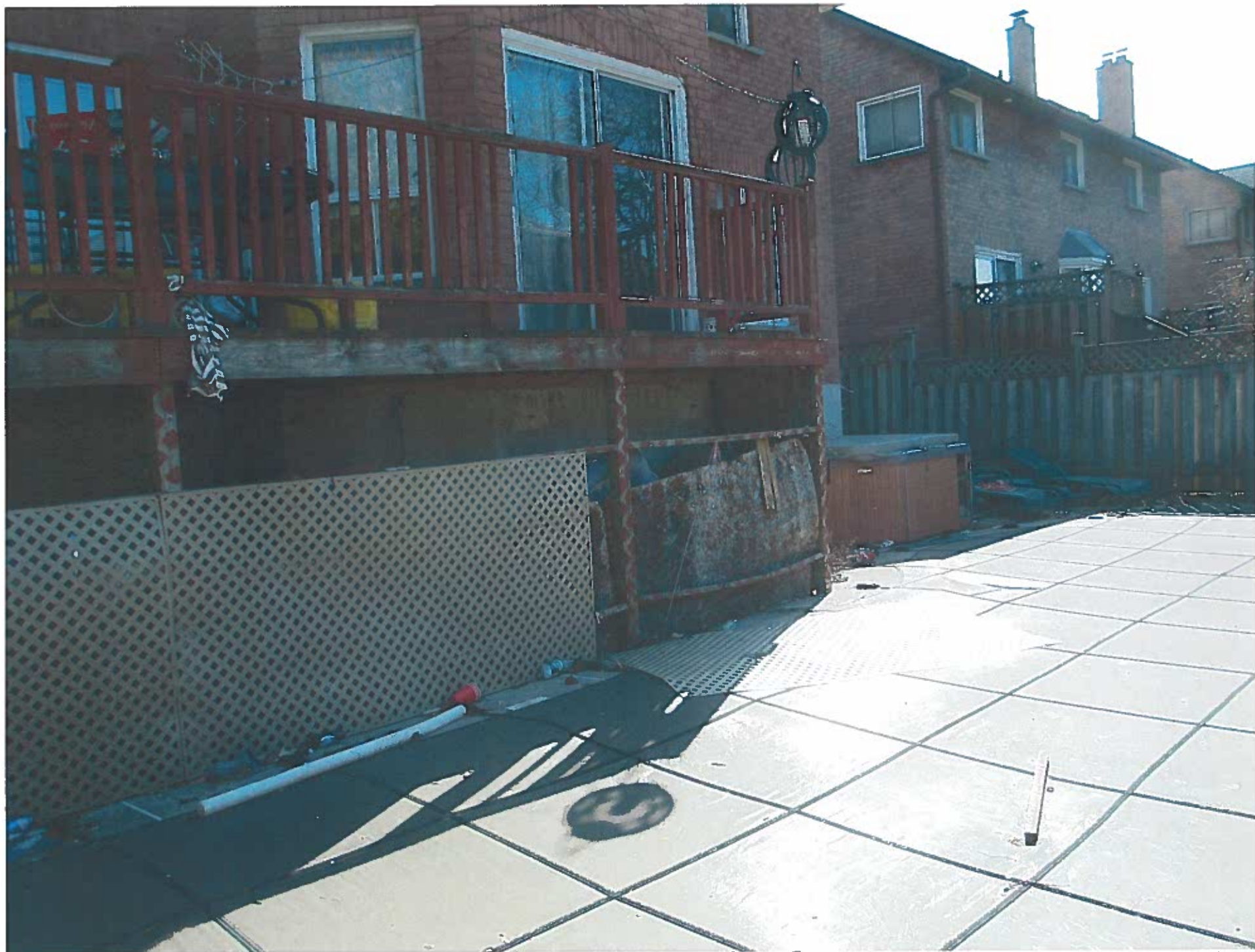
16 Garnett Drive Ajax April 18 2016 Y. Abbott ABOTT

