



AGENDA ANIMAL SERVICES/PROPERTY STANDARDS APPEAL MEETING

April 14, 2016 at 7:00 p.m.
Council Chambers, Town Hall

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**MINUTES OF THE
ANIMAL SERVICES/PROPERTY STANDARDS APPEAL COMMITTEE
MEETING HELD IN THE COUNCIL CHAMBERS, AJAX TOWN HALL
At 7:00 p.m. on Thursday, February 11, 2016**

Present: Members

- K. Barrett
- A. Bridgeman
- D. Jean
- O. Lambert

 Staff

- K. Little, Secretary
- D. Hannan, Staff Resource
- J. Lang, MLEO
- T. Abott, MLEO

1. Call to Order

Chair Lambert called the meeting to order at 7:08 p.m. and asked that everyone turn their cell phones off.

2. Appointment of Chair

Moved by: Member Bridgeman

That Kamele Barrett be appointed the Chair for the 2016 Property Standards/Animal Services Appeal Committee meetings.

All in favour.

Carried.

Chair Barrett asked if Ms. Kim Richards and Mr. Karmash were in the Council Chambers. They indicated that they were. She then explained the process of the meeting, the order of evidence being given and that the Committee will make a decision at the end of the proceedings. She explained that Ms. Richards could appeal the decision to the General Government Committee and that Mr. Karmash could appeal his decision to the Superior Court of Ontario, if they do not agree with tonight's outcome.

3. Adoption of Minutes

Moved by: Member Lambert

That the Minutes of the Property Standards Appeal Committee held on September 10, 2015, be adopted.

Carried.

4. Public Meeting Appeals

4.1 Animal Services Appeal Committee

Richards Appeal – 4 Leach Drive

Chair Barrett asked all parties to the animal appeal to come up to the front. She explained that Ms. Richards could either stand at the podium or sit down until it was her turn to speak. She then asked Officer Lang to give his testimony.

Officer Lang explained that he had received a report of a dog bite incident involving two dogs on Leach Drive that had occurred on January 12, 2016. He explained that Sarah Westlake-Casey was outside her home with her Jack Russell named Chloe and as she was searching for her leash that had been covered with snow, Chloe ran across the street to see another dog. Ms. Westlake-Casey told Officer Lang that her dog did not show any aggression or want to attack the other dog, she just wanted to say hello to it. He explained that the other dog, a Bullmastiff type dog named Kuma, was being walked by a dog walker and not the dog owner. Officer Lang asked that the Committee look at the pictures in their agenda packages of the wounds that Chloe sustained when the Bullmastiff grabbed Chloe in its mouth and shook her around. He explained what they were seeing in each picture and told them that the picture of Chloe with a yellow bandage around her foot was due to an IV that had been inserted and not a wound from a bite. Officer Lang explained that originally he had been told by Ms. Westlake-Casey that the vet costs were around \$800, and as of today's meeting they were closer to \$1,000.00. He said that the vet also gave some free treatments to Chloe, saving the complainant some money. Officer Lang explained that he spoke to Ms. Richards on January 14, 2016 who acknowledged that Kuma was her dog. He also asked Ms. Richards for the dog walker's information so he could get her version of what happened on the day in question, but Ms. Richards did not agree to provide it to Officer Lang. Officer Lang explained to the

Committee that due to the serious nature of the bite from Kuma to Chloe, he felt that an Order to Restrain with a muzzle requirement was appropriate for public safety. He acknowledged that Ms. Westlake-Casey's Jack Russell was off leash at the time of the bite, and she does take responsibility for this, but every dog owner needs to not let their dogs bite other dogs or people.

