



AGENDA PROPERTY STANDARDS/ANIMAL SERVICES APPEAL MEETING

June 11, 2015 at 7:00 p.m.
Council Chambers, Town Hall

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



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

1. Call to Order

2. Approval of Minutes

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3. Public Meeting Appeals

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4.1 Property Standards Committee 4.1.1

Chimienti - 2 Elizabeth Street

5. Other / New Business

6. Adjournment

**MINUTES OF THE
PROPERTY STANDARDS APPEAL COMMITTEE
MEETING HELD IN THE COUNCIL CHAMBERS, AJAX TOWN HALL
At 7:00 p.m. on Thursday, April 9, 2015**

Present: Members

- K. Barrett
- A. Bridgeman
- D. Jean
- O. Lambert, Chair
- A. Olugbenga

Staff

- K. Little, Secretary
- D. Hannan, Staff Resource
- K. Foreman, MLEO

1. Call to Order

Chair Lambert called the meeting to order at 7:15 p.m. and asked that everyone turn their cell phones off. She then asked if Mr. Chimienti was in the Council Chambers and he was not present at that time.

2. Adoption of Minutes

Moved by: Member Jean

That the Minutes of the Property Standards Committee Meeting held on December 11, 2014, be adopted.

Carried.

3. Public Meeting/Appeal

3.1 Property Standards Committee

3.1.1 2 Elizabeth Street – Chimienti

Mr. Chimienti arrived at 7:17 p.m. and Chair Lambert asked if anyone else was with him tonight. He replied that there was no one else with him.

Chair Lambert explained the proceedings of the meeting and that if Mr. Chimienti did not agree with the outcome of tonight's meeting, he could appeal the decision to the Superior Court of Ontario.

Chair Lambert then asked Mr. Chimienti if he disagreed with anything that the Town had submitted. He replied that he did not disagree with it. He is only here tonight to ask for an extension of time to get the work done.

Moved by: Member Bridgeman

That the Rules of Order be suspended and that the appellant be allowed to make his case first.

Carried.

Mr. Chimienti stated that he was here tonight to ask for a time extension due to the fact that there is still ice on his property, and it will take more time to do the clean up. He told the Committee that he has filed paperwork against his tenant at the Landlord and Tenant Association office. He said he has 5 weeks until he can “kick” the tenant out. He told the Committee that he filed the paperwork with the Landlord and Tenant Association to make the tenant do the clean up on his property at 2 Elizabeth Street, Ajax. Mr. Chimienti was told that the Landlord and Tenant Association will give 12 days for the tenant to do the work and if it is not completed within that time frame, then the sheriff has 2 weeks to evict him. He also has 72 hours to dispose of any vehicle on the property.

Member Barrett asked Mr. Chimienti if all the items on his property belong to the tenant. He replied that three-quarters of the debris is the tenant's. He has removed some of the items, however, the mattress is still stuck to the ground, there is a tractor, a steel post, truck parts, etc. belonging to the tenant. She asked him if all the remaining items belong to the tenant. He replied yes, except the wood. He is hopeful that by the weekend he can pull the wood out. He told the Committee that he is afraid his tenant will take him to court and that he could give the Committee members a copy of the paperwork from the Landlord and Tenant Association.

Chair Lambert told Mr. Chimienti that she understands that he will be evicting the tenant and asked how long he needed for an extension. He told the Committee that the wood will be removed within a few weeks. To remove the tractor, snow plow, etc. he needs the sheriff to give him authority to do so. A lot of the cleaning up of the property has already been done. He explained that Officer Foreman had been to his property today and was surprised by how much had been done.

Member Olugbenga asked Mr. Chimienti how long he was looking for. He replied that for the wood to be removed he would need 2 weeks and for the tenant's items to be removed he would need 5 weeks, including the sheriff's time frame.

Member Barrett asked Mr. Chimienti which date the 5 weeks corresponds to. He replied that it was 5 weeks from today. By mid-May, 2015 he should be done.

Member Barrett asked if the garbage cans and recycling bins were contained. Mr. Chimienti responded that they have been moved away from the public area, inside the building. He hasn't decided where to put the green bins.

Member Olugbenga saw metal siding in the photographs that were part of the agenda. He asked Mr. Chimienti if it had been removed yet and he replied that it has been. 80% of all the items have been removed by Mr. Chimienti. Regarding the steel table, cart, truck parts, John Deere, etc., he has it in writing that they would not be there.

Member Jean asked Officer Foreman if there was any safety issue with regards to giving Mr. Chimienti an extension. She replied that there were no safety issues. Some of the items he is mentioning were not in the Order. She does not agree that he needs a long extension.

Member Bridgeman stated that Officer Foreman was at the property this afternoon and wondered if the garbage cans were gone. Officer Foreman replied that they were still in front of the screening and had not been removed while she was there. Is the metal siding gone? Officer Foreman replied that it was and also that the deck area has been cleaned up completely.

Member Bridgeman asked Mr. Chimienti when he moved the items into a building, did you put it in the main building or another building on the property? He replied that he put them inside the front door at the mailboxes. She asked him if the garbage cans had been removed. He stated that they had not been, as ice and snow was preventing them from going behind the fence. Ashley Bridgeman asked Mr. Chimienti how much time he would need for this and he replied that two weeks should be good.

Chair Lambert asked Officer Foreman, regarding the Order that was before the Committee tonight, how much of the debris was gone from the property. She replied that 50-60% is gone. She believes that it is just a run to the dump for the rest. Mr. Chimienti needs to remove the mattress, surplus wood and clean up the garbage receptacle area.

The Committee then went into deliberations.

Member Barrett thinks that the 5 week timeline is reasonable. She acknowledged that the landlord can't touch the items that belong to a tenant.

Member Jean thinks that the sheriff will authorize the seizure/removal of items.

D. Hannan, Staff Resource, requested a Point of Order and asked the Committee members to speak up during their deliberations.

Chair Lambert agreed that the sheriff needs to authorize the removal of the tenant's items on the property.

Member Jean believes that the 5 week timeline is reasonable.

Member Bridgeman stated that she was struggling with the items that belong to the tenant and thinks that 5 weeks is not reasonable. She believes that the items should be gone sooner, two weeks maximum. Would be shocked if this was resolved in 5 weeks by the Tribunal.

Chair Lambert believes the items have to be removed whether they belong to the tenant or Mr. Chimienti.

Member Barrett asked if the Committee could get a copy of the Tribunal paperwork and believes that the 5 week timeline is reasonable. This gives Mr. Chimienti time to remove his debris and also 5 weeks for his tenant to remove his items on the property.

Member Jean confirmed with Mr. Chimienti that he has removed 50% of the items that were on the property.

D. Hannan, Staff Resource, told the Committee that they need a Motion to accept the document.

Moved by: Member Jean

That the Committee move to accept the paperwork provided by Mr. Chimienti from the Landlord and Tenant Board.

All in favour.

Carried.

D. Hannan, Staff Resource, will make copies of the paperwork and provide it to the Committee to look at.

Member Bridgeman asked Officer Foreman how she deals with tenants. Can you bring an Order against the tenant? She responded that they normally address Property Standards Orders to the owner of the property, rarely deal with tenants. Normally cleanliness on the inside of a property is dealt with by tenants only, otherwise Bylaw Officers always address the property owner.

D. Hannan, Staff Resource, told the Committee that they can now go into a recess to read over the paperwork.

Moved by: Member Olugbenga

That the Committee recess for 10 minutes at 7:38 p.m.

All in favour.

Carried.

Chair Lambert brought the Committee back from recess at 7:45 p.m. and asked if there were any questions.

Member Jean requested a Motion to extend the date of the Order to May 15, 2015.

Chair Lambert asked him if that was 5 weeks from tonight's date and he replied that it was.

Member Bridgeman asked if the Committee could discuss the Motion.

D. Hannan, Staff Resource, said that this is the time for any questions or comments about the Motion that has been put forward.

Member Bridgeman still thinks 5 weeks is too long. She believes that very little belongs to the tenant, as it shows in the documentation provided.

Chair Lambert asked if there were any more questions.

Member Barrett asked if all of the motorized items, e.g. the snow plow, etc. were operable. Mr. Chimienti replied that he doesn't know if they are functioning.

Chair Lambert asked the Committee to vote on the Motion that is on the table to extend the timeline to May 15, 2015.

Yes – D. Jean, K. Barrett, A. Olugbenga, O. Lambert

No – A. Bridgeman

Motion Carried at 7:48 p.m.