900 24



16 Garnett Drive Apex April 18 2016 V. Abbott A. BOTT

10/24



16 Garnet Drive Ajax April 15 2016 ⁴³ V.R. Beth Abbott 11/8/24



16 Garnettth Garnett Drive Ajax April 18 2016 V. Abbott ABOTT 12/24



16 Carnett Drive Apr April 18 2016 45 TAbbott AB077 13y24



16 Garnett Drive Ajax April 18 2016 VAbot/ ABOT 14024



16 Barnett Drive Apex April 18⁴⁷ 2016 V. Abett AB010

15 of 24



16 Garnet Drive Ajax April 18 2016 J Abbott ABUTY

16/024



16 Barnett Drive Apex April 18th 2016 TAbot/ABUT

17/24

116 Garnett Drive Apex April 18th 2016 TRBot/ABUT

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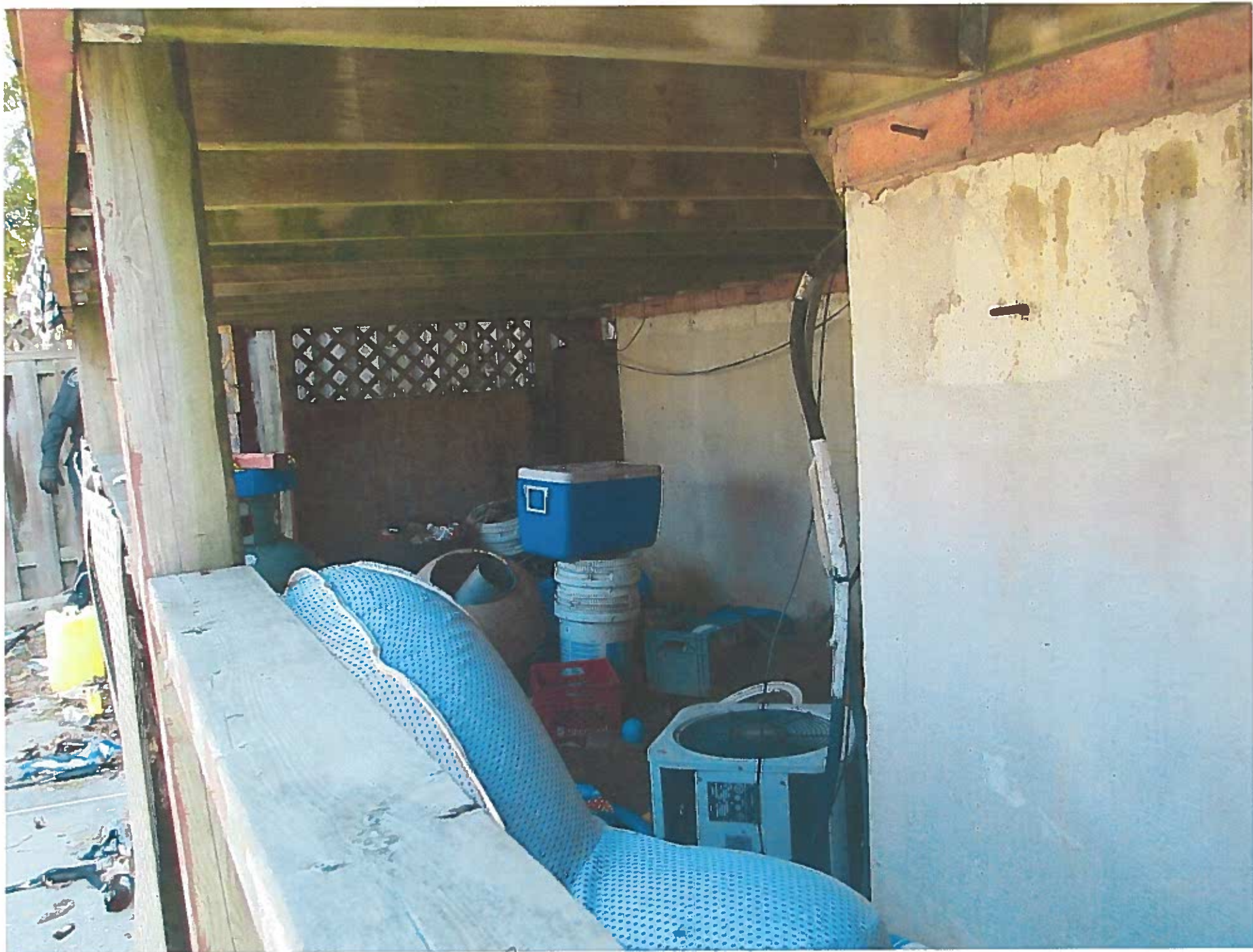