Officer Lang then outlined the conditions of the Order to the Committee. He explained that Item #1 has been complied with, as Ms. Richards had purchased a 2016 dog licence on January 20, 2016. Item #2 ensures that the dog must be restrained on a chain while the dog is on the property of the owner and must be muzzled using a humane muzzling device to prevent biting, or, in the alternative, the dog could be kept in a secured and fenced yard with a gate that has a self-closing and self-latching device on it. Item # 3 ensures when the dog is off the property of its owner, it shall be on a leash of no more than 1.8 meters in length and also wear a muzzle. Item #4 requires that the dog must be under the control of a person of at least 18 years of age while the dog is being walked and Item #5 requires the dog owner to notify the Town of Ajax Animal Services if the dog is sold or relocated to another address.

Officer Lang told the Committee that he had received Ms. Richard's appeal letter and was concerned that she would not have the dog wear a muzzle. He also was concerned that in the backyard the gate must be secured with a self-closing/self-latching device and that Ms. Richards said she had a hard time trying to find a muzzle to fit Kuma and did not want to incur costs for the correct latch on the fence.

Chair Barrett asked the Committee if there were any questions for Officer Lang.

Member Lambert asked Officer Lang if he saw the Bullmastiff when he visited Ms. Richards at her home. He told the Committee that he did not see it when he was at her property and has not gone back since.

Chair Barrett asked if Ms. Richards had any questions for Officer Lang and she said she did not. She then asked Ms. Sarah Westlake-Casey if she would like to speak about the incident.

Sarah told the Committee that Officer Lang described what happened on the day of the incident and acknowledged that she should have had her dog on a leash and that she takes full blame for it. She was afraid that something would happen if her dog got too close to Kuma or if one of her kids did. She also told the Committee that her dog Chloe had to have a second surgery to remove infection and went every other day to the vet with the dog. She doesn't want something like this to happen to another animal. She didn't hear the dog walker say that the

bullmastiff was not good with other animals.

Ms. Richards approached the Committee with a package of materials and Chair Barrett asked her what she had to give them. Ms. Richards explained that it was information about Jack Russells and Bullmastiffs, pictures, and copies of notes.

Member Lambert asked if the information was pertinent to her dog or just general information. Staff Resource, D. Hannan, explained that they were both, including copies of text messages between Ms. Richards and Ms. Westlake-Casey.

Member Jean made a Motion to accept the materials on behalf of the Committee. Chair Barrett asked for a 5 minute recess at 7:30 p.m. to make some copies of the information and for the Committee to read them over.

The meeting resumed at 7:35 p.m. and Chair Barrett asked Ms. Richards to approach the podium.

Ms. Richards explained that her dog walker, Becky, was here tonight and that she was also a vet technician. She explained that Kuma is leashed at all times and has been walked in Ajax well over 2,000 times with no issues. The Jack Russell was the one that was running at large. She recited sections of the Dog and Cat By-law, explaining that her dog was on a leash at the time of the incident and the Jack Russell was not. She wondered why Officer Lang issued her an Order to Restrain and not fine the owner of the Jack Russell for having her dog at large. He told Ms. Richards that Ms. Westlake-Casey's dog had suffered enough trauma with the dog bite. She talked about the fines available in the Dog and Cat By-law and told the Committee that it all could have been prevented if the Jack Russell had been on a leash. She told the Committee that Officer Lang had said she refused to give him the dog walker's information. She said that was incorrect and that she had told Officer Lang she would take his information and give it to the dog walker or she could have the dog walker call Officer Lang directly. She asked him at the end of the conversation if she wanted her dog walker to call him and he said that it was not necessary. She told the Committee that the Jack Russell ran across the street and that her dog felt threatened. Her dog is a gentle giant who thinks she's a lap dog. She explained to the Committee that a Bullmastiff is like a little dog in a big dog body and the Jack Russell is like a big dog in a small dog's body. The seriousness of the injury was due to the 100 pound weight difference between the two dogs. She said that the owner of the Jack Russell was shoveling the snow off her driveway at the time of the incident and had her dog outside with her. In her text messages to Ms. Richards, the owner of the Jack Russell said that she took most of the blame for what happened. She also talked to her the next day and both agreed that it was out of the ordinary for both dogs and that she usually leashes her dog. Ms. Richards stated that Sarah did not move her dog away or keep some distance between them. The dog walker shortened the leash