Original Order

- 1. Ensure all waste being stored on the property awaiting collection, including containers or receptacles, is screened from public view and the screening is maintained in a good state of repair. Ensure this storage is maintained in a tidy and odour-free condition.**

2. Remove from the property, all refuse and debris, and all unused and/or discarded items being stored on the property, including but not limited to the following:
 - a) excess garbage, lumber, and litter along the northeast end of the property;
 - b) large pieces of metal siding leaning against the dwelling;
 - c) garbage and debris inside and surrounding the trailer parked at the northwest side of the rear yard;
 - d) garbage, broken furniture, discarded cabinetry and cupboards, cardboard, scrap lumber, scrap metal, and broken aquarium stored on the deck in rear yard;
 - e) scrap lumber, mattress, and box spring stored along the fence at the south end of the rear yard; and
 - f) garbage, shopping cart, discarded patio furniture, scrap lumber, and scrap metal piled at the southwest side of the rear yard.
3. Neatly store all non-damaged, and/or usable domestic storage items located on the property in either the rear or side yards. Ensure the items are stored in accordance with Section 4.11 of this By-law.
4. Cease the practice of storing any refuse, debris, or unused and/or discarded items on the property.

Amended Order

1. Ensure all waste being stored on the property awaiting collection, including containers or receptacles, is screened from public view and the screening is maintained in a good state of repair. Ensure this storage is maintained in a tidy and odour-free condition.
2. Remove from the property, all refuse and debris, and all unused and/or discarded items being stored on the property, including but not limited to the following:
 - a) excess garbage, lumber, and litter along the northeast end of the property;
 - b) large pieces of metal siding leaning against the dwelling;
 - c) garbage and debris inside and surrounding the trailer parked at the northwest side of the rear yard;
 - d) garbage, broken furniture, discarded cabinetry and cupboards, cardboard, scrap lumber, scrap metal, and broken aquarium stored on the deck in rear yard;
 - e) scrap lumber, mattress, and box spring stored along the fence at the south end of the rear yard; and
 - f) garbage, shopping cart, discarded patio furniture, scrap lumber, and scrap metal piled at the southwest side of the rear yard.

3. **Neatly store all non-damaged, and/or usable domestic storage items located on the property in either the rear or side yards. Ensure the items are stored in accordance with Section 4.11 of this By-law.**
4. **Cease the practice of storing any refuse, debris, or unused and/or discarded items on the property.**
5. **That the date of the Order be extended to May 15, 2015.**

Chair Lambert explained to Mr. Chimienti that his timeline to do the clean up work on his property has been extended to May 15, 2015. If he does not agree with this, he can still apply to the Superior Court. She asked him if he understood. He replied that he did and he thanked the Committee.

Verbal Update

4.1 Property Standards Committee

4.1.1 8 Sharp Crescent - Nazim

D. Hannan, Staff Resource, told the Committee that this matter had been brought up outside the new Committee. The homeowners at 8 Sharp Crescent can request to come back on a new Property Standards agenda if they need more time to complete the work. There had been a major disagreement between the homeowner, the bank and the insurance company to provide a cheque for the house repairs. On March 25, 2015, the Town received an updated quote for the repairs and D. Hannan believes that the work will be done, but may not be done by the May 31, 2015 deadline outlined in the Order. He told the Committee that the outside of the house looks fine, but the inside was “decimated” by the fire that had occurred.

Other/New Business

5.1 Online Agendas

D. Hannan, Staff Resource, talked to the Committee about online agendas. Anyone that has an iPad or a laptop, please use them. As the WiFi in the Council Chambers may not always be available, he requested that the Committee members download their agenda the day of the meeting. They are to notify the Secretary of the Committee if they will be using an electronic agenda.

Moved by: Member Bridgeman

That the meeting be adjourned at 7:53 p.m.

All in favour.

Carried.

Chair



MEMO

TO: Property Standards Committee

FROM: Clayton Weller, Municipal Law Enforcement Officer

DEPARTMENT: Legislative and Information Services; By-law Department

SUBJECT: Appeal of Property Standards Order #14-109358
8 Sharp Crescent, Ajax, Ontario

DATE: Thursday, June 11, 2015

TIME: 7:00 p.m.

LOCATION: 65 Harwood Avenue South, Ajax, Ontario, Council Chambers

Bibi Nazim and Mohamed Nazim have submitted a new appeal of Order #14-109358. Their property, located at 8 Sharp Crescent, Ajax, Ontario, is a mid-block townhouse dwelling which sustained interior damage as a result of a fire on August 27, 2013.

Repairs to the property after the fire were not completed in a timely manner and on October 17, 2014, an Order to Test was issued for the purpose of obtaining a report by a Professional Engineer. A Report was submitted to the Town and an Order to repair the property was issued on November 10, 2014. This Order was subsequently appealed.

At the Hearing on December 11, 2014, the Committee heard from Mr D. Bourassa, of Chaitons LLP, who represented of the first mortgage holder. He explained that repairs had been held up by a dispute between the first and second mortgage holders over the insurance settlement, and that he expected the matter to be resolved by the end of December. Once settled, the funds would be used to complete the repairs to the fire damaged dwelling.

After considering the matter the Committee agreed that the date of compliance for the Order be extended to May 31, 2015.

The dispute over the funds was settled in early January. Since that time a revised estimate for the repairs has been completed and work is expected to commence soon. Since the work would not be completed by May 31/15, a new appeal had been made for a time extension.

A handwritten signature in black ink, appearing to be "C. Weller", written in a cursive style.



The Corporation of the Town of Ajax **15.8 ORDER TO TEST**

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

ISSUED TO: Bibi Nazim
Mohamed Nazim
8 Sharp Crescent
Ajax, Ontario
L1T 3R1
&
Bibi Nazim
Mohamed Nazim
112 Finch Avenue
Pickering, Ontario
L1V 0B5

PROPERTY: 8 Sharp Crescent, Ajax, Ontario
FILE NUMBER: 14 109358

An investigation of this property was conducted and concerns were identified by the Officer regarding 8 Sharp Crescent, Ajax, Ontario. A fire took place in this residential townhouse on August 27, 2013. During an inspection, it was determined that the building was unsafe as a result of the fire damage. An inspection by a P. Eng. (Structural) is necessary to assess the structure and specify repairs.

As these issues raise concerns in regard to 8 Sharp Crescent, Ajax, Ontario and are beyond the expertise of the Officer a test to ascertain the condition of 8 Sharp Crescent, Ajax, Ontario is being Ordered. If the tests reveal that the townhouse is not in accordance with the By-law and in a safe condition, then repair or removal of the townhouse may be subsequently Ordered.

SCHEDULE "A", attached hereto, sets out the tests required by the Town of Ajax.

Be advised that these test results must be submitted to the Town of Ajax on or before November 17, 2014. Failure to provide the Town of Ajax with these test results may result in charges being laid against you for failing to comply with an Order issued pursuant to the Ontario Building Code.

Further information regarding this Order can be obtained by contacting the issuing Officer.

Dated at Ajax, Friday, October 17, 2014.

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

Clayton Weller
(905) 619-2529 ext. 3350

SCHEDULE "A"

ITEM	PARTICULARS OF TEST REQUIRED
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- | | |
|-----------|---|
| 1. | Supply the Town of Ajax with an inspection report from a Professional Engineer (Structural), assessing the condition of 8 Sharp Crescent, Ajax, Ontario. |
|-----------|---|

Specifically the report shall:

- a) Assess the structural damage at 8 Sharp Crescent**
- b) Specify repairs necessary to make 8 Sharp Crescent, safe and habitable**

PLEASE NOTE: The report must indicate the day 8 Sharp Crescent was inspected, the Professional's findings, name and signature. The report must be submitted to the By-law Services Section, Town of Ajax.



AUTHORITY FOR ORDERING TESTS

Excerpts from the Ontario Building Code S.O 1992, Chapter 23

Inspection Powers of Officer

- 15.8 (1) For the purposes of an inspection under section 15.2, an officer may,**
- a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;**
 - b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;**
 - c) require information from any person concerning a matter related to a property or part thereof;**
 - d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;**
 - e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and**
 - f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order. 1997, c. 24, s. 224 (8).**

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 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 5.3** Where any building is unoccupied, the owner shall protect every such building against the risk of fire, accident or other danger by effectively preventing the entrance to it of all unauthorized persons.
- Section 5.8** In the event of fire or other disaster, measures shall be taken as soon as possible to restore the damaged building or structure so it complies with the standards of this By-law.
- Section 5.10** The foundations and the foundation walls of every building or structure or part of a building or structure shall be structurally sound and maintained in that condition so that all masonry cracks are grouted, walls, joists, beams or other exposed wood members are waterproofed, and so that there is adequate subsoil drains at footing levels and that jacking, underpinning or shoring is done where necessary, closures, seals, latches and hinges shall be maintained in a good state of repair.
- Section 5.11** The exterior walls of every building or structure or part of a building or structure must be structurally sound, maintained in a good state of repair, weatherproof and free of loose and unsecured objects and materials. Improperly secured objects and materials shall be either removed, repaired or replaced.
- Section 5.49** Every floor, ceiling, wall and fixture in a building shall be maintained in a clean and sanitary condition.
- Section 5.50** Every floor, wall, ceiling, and fixture in a building shall be free of mould and be maintained in a clean and sanitary condition, and the building shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard. This section does not apply to isolated mould originating on the surface that has not penetrated the surface.