16 Garnett Drive Ajax

April 18⁵⁰ 2016

J Abbott Abbott

18 of 24



16 Garnett Drive Ajax April 18⁵¹ 2016 TRAbett AB017 19824



16 Barnett Drive Apex April 18⁵² 2016 VAbeti ABUTV 20 of 24



16 Barnett Drive Ajax April 18⁵³ 2016 T. Abet ABUT

21 of 24



16 Barnett Drive Apex

April 15⁵⁴ 2016

W. Beth ABUT

220724



16 Garnett Drive Ajax April 18 2016⁵⁵ YABett ABOT

23 of 24

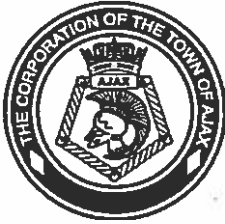


16 Garnett Drive Apex

April 18⁵⁶ 2016

TA Abbott ABBOTT

24/24



The Corporation of the Town of Ajax

ORDER

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

ISSUED TO: STEVEN HUGH MCNEE
16 GARNETT DR
AJAX ON
L1S 4X6

PROPERTY: 16 Garnett Dr, Ajax, ON
PLAN 40M1336 LOT 122
040007154930000

FILE NUMBER: 16 102650

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 **Thursday, May 19, 2016**. 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, Tuesday, April 19, 2016

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

Tami Abott
(905) 619-2529 ext. 3360

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

- 1. Remove from the property, and legally dispose of all refuse and debris, and all unused and/or discarded items located in the side, rear and front yards, and underneath the rear raised deck/balcony including but not limited to: cardboard, cement, dead vegetation, household garbage, miscellaneous plastic and wood materials, plastic cups, beer and alcohol bottles and cans, broken glass, assorted food and beverage containers, and deteriorating pieces of wood/plywood. 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. Remove and legally dispose of all accumulations of garbage, debris and discarded items, including but not limited to beverage containers, cardboard, household waste, from the rear raised deck/balcony and ensure that the deck/balcony is maintained in a good state of repair, free from accumulations of garbage, and/or storage of items and does not create an unsightly appearance and provides safe passage.**
- 3. 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.**
- 4. Clear the property of all accumulations of dog/animal feces located in the side, and rear yards and dispose of in accordance with applicable collection policies, and waste management by-laws. All yards shall be maintained so as not to create an unsafe and unsightly condition.**
- 5. Relocate all usable, domestic storage items currently being stored in the front yard to the side and/or rear yard 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.**
- 6. Reorganize all usable, domestic storage items currently being stored in the side yard, on the west side of the dwelling, so as to ensure that said storage is neat, is for personal use and does not create an unsightly appearance.**
- 7. Repair all inoperable vehicles, including but not limited to, a Silver Chrysler bearing expired Ontario Plate AYVC 148, and Black Infinity bearing expired Ontario Plate BRYX 006, on the property so that they are operational and in a state of good repair, with valid license plates with current validation stickers affixed, that are registered to the appropriate vehicles with the Ministry of Transportation;**

OR

Remove all inoperable vehicles from the property and dispose of them in a legal manner;

OR

Relocating the vehicles so they are wholly located within a legally erected garage out of view of the public.

- 8. Secure the gates that form part of the fence which encloses the rear and side yards and are located on both sides of the dwelling with a self-closing and latching device and lock, and ensure the gate is kept locked at all times unless a responsible person is directly supervising the swimming pool.**
- 9. Repair and repaint the rear raised deck/balcony and all of its components, including but not limited to, railing, balusters, supports beams, support posts, handrails, deck boards, and stairs so as to ensure that the rear raised deck/balcony and all of its components are in compliance with the Ontario Building Code, is structurally sound, is in a good state of repair, protected by paint or other weather resistant material so as not to present an unsightly appearance.**

Please note as the registered owner of the property you will be responsible for applying for and receiving approval for any Building Permit(s) that maybe required by the Ontario Building Code, and any other applicable legislation. Please contact the Building Services Department at 905-619-2529, with regards to the application and process for the construction or reconstruction of the rear deck/balcony and the specifications for railings and guards required for the rear deck/balcony.

- 10. Repair and repaint all window and door frames so as to ensure that the frames are in a good state of repair, protected by paint or other weather resistant material so as not to present an unsightly appearance.**
- 11. Repair and repaint the overhang/flashings located above the front bay/bow window that is located on the ground floor at the front of the dwelling. The overhang/flashings shall be in a good state of repair, be structurally sound and not create an unsightly appearance.**
- 12. Repair and repaint the two front garage doors so as to ensure that both doors are in operating condition and can fully close are in a good state of repair, protected**

by paint or other weather resistant material so as not to present an unsightly appearance.