and pulled the dog's collar way up on Kuma when Chloe ran over to her. Ms. Richards provided an analogy to the Committee of a large pick up truck going through a green light and a smart car running the red light and hitting the pick up. If the driver of the smart car had followed the law, it would not have caused an accident. She explained that Item #1 of the Order to Restrain has been fulfilled and that her dog's shots are all up to date. Ms. Richards believes the Order is not fair due to her complying with the Bylaw and walking her dog on a leash. It is sad that no one can pet her dog with the muzzle on. She believes that Sarah should not have had her dog off leash and sorry for the serious injuries that were caused. She wants the entire Order to be dismissed.

Chair Barrett confirmed with Ms. Richards that she wants the entire Order to be dismissed, when she has complied with some of the items on it. Which ones is she still appealing? Ms. Richards stated again that the whole Order should be dismissed. Chair Barrett asked who walks the dog and she explained that Becky, her dog walker does. She then introduced Becky Anderson who has been a vet technician for 17 years and has had her own dog walking business for the last 8 years.

Chair Barrett asked if the Town had any questions and there were none.

She then asked if the Committee had any questions.

Member Bridgeman asked Ms. Richards about her statement that she felt her dog had felt threatened on the day of the incident and asked her to explain what this meant. She told the Committee that her dog is skittish and startles easily. Member Bridgeman asked what the dog's general reaction is if she gets startled, and Ms. Richards explained that if it is her that startles the dog, she is fine. If another dog runs up to her, she will react in a different manner.

Member Lambert confirmed with Ms. Richards that she was not present at the time of the incident and asked if it was Becky who was the dog walker that day and she said yes.

Member Jean asked Ms. Richards if she had purchased a muzzle for Kuma yet and she explained that it was very hard to find one, but that she had one now.

Ms. Becky Anderson said that a dog running up to another dog's face is not the right behavior.

Member Bridgeman asked if either dog was barking on the day of the incident and Becky said no. She said when Chloe ran over, she stopped and shortened the leash and pulled Kuma's collar up high. She told the Committee that the Bullmastiff is not dog friendly. She believes that Sarah didn't hear her say this. Member

Bridgeman asked Becky what she meant by saying the dog was not dog friendly, and she explained that they don't greet other dogs on their walks.

Chair Barrett asked if there had been any other incidents before this one and Ms. Anderson explained that there has never been any dog biting. They don't go near dogs on their walks.

Member Lambert confirmed that Ms. Anderson said that the Jack Russell ran into Kuma's face and Becky stated that she can't control another dog's behavior, only her own dog's. She explained that Kuma bit Chloe and started shaking her. Kuma then dropped the Jack Russell on her own. Ms. Anderson also pulled up on Kuma's leash.

Officer Lang asked questions of Becky Anderson. He confirmed with her that when Chloe ran across the street that there was no barking between the dogs. There were also no signs of aggression between both dogs, no snarling or teeth showing. He confirmed that Ms. Anderson said that Chloe was a couple of inches away from Kuma's chest. He asked her if Chloe was sniffing the other dog? She replied that she didn't know.

Chair Barrett asked Officer Lang to summarize the Town's position. Officer Lang stated that Chloe ran from her property and Sarah has taken full responsibility for this. She believed Chloe was just going to greet another animal. He believed that there was no reason for Kuma to bite Chloe. When Ms. Richards used the analogy of the car accident, he believes it was not relevant to what happened. This was not a matter of self defense. If another dog was walking by on a retractable leash or a small child walked by, would it happen again? He doesn't know, but it is a possibility. He did not issue any fines or charges against Sarah, as he has discretion as an officer investigating issues. He also did not charge Sarah or Kim. He believes that Sarah has paid her dues with the cost of the vet bills. It is a \$200 fine for having a dog at large and he would have had to charge Sarah five times to make up for the cost of the vet treatment. He believes Kuma to be a substantial safety risk and that wearing a muzzle is not a substantial burden. He explained that you always want to ensure a dog's comfort, and you just need to find the right muzzle that doesn't restrict movement, but prevents biting. He couldn't see any reasonable explanation for the bite. He told the Committee that the self defence issue raised by Kim Richards was not appropriate.