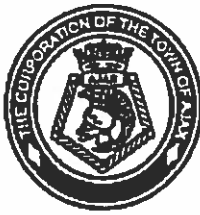
- Section 5.16** The roof of every building or structure shall be:
- a) in a good state of repair;
 - b) free of leaks;
 - c) free of missing or curled shingles or cladding material;
 - d) structurally sound;
 - e) weatherproof;
 - f) free of loose or unsecured objects and materials; and
 - g) free of excessive accumulations of snow.
- Section 5.52** Every wall, ceiling, or other interior surface shall be maintained in a good state of repair, so as to be free from holes, cracks, damaged and deteriorating plaster or other material.
- Section 5.53** Finishes, materials and separations shall be in accordance with the Ontario Building Code and shall be properly maintained.
- Section 5.54** Repairs made to walls, ceilings and other interior surfaces shall be completed in a workmanlike manner and each repair shall be finished to match the existing surfaces.
- Section 5.61** Every floor shall be reasonably smooth and level and be maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident and all defective floor boards or materials shall be repaired.
- Section 5.63** All plumbing, pipes and plumbing fixtures shall be kept in good working condition and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- Section 5.67** Damage caused as a result of a plumbing fault or moisture accumulation shall be promptly repaired by the owner in accordance with the standards of this By-law.
- Section 5.73** All heating and mechanical systems shall be maintained in a good state of repair and operated free of hazards that could cause an accident.
- Section 5.74** All buildings, where required by the Ontario Building Code or the Ontario Electrical Safety Code, shall be connected to an electrical supply system and shall be wired to receive electricity.
- Section 5.75** The capacity of the connection to the building and system of circuits and electrical outlets distributing the electrical supply within the building shall be adequate for the use and intended use and shall be maintained in good working order, free from fire and accident hazards, and in compliance with the Ontario Hydro Electrical Safety Code.
- Section 6.1** Non-habitable space shall not be used for human habitation.

Section 6.5 No portion of a dwelling unit shall be used for human habitation unless:

- a) the floors, walls and ceilings and openings in the exterior walls or roof are watertight, free from dampness and reasonably free from drafts at all times;
- d) a heating system is provided which is capable of maintaining adequate and suitable heat in all habitable space within the dwelling unit, in accordance with the Municipality's Heating By-law. Portable heaters are not considered to be part of the heating system.

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.



The Corporation of the Town of Ajax

ORDER

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

ISSUED TO: Bibi Nazim
Mohamed Nazim
112 Finch Avenue
Pickering, Ontario
L1V 0B5

Bibi Nazim
Mohamed Nazim
8 Sharp Crescent
Ajax, Ontario
L1T 3R1

PROPERTY: 8 Sharp Cres, Ajax, Ontario

FILE NUMBER: 14 109358


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 January 9, 2015. If repairs or clearance are not carried out within the specified time, the Town of Ajax may carry out the repairs or clearance at the owner's expense, and/or legal action may ensue.

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

Dated at Ajax, Monday, November 10, 2014


Clayton Weller
(905) 619-2529 ext. 3350

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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Based on the report (Report 13-907 - attached) submitted to the Town of Ajax by Bibi Nazim and Mohamed Nazim, 8 Sharp Crescent, Ajax Ontario, this dwelling is not safe to occupy. The following repairs are Ordered:

- Repair structural floor framing which has been damaged by fire.
- Repair roof trusses which have been damaged by fire.
- Remove and repair interior finishes and trim which has been damaged by fire.
- Repair wall cavity thermal insulation, foundation wall thermal insulation and vapour barrier protection to the pre-loss thermal protection.
- Repair roof assembly thermal insulation and vapour barrier protection to pre-loss thermal protection.
- Repair the party wall to restore the pre-loss configuration.
- Clean interior and exterior surfaces which have smoke deposits.
- Remove the smoke odour from the dwelling through repair and cleaning.
- Replace fire damaged doors and windows.
- Replace fuel burning appliances, and inspect and repair vents, supply ducts and return ducts.
- Repair mechanical ventilation, plumbing and electrical wiring which have been damaged by fire.
- Repair the downspout on the rear wall of the building.

A Building Permit will be required prior to work commencing.



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.

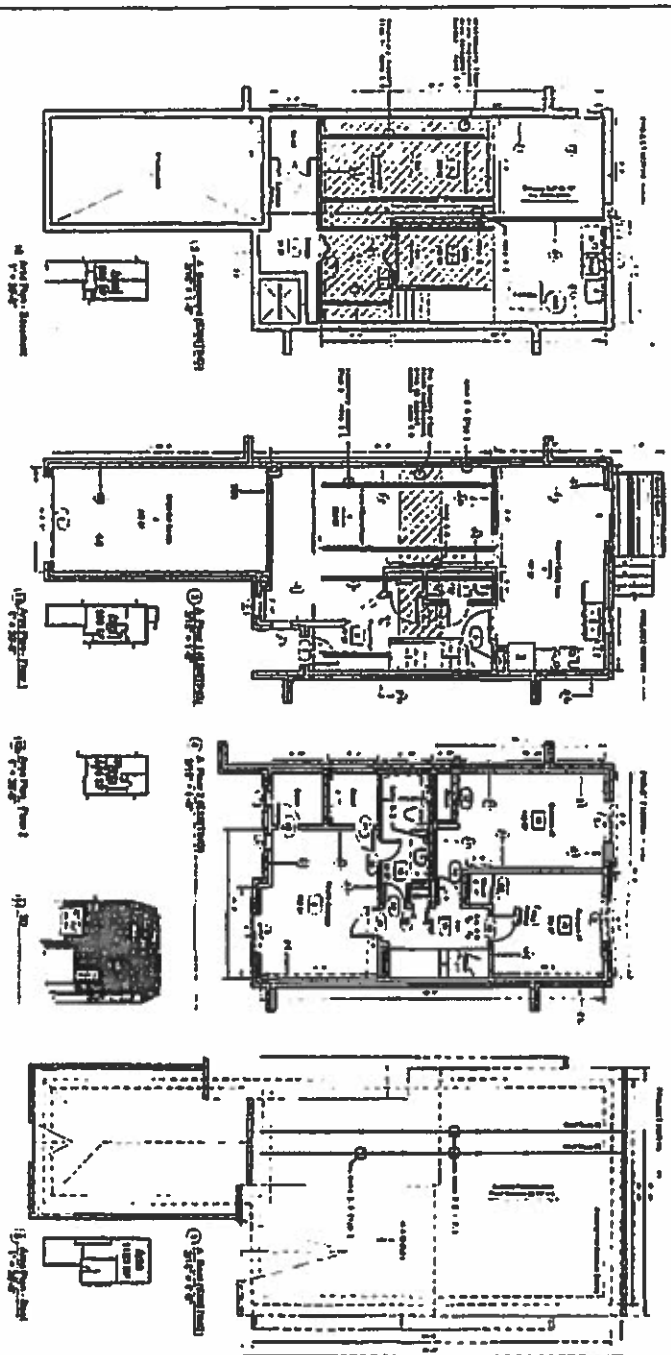
- Section 5.1** Every building or structure or part of a building or structure shall be structurally sound and maintained in that condition so that it has sufficient structural capacity to resist safely and effectively all loads and the effects of loads and influences that may reasonably be expected, 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 5.8** In the event of fire or other disaster, measures shall be taken as soon as possible to restore the damaged building or structure so it complies with the standards of this By-law.
- Section 5.9** In the event the building or structure is beyond repair, the land shall be cleared of all building or structure remains, debris and refuse and left in a graded, levelled and tidy condition.
- Section 5.10** The foundations and the foundation walls of every building or structure or part of a building or structure shall be structurally sound and maintained in that condition so that all masonry cracks are grouted, walls, joists, beams or other exposed wood members are waterproofed, and so that there is adequate subsoil drains at footing levels and that jacking, underpinning or shoring is done where necessary.
- Section 5.11** The exterior walls of every building or structure or part of a building or structure must be structurally sound, maintained in a good state of repair, weatherproof and free of loose and unsecured objects and materials. Improperly secured objects and materials shall be either removed, repaired or replaced.
- Section 5.12** All brick and stonework, wall facings and similar decorative features shall be maintained in a good state of repair and safe condition with proper anchorage.
- Section 5.13** The exterior wall of every building and structure shall be properly painted or otherwise treated, and kept free from unsightly marks, painted slogans and similar markings or defacements.
- Section 5.14** The cladding on the exterior walls of all buildings or structures shall consist of masonry stucco, wood, finished plywood, metal or other similar materials that are of equivalent strength, durability and fire resistance.
- Section 5.15** Exterior surfaces which have been previously covered with paint or other similar protective materials shall be maintained in good repair and the coverings renewed or replaced when it becomes damaged or deteriorated.