13. Repair and/or replace the broken gutter that is hanging at the front of the home on the second level above the garage so as to ensure that it is maintained in a good state of repair.



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 4.3 No wrecked, dismantled, discarded, unused, inoperable vehicles, machinery or objects or parts thereof shall be placed, stored or left on property, but this does not apply where such articles are required and used for business purposes permitted under the Municipality's land use By-laws.
- 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 4.21** Fences and gates and their hardware, comprising a swimming pool enclosure, shall be maintained in a good state of repair and in accordance with the Municipality's Fence By-law.
- Section 4.22** All fences, gates and hardware shall be maintained free of hazards, in a state of good repair, and in accordance with the Municipality's Fence By-law.
- Section 4.38** Exterior steps, walks, verandas, porches, decks, balconies, driveways, parking areas, loading docks and similar areas of a yard shall be maintained so as to:
- a) afford safe passage under normal use;
 - b) be adequately lighted; and
 - c) be free of defects and accident hazards.
- Section 4.39** Where there is a difference in elevation between adjacent levels of 600 millimetres or more, a guard shall be installed and maintained in accordance with the Ontario Building Code.
- Section 4.50** Accessory buildings, signs, fences, retaining walls and all other structures appurtenant to a property shall be structurally sound, maintained in a good state of repair, free of hazards and protected by paint or other weather resistant material so as not to present an unsightly appearance.
- Section 5.1** Every building or structure or part of a building or structure shall be structurally sound and maintained in that condition so that it has sufficient structural capacity to resist safely and effectively all loads and the effects of loads and influences that may reasonably be expected, having regard to its expected use and service life.
- Section 5.2** Every building or structure or appurtenant part shall be maintained in a good state of repair, free of hazards, and protected by paint or other weather resistant material so as not to present an unsightly condition.
- Section 5.22** The exterior doors, windows, exterior trim, and all associated components, of every building or structure or part of a building or structure, shall be maintained in a good state of repair, properly fitted to prevent the entrance of the elements and painted or otherwise treated to provide protection against decay and rust.
- Section 5.28** Balconies, porches, decks, awnings, canopies and fire escapes shall be structurally sound, hazard free and in a good state of repair.


- Section 5.31** All balconies, porches, decks and fire escapes shall be kept free of material, items or storage that would impede the exit of a person during an emergency.
- Section 5.34** All buildings or structures, or parts thereof that are partially constructed, shall be completed and finished in an approved, acceptable manner within a reasonable amount of time, in conformity with the standards of this By-law, and where applicable, in accordance with all relevant legislation.
- Section 5.36** All interior or exterior stairs, porches, landings, ramps, and all associated components shall be maintained in a good state of repair, so as to be free of holes, cracks and any other defects which may constitute possible accident hazards and all treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- Section 5.37** All ramps and stairs having over 3 risers shall be provided with a handrail in accordance with the Ontario Building Code and maintained in a good state of repair.
- Section 5.38** Where a guard is required by the Ontario Building Code for new construction or renovation or at other locations where vertical distance to the surface below exceeds 600 millimetres, a guard shall be provided and maintained in a state of good repair even though new construction or renovation is not undertaken.
- 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.

APRIL 29 2016

I STEVE MCNEE WISH TO APPEAL THE ORDER
16-102650 FOR SOME ISSUES.

THANK YOU, STEVE MCNEE

RECEIVED
TOWN OF AJAX
APR 29 2016
LEGISLATIVE AND
INFORMATION SERVICES



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**Legislative &
Information Services**

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TOWN OF AJAX

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

Tuesday, May 3, 2016

STEVEN HUGH MCNEE
16 GARNETT DR
AJAX ON
L1S 4X6

SUBJECT PROPERTY: 16 Garnett Dr LOT 122
PLAN 40M1336 LOT 122
040007154930000

FILE NUMBER: 16 102650

Dear Sir/Madam:

Please be advised that The Property Standards Committee is in receipt of your letter requesting an appeal to Order Number **16 102650** for the above subject property.

The Property Standards Appeals Committee will hear the appeal on **THURSDAY, JUNE 9, 2016**. 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 will 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.

If you wish to have any hardcopy material included in the agenda package for the Committee's review, you must supply the Town with a copy of it on the Wednesday, one week before your appeal date. The material can be brought into Ajax Town Hall and left for my attention at the Information Desk between 8:30 a.m. to 4:30 p.m., Monday to Friday. Any documents you wish the Committee to review after this date must be done by a vote of the Committee on the day of the Appeal.