Chair Barrett asked Ms. Richards to summarize her position. Ms. Richards stated that she believes the muzzle is a burden and that Kuma can't pant properly due to her large nose being pushed up against the muzzle and she can't be socialized. She has never had issues in the past with Kuma. Her dog is wonderful with people and children, just not overly fond of 4 leggeds, as she thinks they are a

squirrel. She is no threat to the public and if another animal comes by them on their walks, they will walk to the other side of the street and keep their own distance. She has had no issues in 6.5 years. She believes it is unfair to penalize Kuma due to her size and was just following the law.

The Committee then went into deliberations.

Member Lambert stated that she was not looking at the size of the dog, just concerned about the bite. She stated that both dogs were not showing aggression or teasing each other, so she is just looking at the bite itself.

Member Bridgeman also stated that it was not about the size of the dog and that the incident was unfortunate. The other dog was off leash and Chloe's owner has taken responsibility for this. Section 4 of the Dog and Cat By-law states that a dog owner shall not allow a dog to bite. It is a large, 130 pound dog. Children under 8 would be "dwarfed" by this dog. She asked Officer Lang why he did not require "Beware of Dog" signs at the house. He replied that if the issue had happened on the property or if a dog runs from the property, then he would require signs. Signs are not necessary when it happens out in public.

Member Jean had a question about muzzles. He has seen some that are cage types. He asked if bands over the nose are ok? Officer Lang explained that these are considered a "gentle leader". There are nylon muzzles that are used in a clinic/animal control issue. If the straps are thin, this is not a muzzle, just a leader. If a dog gets startled with no aggression, Officer Lang is worried what can happen. The situation was very unfortunate and it needs to be prevented.

Member Lambert asked when someone gets a muzzle requirement with their Order to Restrain, what is the length of time it has to be worn. Officer Lang explained that it is a lifetime requirement.

Chair Barrett shares the same concerns. She confirmed that the dog reacts in a negative manner. Could potentially have same reaction to another dog/human. She suggested that the Order should be upheld. Should the Committee discuss each section of the Order?

Member Bridgeman believes that the Order should stand as is, but willing to listen to the other members.

Member Lambert confirmed that Item #1 of the Order is in compliance, as are Items 4 and 5. She supports Member Bridgeman.

Member Bridgeman put forward a Motion to uphold the Order in its entirety.

You shall:

1. Licence the dog with the Town of Ajax as per the Town of Ajax Dog and Cat By-law. You shall provide proof of such licensing to the Animal Services Section within 15 days of service of this Order.

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

2. 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.

All in favour.

Carried.

Chair Barrett explained to Ms. Richards the decision of the Committee to uphold the Order to Restrain and that the decision would be mailed to her and she has the option to appeal it.

This portion of the meeting was finished at 8:11 p.m.

4.2 Property Standards Appeal Committee

2330829 Ontario Inc. Appeal – 252 Hunt Street

Chair Barrett confirmed that Officer Abbott and Mr. Karmash were present. She then asked Officer Abbott to provide her findings.

Officer Abbott explained that she was at 252 Hunt Street on December 22, 2015 for a reinspection of another matter, when she noted certain violations under the Town's Property Standards By-law on the property. These included dump trucks parking, heavy vehicles, etc. She explained that this property is located on a corner lot, where the front yard, east side of the property abuts Dowty Road, the side yard, south side abuts Hunt Street and the rear yard, west side abuts a neighbouring property. She also told the Committee that there was an overview map in their agendas which showed the property in question. She issued a Property Standards Order on January 8, 2016, requiring certain items to be complied with by February 8, 2016 and one item to be complied with by June 1, 2016. She told the Committee that in Section 8.1 of the Ajax Fence Bylaw, it states that if you want to make changes to a fence, you must first apply and receive approval of a site plan under the Planning Act.