- Section 5.16** The roof of every building or structure shall be:
- a) in a good state of repair;
 - b) free of leaks;
 - c) free of missing or curled shingles or cladding materials;
 - d) structurally sound;
 - e) weatherproof;
 - f) free of loose or unsecured objects and materials; and
 - g) free of excessive accumulations of ice and snow.
- Section 5.17** Improperly secured objects and materials on, or appurtenant to, the roof shall be either removed, repaired or replaced.
- Section 5.18** The roof of every building or structure shall be of a consistent material and be of appropriate cladding such as: shingles, asphalt, metal or a similar approved material that does not present an unsightly appearance.
- Section 5.19** All roof flashing, gutters, valleys, eavestroughs and downpipes shall be secured, free of rust, in serviceable condition, and in a good state of repair.
- Section 5.20** All soffit and fascia components of a building shall be secured and maintained in a good state of repair and properly painted or otherwise treated.
- Section 5.21** Every chimney, smoke pipe, vent, flue or similar apparatus serving a heating device or system shall be:
- a) maintained so as to prevent the escape of smoke or gases into the building;
 - b) clear of obstructions;
 - c) free from open joints;
 - d) free from broken and loose masonry; and
 - e) in a good state of repair, securely anchored and plumb.
- 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 5.27** Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- Section 5.49** Every floor, ceiling, wall and fixture in a building shall be maintained in a clean and sanitary condition.
- Section 5.52** Every wall, ceiling, or other interior surface shall be maintained in a good state of repair, so as to be free from holes, cracks, damaged and deteriorating plaster or other material.
- Section 5.53** Finishes, materials and separations shall be in accordance with the Ontario Building Code and shall be properly maintained.
- Section 5.54** Repairs made to walls, ceilings and other interior surfaces shall be completed in a workmanlike manner and each repair shall be finished to match the existing surfaces.

- Section 5.55** Unsightly chalk marks, stains, painted slogans, graffiti, and similar markings or defacements on walls, ceilings and other interior surfaces shall be removed and the surface refinished when necessary.
- Section 5.60** Interior doors and door frames shall be maintained in a condition to ensure the proper operation of the door and a door shall be a good fit in its frame. All necessary hardware shall be maintained in a good state of repair.
- Section 5.61** Every floor shall be reasonably smooth and level and be maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause a accident and all defective floor boards or materials shall be repaired.
- Section 5.62** The floor of every bathroom, shower, toilet room and laundry room shall be so maintained as to be resistant to water and readily cleaned.
- Section 5.63** All plumbing, pipes and plumbing fixtures shall be kept in good working condition and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- Section 5.65** Every dwelling unit shall be provided with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius.
- Section 5.66** Every plumbing fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleaning.
- Section 5.73** All heating and mechanical systems shall be maintained in a good state of repair and operated free of hazards that could cause an accident.
- Section 5.74** All buildings, where required by the Ontario Building Code or the Ontario Electrical Safety Code, shall be connected to an electrical supply system and shall be wired to receive electricity.
- Section 5.75** The capacity of the connection to the building and system of circuits and electrical outlets distributing the electrical supply within the building shall be adequate for the use and intended use and shall be maintained in good working order, free from fire and accident hazards, and in compliance with the Ontario Hydro Electrical Safety Code.
- Section 5.81** All natural and mechanical ventilation systems shall be maintained in a good state of repair, in a safe condition and in good working order.
- Section 6.7** Buildings used or to be used for human habitation shall be insulated to minimize heat loss, air infiltration and moisture condensation on the interior surfaces of walls, ceiling and floors.

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.



FOR LOSS QUANTIFICATION PURPOSES ONLY,
NOT INTENDED FOR RECONSTRUCTION,
NOT FOR PERMIT.

1. General Notes
2. Foundation
3. Floor Slab
4. Wall
5. Ceiling
6. Roof
7. Mechanical
8. Electrical
9. Plumbing
10. Fire Protection

Project Name: [Blank]		Project Number: [Blank]	
Client: [Blank]		Date: [Blank]	
Drawing Title: [Blank]		Drawing Number: [Blank]	
Drawing Scale: [Blank]		Drawing Date: [Blank]	
Drawing Author: [Blank]		Drawing Checker: [Blank]	
Drawing Approver: [Blank]		Drawing Date: [Blank]	
Drawing Title: [Blank]		Drawing Number: [Blank]	
Drawing Scale: [Blank]		Drawing Date: [Blank]	
Drawing Author: [Blank]		Drawing Checker: [Blank]	
Drawing Approver: [Blank]		Drawing Date: [Blank]	

1. Smith Engineering Inc.
11111 1st Ave. N.E.
Seattle, WA 98101
Phone: 206-123-4567
Fax: 206-123-4568
Email: info@smitheng.com
Website: www.smitheng.com

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1. The drawings are prepared for the purpose of illustrating the proposed construction of the building. They are not to be used for any other purpose without the written consent of the architect.

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**Legislative &
Information Services**

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

Monday, November 24, 2014

Bibi & Mohamed Nazim
112 Finch Avenue
Pickering, Ontario
L1V 0B5

SUBJECT PROPERTY: 8 Sharp Cres PT 3
PLAN 40M1622 PT BLK 202 NOW RP 40R13045 PART 3
020015085470000

FILE NUMBER: 14 109358

Dear Sir/Madam:

Please be advised that The Property Standards Committee is in receipt of your letter requesting an appeal to Order Number **14 109358** for the above subject property.

The Property Standards Appeals Committee will hear the appeal **THURSDAY, DECEMBER 11, 2014**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee may be hearing several matters that night, in addition to your own and you may have to wait for your Agenda item to be called.

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

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

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

Sincerely,

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

**Legislative &
Information Services**

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

Wednesday, December 17, 2014

Mohamed Nazim
Bibi Nazim
8 SHARP CRES
AJAX, ON.
L1T 3R1

SUBJECT PROPERTY: 8 Sharp Cres PT 3
PLAN 40M1622 PT BLK 202 NOW RP 40R13045 PART 3
020015085470000

FILE NUMBER: 14 109358

Dear Sir/Madam

You are hereby advised that your appeal of the above referenced Property Standards Order was heard at 65 Harwood Ave. S, Ajax, Ontario on December 11, 2014.

You are hereby advised that the decision of the Property Standards Appeals Committee was:

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

AND

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

You are further advised that under the Building Code Act, S.O. 1992, you may appeal the decision of the Property Standards Appeals Committee within 14 days of the sending of this letter.

To file an appeal of the Property Standards Appeals Committee's decision, you are required to apply to the Superior Court of Justice. You must also notify, in writing;

Town Clerk / Director of Legislative and Information Services
Martin de Rond
65 Harwood Ave. S
Ajax, Ontario
L1S 2H9

If not appealed, the decision of the Committee will become final and binding.

Should you have any concerns regarding this matter, please contact me.

Sincerely,

Derek Hannan
Acting Secretary, Property Standards Committee
(905) 619-2529 ext. 3344
Derek.Hannan@ajax.ca

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

Present:

Members

- P. Graham

- G. Grinton
- N. Malandrino
- J. Mitschang

Staff

- D.

Hannan, Staff
Resource/Acting

Secretary

- C. Weller, Senior MLEO

1. Call to Order

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

2. Adoption of Minutes

Moved by: G. Grinton

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

Carried.

3. Public Meetings/Appeals

3.1 Property Standards Committee

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

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

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

Moved By: G. Grinton

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

Carried.

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

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

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

Mr. Bourassa stated that there was a plan in place to begin repairs once the funds

were released as the insurance policy covered the “cost of recovery”.

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

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

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

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

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

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

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

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

The Committee then went into deliberations.

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

Moved by: G. Grinton

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

And

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

Carried.

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

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

4. Verbal Update

4.1 Property Standards Committee

4.1.1 18 Hiley Avenue. – E. Laughlin

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

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

All in favour.

Carried.