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



MEMO

TO: Property Standards Committee
FROM: Scott Neal
DEPARTMENT: L.I.S By-law
SUBJECT: Appeal of Property Standards Order # 16 103184
25 Meekings Drive, Ajax, Ontario
DATE OF APPEAL: Thursday June 9, 2016
TIME OF APPEAL: 7:00 p.m.
LOCATION: 65 Harwood Avenue, South, Ajax, Ontario, Council Chambers

Overview

25 Meekings Drive, Ajax, Ontario is a residentially zoned property owned by Marc Robert Smith Speed. It is neighboured by 4 other residentially zoned properties. The property was developed and the house was constructed in 1990. The house is approximately 26 years of age.

Facts

May 2, 2016 Complaint received by By-law Services regarding a dead Poplar tree in the backyard of 25 Meekings Drive.

May 6, 2016 The Town's Arborist Craig Blencowe and I attended 25 Meekings Drive and inspected the tree. The Poplar tree is located towards the far east end of the rear yard in the centre of the yard. Craig determined that the Poplar tree was dead and that the entire tree needs to be removed, as it is a hazard. Furthermore, Craig's recommendation was that the tree be removed as soon as possible. This tree had no leaves or bark on it. (MLEO S. Neal's picture attached).

May 9, 2016 Property Standards Order # 16 103184 was issued under section 15.2 of the Building Code Act and sent prepaid registered mail to the owner of the property Marc Robert Smith Speed (Order attached).

The Order requires the full removal of the dead Poplar tree located in the far east end of the rear yard in the centre of the yard. In addition, the

Order requires the removal and legal disposal of all debris from the property as a result of the work, on or before Thursday June 9, 2016.

May 20, 2016

Mr. Marc Robert Smith Speed's letter (dated May 20, 2016) requesting an appeal was received (letter attached).

May 24, 2016

Letter was sent via prepaid registered mail to Mr. Speed from the Secretary of the Property Standards Committee advising of the date, time and location of the appeal (letter attached).



The Corporation of the Town of Ajax

ORDER

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

ISSUED TO: MARC ROBERT SMITH SPEED
25 MEEKINGS DR
AJAX, ON
L1T 3N7

PROPERTY: 25 Meekings Dr, Ajax, ON
PLAN 40M1594 LOT 107
010015387010000

FILE NUMBER: 16 103184

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 **Thursday, June 9, 2016**. 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, May 9, 2016

A handwritten signature in cursive script, reading "Scott Neal", is written over a horizontal line.

Scott Neal
(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. Remove the dead Poplar tree located towards the Far East end of the rear yard in the center of the yard.

Note: The portion of land in which the described tree is located is within Private Open Space, however a Tree Cutting Permit is not required to be obtained as the tree is dead and hazardous.

2. Remove all debris from the property that is created by the work being carried out in item 1 and legally dispose of it.



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 4.15 All trees on a property shall be maintained in a manner that will eliminate a condition which is a source of danger to people or constitutes a potential health, fire or safety hazard.

Section 4.16 Where the dangerous condition, health, fire or safety hazard cannot be eliminated by maintenance practices, the tree and all resulting debris shall be removed.

Section 4.17 Dead or decayed trees, hedges, bushes or similar natural growth, in developed areas, shall be removed.

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.



25 Meekings Dr.

May 6th, 2016

Scott Neal

May 20/16

To: Secretary, Property Standards Committee

From: Marc Robert Smith Speed

25 Meekings Dr

Ajax, On

LIT 3N7

RECEIVED
TOWN OF AJAX

MAY 20 2016

LEGISLATIVE AND
INFORMATION SERVICES

Re: File Number 16 103184

Dear Secretary,

I wish to appeal the conditions of this order that my property must be made to conform with the By-law on or before Thursday, June 9, 2016. I do acknowledge that I have a tree which is dead and should be cleared accordingly. I also see this tree as being no threat to my property or neighbors. I do plan on removing this tree but ask that you please extend the deadline to do so by 1-2 months. This time would allow me to get competitive quotes and give myself and the person(s) time to schedule the work to be done. Thank you.

Best Regards,

Marc Speed 71



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TOWN OF AJAX

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Tuesday, May 24, 2016

MARC ROBERT SMITH SPEED
25 MEEKINGS DR
AJAX ON
L1T 3N7

SUBJECT PROPERTY: 25 Meekings Dr LOT 107
PLAN 40M1594 LOT 107
010015387010000

FILE NUMBER: 16 103184

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Sincerely,

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