Member Bridgeman asked Officer Abbott about the picture in the agenda package with the red truck in it. Officer Abbott replied that the issue in the picture was not the truck but the debris that was on the ground beside the truck.

Chair Barrett asked Mr. Karmash if he had any questions for Officer Abbott. He did not. He explained that he has a problem with Items 1 and 2 of the Order, that 3 and 4 are done, 5 will be done by June 1, 2016.

Mr. Karmash's concerns with item #1 of the Order is that there is an ongoing Court Order with regard to the property. Mr. Karmash stated that he has been told to cover items by plastic/chain link to not let people see in. He stated he bought the property years ago and it had a chain link fence. He claims that the Town ordered him to put up plastic lattice which cost him \$4,000. Mr. Karmash stated that the plastic lattice does not let the public see in. He would remove it, but will be left with chain link and the public can see in. He would be violating a court order.

Mr. Karmash's concerns with item #2 of the Order is that they only have use of 70% of the backyard. He explained that the school bus company uses 30% of his rear property for access to a different property. He stated that school buses go back and forth all day long across his property. Mr. Karmash believes that it is not fair that the Town has asked him to fix it. He states that the mud and pot holes are caused by school buses. Mr. Karmash thinks that if the Town wants the driveway fixed, then the Town should go to the neighbours to fix it.

Member Bridgeman asked Officer Abbott if there was a right of way on the property. Officer Abbott replied that the Town has searched the title and have not found an easement or a right of way for access of vehicles across the appellants property.

Mr. Karmash stated that he is confused. Does the Town want the rear property covered or not? Does the Town want plastic or not?

Member Lambert asked Mr. Karmash what he was appealing. He said #1 and 2 only and that he had no problem with items 3,4, and 5. He stated that he would have the property cleaned up.

Member Bridgeman wanted clarification on the court order. Did it say plastic or specify 50% visibility. Did it say cover it with wood fence or plastic. Did it specify height such as a 1.8m chain link? Why does the plastic drape over the top of the fence. Mr. Karmash stated that the fence is what the Town agreed to in Court.

Member Bridgeman asked Mr. Karmash if he knew of the right of way when the property was purchased. Mr. Karmash stated he did not know. Member Bridgeman asked if there had been any discussions as to who has to maintain the property with the owner of the bus company. Mr. Karmash stated no. Member Bridgeman asked Mr. Karmash if he was given an agreement from the previous owners, and he replied that he did not.

Chair Barrett asked Mr. Karmash whose 3 trucks are in the picture on page 38 of the agenda. He said they belong to a construction company. There are two leases on the property – one is a mechanic and the other one is the construction company. Chair Barrett asked if the construction company leases property from you? Yes. Chair Barrett asked why the trucks were parking on grass and not in the parking lot. Mr. Karmash advised that they were there on a temporary basis. Chair Barrett asked if Mr. Karmash is present at the property? Yes, 2 to 3 times a week. Chair Barrett asked if Mr. Karmash has mentioned to the construction company not to park there? Yes. It will be rectified in June, 2016.

Member Lambert confirmed with Mr. Karmash that the buses solely access the property one way, but where is the other entrance?

Mr. Karmash showed in the overhead picture in the agenda how to access the property from the Hunt Street entrance into the parking lot.

Chair Lambert asked if the Town had any questions. They did not.

Member Jean says there is an amendment to the By-law for a privacy screen. It

must be cut, trimmed and in neat order. Officer Abbott said there is no amendment to the By-law. Officer Abbott explained that the fencing around the appellant's legal outdoor storage in the rear yard of the property would allow the appellant to use plastic such as the web type or the full sheet. Member Jean asked if this was like a tennis court. She said yes.