Chair



MEMO

TO: Property Standards Committee

FROM: Clayton Weller, Municipal Law Enforcement Officer

DEPARTMENT: Legislative and Information Services; By-law Department

SUBJECT: Appeal of Property Standards Order #15-101940
2252 Salem Road, Ajax, Ontario

DATE: Thursday, June 11, 2015

TIME: 7:00 p.m.

LOCATION: 65 Harwood Avenue South, Ajax, Ontario, Council Chambers

Giuseppe Mainolfi has submitted an appeal of Order 15-101940. The 24 acre property, at 2252 Salem Road, Ajax, Ontario, is located in a PC Zone and a small bungalow is situated on the property. This residence has been rented for a number of years.

By-law Services received a complaint concerning the air quality within the home. During an inspection I noted a concern with the air in the basement. In addition, I noted that the septic tank located near the home had failed and I was concerned that effluent may have seeped into the basement with the ground water. The failed tank is being addressed by the Regional Health Department.

Further investigation was necessary, and an Order To Test was issued on March 10, 2015, requiring a Report by a Professional. A Report was submitted to the Town and an Order was issued on April 20, 2015, to repair the mould growth in the basement and e. coli near the sump pump pit. This Order was subsequently appealed.

On May 15, 2015, the Order was reissued with amended ownership information in order to register same on Title as the property is currently for sale.



2252 Salem trench along west wall of basement & sump pump Mar 9/15



2252 Salem trench along west wall of basement Mar 9/15



2252 Salem septic tank located near the west basement wall

Mar 9/15



2252 Salem sump pump under stairs

Mar 9/15



The Corporation of the Town of Ajax
15.8 ORDER TO TEST

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

ISSUED TO: Crisofaro Iafrate
Violante Iafrate
Carol Baptista In Trust
71 Rickaby Street
Bowmanville, Ontario
L1C 5J5

Crisofaro Iafrate
Violante Iafrate
Carol Baptista In Trust
36 Donora Drive
East York, Ontario
M4B 1B5

PROPERTY: 2252 Salem Road, Ajax, Ontario

FILE NUMBER: 15 101940

An inspection of this property was conducted and one of the concerns identified by the complaint was an odour inside the dwelling. The complainant indicated that the odour was causing breathing and health issues.

During my inspection in the basement I confirmed that there is an air quality issue that needed to be investigated further, as my own eyes began to itch and water. The basement is wet which may be leading to mould growth and the septic tank walls are broken and effluent may be leaking into a trench along the rear (west) wall of the basement.


As these issues raise concerns regarding air quality and soil contamination, and are beyond the expertise of the inspection Officer, tests to ascertain the quality of the air and soil in the dwelling are being Ordered. If the tests reveal that repairs to the dwelling are required, then repairs may be subsequently Ordered.

SCHEDULE "A", attached hereto, sets out the tests required by the Town of Ajax.

Be advised that these test results must be submitted to the Town of Ajax on or before April 12, 2015. Failure to provide the Town of Ajax with these test results may result in charges being laid against you for failing to comply with an Order issued pursuant to the Ontario Building Code.

Further information regarding this Order can be obtained by contacting the issuing Officer.

Dated at Ajax, Tuesday, March 10, 2015.



Clayton Weller
(905) 619-2529 ext 3350

SCHEDULE "A"

ITEM	PARTICULARS OF TEST REQUIRED
------	------------------------------

- | | |
|----|---|
| 1. | Supply the Town of Ajax with an inspection report from Professional Environmental Consultants in Indoor Air Quality Investigation and Soil Testing which assesses the condition of the air inside the dwelling and the soil in the trench along the rear (west) wall of the basement. |
|----|---|

Specifically the report shall state if there are hazardous fumes, particles or spores in the air and if there is contamination of the soil in the basement.

PLEASE NOTE: The report must indicate the day the air quality and soil was inspected, the Professional's findings, name and signature. The report must be submitted to the By-law Services Department, Town of Ajax.



AUTHORITY FOR ORDERING TESTS

Excerpts from the Ontario Building Code S.O 1992, Chapter 23

Inspection Powers of Officer

- 15.8 (1) For the purposes of an inspection under section 15.2, an officer may,
- a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
 - b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
 - c) require information from any person concerning a matter related to a property or part thereof;
 - d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
 - e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
 - f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order. 1997, c. 24, s. 224 (8).

April 17, 2015

AIR AND SOIL SAMPLING RESULTS

2252 Salem Road, Ajax, Ontario

Submitted to:
Ms. Carol Baptista
36 Donora Drive
Toronto, Ontario
M4B 1B5

REPORT



Report Number: 1528146

Distribution:

1 e-copy - Ms. Carol Baptista

1 copy - Golder Associates Ltd.



AIR AND SOIL SAMPLE RESULTS

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APPENDICES

APPENDIX A

Certificate of Analysis - Mould

APPENDIX B

Certificate of Analysis - Bacteria

AIR AND SOIL SAMPLE RESULTS

1.0 INTRODUCTION

At the request of the property owner, Ms. Carol Baptista (the Client), Golder Associates Ltd. (Golder) was retained to conduct air sampling for mould and particulate, and soil sampling for bacteria, at the residential property municipally addressed as 2252 Salem Road, Ajax, Ontario (the Site).

The assessment was requested in response to an order from the City of Ajax (the City), dated March 10, 2015, requiring testing of various parameters in the basement of the Site, resulting from a recent investigation by a City inspector related to residents' concerns regarding possible fungal contamination and/or impacted indoor air quality at the Site.

The Site assessment and sampling activities were conducted on April 6, 2015, by Mr. Jeff Hunt, Golder Environmental Health and Safety Consultant. The results of sampling are summarized in this report.

2.0 SCOPE OF WORK

The objective of this assessment was to collect representative air samples in order to verify if the total airborne mould spores (viable and non-viable) are elevated relative to the outdoor control sample. In addition, sampling of soil from along the west wall was required by the City, to verify the absence or presence of bacterial contamination at that location. With approval from the Client, Golder contacted the City inspector, Mr. Clayton Weller, to verify the specific testing parameters noted above.

It was beyond our scope to conduct a mould or water damage investigation for determining the extent of damage, or to assess the presence or extent of physical mould growth except as it relates to impacted air quality. It was further beyond our scope to conduct a risk evaluation with respect to any discovered damp environments and/or mould contamination and the potential human health risks that may be associated with damp environments and/or mould exposures.

Golder provides no assurance that conditions observed or measured will not change with time since mould, mildew, and fungus are naturally-occurring. Golder's observations and/or any readings obtained represent observed and/or measured conditions only at the date and time observed and/or measured.

3.0 METHODOLOGY

3.1 Air Sampling

Air sampling was limited and was not done to evaluate the air quality at the Site from a health perspective. Results of air sampling were strictly used to establish baseline levels of indoor airborne mould spores within the basement.

Air sampling was conducted by using a portable battery operated air sampling pump (SKC Quick Take 15™) and drawing air at a flow rate of 15 litres per minute for 5 minutes through spore trap sampling cassettes (Air-o-Cell™). This type of sampling permits the quantification of total airborne spore concentrations and characterization of the type of mould spores present to the genus (family) level.

Samples were analyzed by EMC Scientific Inc. (EMC), an independent analytical laboratory specializing in microbiological analysis. EMC actively participates in the Environmental Microbiology Proficiency Analytical Testing (EMPAT) Program administered by American Industrial Hygiene Association (AIHA - Lab ID # 171117). Results were reported as mould spores or elements per cubic metre of air (elements/m³).

AIR AND SOIL SAMPLE RESULTS

3.2 Bulk Soil Sampling for Bacteria

Bulk samples were collected to assess for potential sewage contamination along the west wall of the basement. Golder understands that the septic system servicing the Site is present beyond the west wall of the basement. Bulk sampling was performed by collecting approximately 100 mL of soil into sterile plastic containers provided by EMC. Following the collection, each sample was screened for the presence of coliform bacteria that are commonly used as indicator bacteria for fecal/sewage contamination. Results were reported by indicating the presence or absence of *Escherichia coli* (*E. coli*) and *Enterococci* in each sample.

4.0 REGULATION AND GUIDELINES

4.1 Mould Remediation and Water Damage

There is no specific regulation in Ontario addressing mould contamination in the residential indoor environment. However, according to Health Canada¹ and the Environmental Abatement Council of Ontario (EACO)² guidelines on assessment and remediation of fungi in indoor environments, building materials supporting mould growth should be remediated as rapidly as possible in order to ensure a healthy environment. Remediation of mould growth is based on an approximation of the extent of visible mould growth including the estimated extent of any hidden mould growth. The EACO guideline describes three levels of work practice; Small - Level 1, Medium - Level 2 and Large - Level 3. The thresholds between Small and Medium (1 m² or 10 sq. ft.) and between Medium and Large project areas (10 m² or 100 sq.ft.) are guidelines only and are subject to professional judgment. Repair of the defects that led to water accumulation should be conducted in conjunction with or prior to the remediation.

The basic principles of proper water damage restoration practice and mould remediation procedures to be followed, and the precautions to be observed, are described in the Standards for Professional Water Damage Restoration S500-2006³ and Reference Guide for Professional Mould Remediation Restoration S520-2008⁴, issued by Institute of Inspection, Cleaning and Restoration Certification (IICRC).

4.2 Mould Sampling Results

Currently, no numerical standard exists for the interpretation of mould analysis. For the interpretation of mould air sampling results, indoor mould concentrations in suspect areas are commonly compared to control indoor and outdoor levels. The presence of indicator species typically associated with water damaged building materials, including but not limited to *Aspergillus/Penicillium*, *Stachybotrys*, and *Chaetomium*, regardless of their

¹ Fungal Contamination in Public Buildings: A Guide to Recognition and Management, Health Canada, Federal-Provincial Committee on Environmental and Occupational Health, June 1995.

² Mould Abatement Guidelines 2010, Environmental Abatement Council of Ontario, 2010

³ ANSI/IICRC S500 - Standard and Reference Guide for Professional Water Damage Restoration, Institute of inspection Cleaning and Restoration, 2006

⁴ ANSI/IICRC S520 - Standard and Reference Guide for Professional Mould Remediation, Institute of inspection Cleaning and Restoration, 2008

AIR AND SOIL SAMPLE RESULTS

concentrations and especially if not also detected in the control sample, may indicate the presence of an interior mould amplification site which may require further investigation and/or remediation.

Golder applied the following criteria to the interpretation of air sampling results:

- Total mould spore concentrations should be lower as compared to outdoor reference samples or interior background samples;
- The same type of mould spores should be present, at similar relative abundance, as compared to the outdoor reference samples or interior background samples; and,
- Indicator mould spores, such as *Aspergillus/Penicillium*, *Stachybotrys*, and *Chaetomium* should not be present at a concentration greater than 10% of the total mould spore concentration, subject to exceptions for very low total airborne mould spore concentrations.

Health Canada, in the publication *Residential Indoor Air Quality Guidelines: Moulds (March 2007)*, recommends to control humidity and diligently repair any water damage in residences to prevent mould growth; and to clean thoroughly any visible or concealed mould growing in residential buildings. These recommendations apply regardless of the mould species found to be growing in the building. Further, it states that results from tests for the presence of fungi in air cannot be used to assess risks to the health of building occupants.

4.3 Soil Contamination

While sewage may contain many pathogens harmful to building occupants, testing usually focuses on the presence of indicator organisms including, total coliform and fecal coliform (i.e. *Escherichia coli* and *Enterococcus*), as these species are expected in human sewage waste and as such serve as indicators of sewage contamination.

5.0 RESULTS

5.1 Mould Sampling Results

A total of two air samples were collected to assess airborne concentrations of total fungal particulates at the Site; one sample in the southwest corner of the basement, and one outdoor reference sample. At the time of sampling, the resident tenant was present in the basement and was observed to be moving furniture and various articles of debris within the basement space, potentially aggravating the total airborne spore concentrations.

Please refer to Appendix A for the Results of Laboratory Analysis (EMC Lab Report No. 52434). Results are also summarized in Table 1 below.

Table 1: Summary of Laboratory Results for Airborne Mould Concentration

Sample No.	Sample ID / Location	Results	Comments
Mould (spore trap air sample) analysis			
21046608	Basement	38,413 elements/m ³	Total mould spore concentration reported in this sample was considerably higher than the outdoor spore concentrations. Mould spores in greater concentrations were reported at this location, and greater variety of genus, relative to the outdoor control locations

AIR AND SOIL SAMPLE RESULTS

Sample No.	Sample ID / Location	Results	Comments
			including elevated concentrations of mould belonging <i>Aspergillus/Penicillium</i> , <i>Chaetomium</i> , and <i>Stachybotrys</i> genera (indicator moulds).
21046659	Outdoors	280 elements/m ³	Common environmental mould types detected at concentration typical for the season.

Notes:

□ = Outdoor reference values

BOLD = Denotes samples where mould growth or elevated levels of indicator species of mould were reported

Total mould spore concentrations in the basement were elevated as compared to outdoor reference samples. Dissimilar types of mould spores were present in the basement relative to the outdoor reference samples, including elevated concentrations of mould belonging to *Aspergillus/Penicillium*, *Chaetomium*, and *Stachybotrys* genera (indicator moulds) were reported relative to the outdoor control location.

5.2 Soil Sampling Results

A total of two bulk soil samples were collected to assess the presence of bacterial contamination in the soil along the west wall of the basement; one in the southwest corner, approximately 1m north of the sump pit (ID# Soil-1); and one in the northwest corner, approximately 1m south of the northwest corner (ID# Soil-2).

Please refer to Appendix B for the Results of Laboratory Analysis (EMC Lab Report No. 52435). Results are also summarized in Table 2 below.

Table 2: Summary of Bulk Soil Sampling

Sample No.	Sample Location	Presence of <i>E. Coli</i>	Presence of <i>Enterococci</i>
Soil -1	Southwest Corner along west wall, approximately 1m north of sump pit	Positive	Negative
Soil-2	Northwest Corner along west wall, approximately 1m south of northwest corner	Negative	Negative

Based on laboratory analytical results, *E. Coli* is present in the southwest corner sample location. No indicator bacterial growth was detected in the sample collected from the northwest corner.

6.0 DISCUSSION AND CONCLUSIONS

Based on the laboratory results from the April 6, 2015 sampling program, elevated levels of airborne mould spores commonly referred to as indicator species, as they are typically associated with water-damaged building materials (*Aspergillus/Penicillium*, *Stachybotrys*, and *Chaetomium*), were reported in the air sample collected within the basement.

Soil collected from the southwest corner of the basement was confirmed to have *E. Coli* present.

In light of the above findings, and in accordance with Health Canada's recommendations, Golder recommends that the remediation of all water damaged and mould contaminated building materials at the Sites be carried out as promptly as possible to ensure healthy environment.

AIR AND SOIL SAMPLE RESULTS

7.0 LIMITATIONS

This report is intended for the sole use of Ms. Carol Baptiste. It is intended to provide sample results for the purpose of addressing the requirements of the order from the City of Ajax, dated March 10, 2015. Conditions may vary beyond the locations tested, and may vary over time.

The findings of this report are based on conditions as they were observed at the time of the investigation only. No assurance is made regarding changes in conditions or practices subsequent to the time of the investigation. It was beyond the scope of this assessment to conduct a risk assessment with respect to any discovered contamination and the potential health risks that may be associated with exposures to any identified contaminants for building occupants.

It was beyond the scope of our work to conduct a building defect assessment and to verify any/all sources of water damage at the Site. A building science engineer should be consulted to determine the exact source of any suspected moisture/bacterial intrusion and provide corrective measures that would be necessary to prevent future water intrusion and moisture accumulation.

Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of the third party.

The data reported and the findings, observations and conclusions expressed in this report are limited by the Scope of Work. The Scope of Work was defined by the request of the client, the time and budgetary constraints imposed by the client, and availability of access to the property.

Because of the limitations stated above, the findings, observations and conclusions expressed by Golder in this report are not, and should not be, considered an opinion concerning compliance of any past or present owner or operator of the site with any federal, provincial or local laws or regulations.

No warranty or guarantee, whether expressed or implied, is made with respect to the data or the reported findings, observations, and conclusions, which are based solely upon site conditions in existence at the time of investigation.

Golder's assessment reports present professional opinions and findings of a scientific and technical nature. While attempts were made to relate the data and findings to applicable environmental laws and regulations, the report shall not be construed to offer legal opinion or representations as to the requirements of, nor compliance with, environmental laws, rules, regulations or policies of federal, provincial, or local governmental agencies. Any use of the assessment report constitutes acceptance of the limits of Golder's liability.

8.0 CLOSURE

We trust this assessment and report meets your needs. Should you have any questions or concerns please contact the undersigned directly.

AIR AND SOIL SAMPLE RESULTS

Report Signature Page

GOLDER ASSOCIATES LTD.

Jeff Hunt, Dipl. (Eco.Mgmt.)
Environmental Health and Safety Consultant

Robert Stoyanoff, BTech MBA CChem CIH
Associate - Senior Industrial Hygienist

JH/RS:kc

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\\golder.gds\ga\mississauga\active\2015\3 proj\1528146 baptista_mould & soil testing_ajax\letter\1528146 air and soil sample results letter 17apr15.docx

APPENDIX A

Certificate of Analysis - Mould

Laboratory Analysis Report

To:

Jeff Hunt
Golder Associates Ltd.
6925 Century Avenue, Suite 100
Mississauga, Ontario
L5N 7K2

EMC LAB REPORT NUMBER: 52434
Job/Project Name: 2252 Salem Rd.
Job/Project No: **No. of Samples:** 2
Sample Type: Air-O-Cell **Date Received:** Apr 6/15
Analysis Methods: Fungal Spore Counting & Particle Analysis
Date Analyzed: Apr 8&9/15 **Date Reported:** Apr 9/15
Analysts: Lalita Sarlashkar, Ph.D., Microbiologist
Fajun Chen, Ph.D. Principal Mycologist



Client's Sample ID	21046608	21046659			
EMC Lab Sample No.	236278	236279			
Sampling Date	Apr 6/15	Apr 6/15			
Description/Location	Basement	Outdoor			
Air Volume (m ³)	0.075	0.075			
Fungal Spores	raw ct. % spores/m ³	raw ct. % spores/m ³	raw ct. % spores/m ³	raw ct. % spores/m ³	raw ct. % spores/m ³
<i>Alternaria</i>	5 0 67	2 10 27			
<i>Ascospores</i>	36 1 480				
<i>Aspergillus/Penicillium</i> type	2000 69 26667	9 43 120			
<i>Basidiospores</i>	53 2 707				
<i>Chaetomium</i>	7 0 93				
<i>Cladosporium</i>	350 12 4667	6 29 80			
<i>Colorless</i>	140 5 1867	3 14 40			
<i>Epicoccum</i>	2 0 27				
<i>Pithomyces</i>	1 0 13				
<i>Rusts</i>					
<i>Scopulariopsis</i> -like	12 0 160				
<i>Smuts, Periconia, Myxomycetes</i>	4 0 53	1 5 13			
<i>Stachybotrys</i>	270 9 3600				
<i>Ulocladium</i>					
Unidentified spores	1 0 13				
Number of spores/sample	2881	21			
Debris coverage on slide	80%	20%			
TOTAL SPORES/M³	38,413	280			
Dust Component	Percentage (%)	Percentage (%)	Percentage (%)	Percentage (%)	Percentage (%)
Cellulose/paper fibers	10	2			
Dark particles	5	5			
Feathers					
Fungal elements	3	1			
Glass-like fibers	3				
Insect parts	<1				
Minerals	35	60			
Other man-made fibers					
Plant/paper fibers					
Pollens		<1			
Rust fragments	1	1			
Skin cell fragments	25	3			
Amorphous/Unidentified	17	27			

EMC LAB REPORT NUMBER: 52434

Client's Job/Project Name: 2252 Salem Rd.

Analysts: Lalita Sarlashkar, Ph.D., *Microbiologist* and Fajun Chen, Ph.D., *Principal Mycologist*

Note:

1. *Aspergillus Penicillium* type spores may include those of *Acremonium*, *Paecilomyces* and/or *Trichoderma* and others.
2. Unidentified spores are those lacking distinguishable characteristics for correct identification. Colorless are colorless spores lacking distinguishable characteristics.
3. Amorphous particles are small and/or unidentifiable.
4. Fungal elements include spores, hyphae and others.
5. These results are only related to the sample(s) analyzed.

APPENDIX B

Certificate of Analysis - Bacteria

Laboratory Analysis Report

To:

Jeff Hunt
Golder Associates Ltd.
6925 Century Avenue, Suite 100
Mississauga, Ontario
L5N 7K2

EMC LAB REPORT NUMBER: 52435
Job/Project Name: 2252 Salem Rd.
Job/Project No: **No. of Samples:** 2
Sample Type: Bulk **Date Received:** Apr 6/15
Analysis Methods: Sewage Screen Test
Date Analyzed: Apr 7/15 **Date Reported:** Apr 9/15
Analyst: Lalita Sarlashkar, Ph.D., *Microbiologist*
Approved By: Fajun Chen, Ph.D., *Principal Mycologist*



Client's Sample ID	Lab Sample No.	Date Sampled	Description/Location	Presence of <i>E. coli</i>	Presence of Enterococci
Soil-1	236280	Apr 6/15	South along west wall	Positive	Negative
Soil-2	236281	Apr 6/15	North along west wall	Negative	Negative

Note:

- Escherichia coli* (*E. coli*) and Enterococci (a subgroup of Streptococci) are commonly used as indicator bacteria for fecal/sewage contamination.
- The results are only related to the sample(s) analyzed.

At Golder Associates we strive to be the most respected global company providing consulting, design, and construction services in earth, environment, and related areas of energy. Employee owned since our formation in 1960, our focus, unique culture and operating environment offer opportunities and the freedom to excel, which attracts the leading specialists in our fields. Golder professionals take the time to build an understanding of client needs and of the specific environments in which they operate. We continue to expand our technical capabilities and have experienced steady growth with employees who operate from offices located throughout Africa, Asia, Australasia, Europe, North America, and South America.

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Europe	+ 356 21 42 30 20
North America	+ 1 800 275 3281
South America	+ 55 21 3095 9500

solutions@golder.com
www.golder.com

Golder Associates Ltd.
6925 Century Avenue, Suite #100
Mississauga, Ontario, L5N 7K2
Canada
T: +1 (905) 567 4444





The Corporation of the Town of Ajax

ORDER

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

ISSUED TO: Crisofaro lafrate
Violante lafrate
Carol Baptista In Trust
71 Rickaby Street
Bowmanville, Ontario
L1C 5J5

Crisofaro lafrate
Violante lafrate
Carol Baptista In Trust
36 Donora Drive
East York, Ontario
M4B 1B5

PROPERTY: 2252 Salem Rd, Ajax, Ontario

FILE NUMBER: 15 101940

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, May 22, 2015. If repairs or clearance are not carried out within the specified time, the Town of Ajax may carry out the repairs or clearance at the owner's expense, and/or legal action may ensue.

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

Dated at Ajax, Monday, April 20, 2015

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

Clayton Weller
(905) 619-2529 ext. 3350

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. | Complete the repair given in the Golder Associates Report #1528146. Golder recommended the remediation of all water damaged and mould contaminated building materials at the site be carried out as promptly as possible to ensure healthy environment. |
| 2. | All demolition and cleaning work shall be performed using Canadian Construction Association mould procedures. |
| 3. | Perform air sampling after repairs to verify remedial actions. Submit copies of the clearance air testing results and a copy of the ESA summary report for review by the Town. |
| 4. | Repair any source of contamination which led to the positive finding for e. coil in the basement and perform soil sampling in the southwest corner of the basement after the repairs to verify remedial actions. |



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: <ul style="list-style-type: none">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; andf) in conformity to the Ontario Building Code, where applicable. |
| Section 5.49 | Every floor, ceiling, wall and fixture in a building shall be maintained in a clean and sanitary condition. |
| Section 5.50 | Every floor, wall, ceiling, and fixture in a building shall be free of mould and be maintained in a clean and sanitary condition, and the building shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard. This section does not apply to isolated mould originating on the surface that has not penetrated the surface. |

- 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.



The Corporation of the Town of Ajax

ORDER

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

ISSUED TO: Cristofaro Iafrate
Violante Iafrate
123 Elinor Avenue
Scarborough, Ontario
M4H 1A8

Carolina Mainolfi
100 Prudential Drive
Apartment 309
Scarborough, Ontario
M5H 2G4

PROPERTY: 2252 Salem Rd, Ajax, Ontario
CON 4 E PT LOT 7

FILE NUMBER: 15 101940

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, June 3, 2015. If repairs or clearance are not carried out within the specified time, the Town of Ajax may carry out the repairs or clearance at the owner's expense, and/or legal action may ensue.

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

Dated at Ajax, Thursday, May 15, 2015

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

Clayton Weller
(905) 619-2529 ext. 3350

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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| 3. | Perform air sampling after repairs to verify remedial actions. Submit copies of the clearance air testing results and a copy of the ESA summary report for review by the Town. |
| 4. | Repair any source of contamination which led to the positive finding for e. coil in the basement and perform soil sampling in the southwest corner of the basement after the repairs to verify remedial actions. |



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 5.49 Every floor, ceiling, wall and fixture in a building shall be maintained in a clean and sanitary condition.

Section 5.50 Every floor, wall, ceiling, and fixture in a building shall be free of mould and be maintained in a clean and sanitary condition, and the building shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard. This section does not apply to isolated mould originating on the surface that has not penetrated the surface.

- 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.

MAY 6 2015

GIUSEPPE MAINOLKI
FOR CRISTOFARO IAFRATE
905-442-1427.

RECEIVED
TOWN OF AJAX

MAY 06 2015

LEGISLATIVE AND
INFORMATION SERVICES

RE: FILE # 15 101940
2252 SALOM RD.
AJAX ONTARIO.

THE REASON FOR THIS APPEAL IS, THE
PROPERTY IS FOR SALE AND WE HAVE AN
OFFER WITH A 30 DAY DUE DILIGENCE.
OFFER TO PURCHASE PROPERTY ~~WITH~~ WITH THE
INTENT TO DEMOLISH HOUSE AND BUILD A
NEW ONE.

AT THIS TIME NO ONE IS LIVING AT THE
HOUSE AND ALL CONTAMINATED MATERIALS
HAVE BEEN REMOVED FROM HOUSE.

NEW BUYER (POTENTIAL) HAS BEEN INFORMED.
OF THE ORDER AND HAS AGREED TO
DEMOLITION OF THE HOUSE IF HE PURCHASES.

THANK YOU FOR YOUR CONSIDERATION.

G. MAINOLKI

**Legislative &
Information Services**

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

Friday, May 8, 2015

CRISTOFARO IAFRATE
71 RICKABY ST
BOWMANVILLE ON
L1C 5J5

SUBJECT PROPERTY: 2252 Salem Rd N
CON 4 E PT LOT 7
010010094000000

FILE NUMBER: 15 101940

Dear Sir/Madam:

Please be advised that The Property Standards Committee is in receipt of your letter requesting an appeal to Order Number **15 101940** for the above subject property.

The Property Standards Appeals Committee will hear the appeal on **THURSDAY, JUNE 11, 2015**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee may be hearing several matters that night, in addition to your own and you may have to wait for your Agenda item to be called.

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

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

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

Sincerely,

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



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 # 15-104497
DATE: Thursday June 11th, 2015
TIME: 7:00pm
LOCATION: Council Chambers, 65 Harwood Avenue South, Ajax

Synopsis of Evidence

May 13, 2015 Received complaint regarding a German Shepherd type dog from 1 Rotherglen Road North running at large from the property and attacking/biting a woman and her child.

May 14, 2015 Attended 98 Rotherglen Road North and met with the dog bite victim, Majeda DEGIYA, age 24 years old. There was a language barrier so she called her brother in law to attend and translate. Her brother in law, Firoz, attended and acted as a translator for our conversation. I asked to take pictures of Majeda's injury to her leg, but it was bandaged and she could not remove the bandage for me. She had a puncture wound to her left leg, on the inside, just above the knee. This required an unknown amount of stitches to close. Her 4yr old daughter BHAIYAD received scratch marks on her legs, requiring 2 stitches. I was also dropped during the altercation which resulted in a bruise mark on her head. Her daughter was sleeping at the time I was at the house so she said she would email me the pictures that she had took of the injury along with pictures she took of her own injury.

Majeda told me that the dog came out of nowhere and started attacking her daughter in the stroller while they were on the sidewalk on the west side of Rotherglen Road North, just north of Kingston Road. She said that the dog, described as large and brown with short hair, did not bite her daughter but rather it only scratched at her daughter in the stroller. When she picked up her daughter the dog bit her on her leg as she tried to run away, causing her to drop . Majeda was also with her son at the time but he did not receive any injuries.

May 14, 2015

Attended 1 Rotherglen Road North with MLEO Hassan. Met and spoke with Kuldip GILL who is the homeowner and owner of the dog. I explained that we had received a call about an attack involving his dog and he told me that he was aware of the situation and had already spoken with DRPS and Durham Health. Mr. Gill did not dispute the fact that his dog had escaped from his house but he told me that he did not see the beginning of the altercation, he only came outside after it began to regain control of his dog and bring it home. He advised me that the dog had slipped through the open front door as his wife was picking up a newspaper off the front patio.

I explained the possible consequences of an incident such as this that could include a warning letter, an Order to Restrain being placed on the dog and/or charges being laid pursuant to the By-law. I advised at this time, due to the severity of the injuries sustained that I would be at the minimum issuing an Order to Restrain on the dog that had a muzzling requirement.

Mr. Gill introduced me to his dog "Buddy" a male, black/tan, German Shepherd Dog who is approximately 2 years old. Buddy was secured in a large crate in the kitchen and barked at myself and MLEO Hassan when we entered the room but quickly became comfortable with our presence. Before leaving the property, I sold Ajax Animal Licence 15-0226 to Mr. Gill for his dog Buddy.

May 15, 2015

Contacted Brampton Animal Services as Buddy frequents Brampton and is licenced in that municipality as well. They advised that they had no record of Buddy being involved in any bite/attack type incident.

May 15, 2015

Called and spoke with a witness to the attack, Sasha WOODBECK. I spoke with Sasha and she briefly explained to me what she had witnessed, which coincided with the statement she had given to the police which is included in their report I have reviewed. She advised that she was driving down the street with her mother when she observed a German Shepherd type dog attacking a lady and her 2 children on the sidewalk. Sasha told me she saw the dog attacking the girl in the stroller and the mom picked the girl up to take her away and that is when the dog bit the mom on the leg. She said after this the dog owner came out and attempted to control the dog which took approximately 5 minutes as the dog continued to circle around the victims and other people that had come over to assist.

May 15, 2015

Based on all the evidence I had received, I felt that an Order to Restrain being placed on Buddy would be crucial in ensuring public safety and helping to minimize the chance of another similar incident from occurring. Please see attached Order to Restrain # 15-104497.

Attended 1 Rotherglen Road North and personally served the Order on Kuldip GILL. Reviewed conditions and explained the requirements. He purchased a Beware of Dog sign from me and would place it so that it is visible near the front door as required in the Order.

May 19, 2015	Received email from a family member of Majeda and . The email contained the pictures of their injuries, see attached documents.
May 26, 2015	Received written request from Kuldip GILL appealing the Order to Restrain.
May 27, 2015	Restrain Appeal Letter was mailed out registered mail by the Secretary, Animal Services Committee.
May 28, 2015	Registered letter was delivered as per Canada Post online tracking.

Majeda DEGIYA Age: 24 yrs old - wide shot of left leg



Majeda DEGIYA Age: 24yrs old - close up, left thigh









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: KULDIP GILL
1 ROTHERGLEN RD N
AJAX ON L1T 1N7

AS AN OWNER OF A DOG DESCRIBED AS: "Buddy", a black/tan, male, German Shepherd Dog

FILE NUMBER: 15 104497

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 and attacked a person on Wednesday May 13th, 2015.

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. Register and licence the dog with the Town of Ajax on an annual basis as outlined in the Town of Ajax Dog and Cat By-law.
2. Keep the dog restrained on a chain of sufficient strength to prevent any further attack 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 eighteen 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.
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.)

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 and #145-2010 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, Friday, May 15, 2015


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

To Secretary, Animal services Committee

65 Harwood Avenue South

Ajax, ON. L1S 2H9

File Number: 15 104497

RECEIVED
TOWN OF AJAX

MAY 26 2015

**LEGISLATIVE AND
INFORMATION SERVICES**

While we agree that a Muzzle Order is appropriate for a specific term (six months or one year), we wish to appeal the Lifetime Muzzle Order on the following grounds:

- Buddy has been in training for the past several months, both with Bark Busters and with the Gemini Canine School. He has made considerable progress, although his training is not yet complete. He has graduated the Gemini Training Obedience One class.
- We have secured all access to public areas with deadbolts on the doors as well as locks on the gateways of fenced in areas, restricting access to anyone without first coming into the house.
- Buddy was not running at large. He slipped through the door as it was opened. It was an accident, and all precautions to avoid this from happening again have been taken.
- While we understand the necessity of a muzzle for public safety, Buddy is always secured on leash during his walks. It is impossible for him to pant, especially in the hot summer, with the muzzle. Panting is of vital importance to the health of a dog, especially one with a double coat such as a German Shepherd. Buddy is never off-leash during his walks, and he is not taken into off-leash dog parks.

Thank you



Kuldip Gill

1 Rotherglen Road N

Ajax. ON. L1T1N7



**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

Wednesday, May 27, 2015

Kuldip Gill
1 ROTHERGLEN RD N
AJAX ON L1T 1N7

RE: Order To Restrain Appeal Date

FILE NUMBER: 15 104497

Please be advised that The Animal Services Appeal Committee is in receipt of your letter requesting an appeal to Order to Restrain Number 15 104497.

The Animal Services Appeal Committee will hear the appeal on **THURSDAY, JUNE 11, 2015**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee 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.

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

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

Sincerely,

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