Member Lambert would like to clarify. Was it a consensus to use plastic webbing or sheets or would the appellant have to apply for a site plan amendment. Officer Abbott stated that the Town's Fence By-law states that wood, chain link, wrought iron, or any combination are the only options for fencing on industrial property without applying for a Site Plan Amendment.

Member Jean asked Officer Abbott if the owners were aware of this. She stated they were.

Mr. Karmash said the Court did not tell them to use a specific type of plastic. Mr. Karmash said the By-law says wood or plastic, not chain link. All nearby properties are chain link. His is the only property on Hunt Street to put up plastic or chain link.

Chair Barrett advised that they must conform to the By-law.

Member Bridgeman asked if anyone had the court order here today. Officer Abbott responded that there is no court order at the Hearing this evening.

Mr. Karmash said the fence could only be wood or plastic, not chain link.

D. Hannan, Staff Resource, raised a Point of Order stating that the Court Order only deals with the portion of the fence that contains outdoor storage in the rear yard of the property and that all other fences on the property must comply with the Town's Fence By-law for Commercial and Industrial Zones.

Member Bridgeman asked does that mean the 50% rule does not apply? D. Hannan, Staff Resource, replied that the 50% rule was a Zoning requirement only with regard to outdoor storage in a rear yard. All other fencing on a property would have to conform to the Town's Fence By-law.

Mr. Karmash advised that he only had plastic in his rear yard. If the Town asks him to remove it, he will remove it.

Member Bridgeman asked Mr. Karmash of on the west side of his property, if all all 3 sides are considered to be the rear of the property and Mr. Karmash answered yes.

Officer Abbott had no questions for Mr. Karmash as he is in compliance with the majority of the Order, and only Items 1 and 2 are outstanding.

Member Jean asked if the school buses only have the one way in and if they may have been negotiated with the previous owner? Officer Abbott says there is another entrance off of MacKenzie Ave. Officer Abbott stated that she found no easement or right of way on title and suggested that perhaps it was settled years ago as a “Gentleman’s Agreement” only.

Member Jean asked if at Court was certain types of fence discussed and it was too bad that it was not put in writing. Officer Abbott advised that plastic was a discussed option with regard to the enclosure in the rear yard covering the outdoor storage.

Member Lambert asked how long has the lattice been put on? Officer Abbott said the Court Order was issued on November 10, 2015 and the appellant had until December 10, 2015 to comply. The lattice had been placed on the fence during that period.

Officer Abbott said the debris was visible on the property from the 3 streets surrounding the property and that she agrees that items Two and Three on the Order have been dealt with and are now in compliance. Officer Abbott stated that it was made clear to Mr. Karmash’s legal representative what would be acceptable to use as screening in the rear yard to cover the outdoor storage and that the remaining fencing on the property was not in compliance with other By-laws.

Mr. Karmash said he will remove the lattice and live with the chain link fence. They thought lattice was acceptable. He stated that they don’t use the driveway and will block it off from the school buses. He stated if the school bus company wants to use it then they should have to maintain it. He stated that he will block the entire area to keep the buses out and he will maintain it.

Member Jean said that if there is no easement on title for the buses then it belongs to the property owner. Member Jean stated to the appellant that if he wants the school buses to go through, get them to pay a fee. Member Jean stated that at this time the fence and driveway still were not in compliance with the Order.

Member Bridgeman asked the Committee if they could deal with the outstanding issues one at a time. Member Bridgeman stated that the owner is responsible for the property and must maintain it.

Officer Abbott said that the Region of Durham has a water easement on the property and it still has to be maintained, but nothing could be found with regard to a “right of way” or a “right of access” across the appellant’s property.

Member Lambert told the appellant that they must maintain their own property and must deal with the school bus company, if he wants them to pay a fee.

Chair Barrett stated that the tenants are also using the grass on the property to park and that the owner of the property must maintain the entire property. She believes that Item 2 of the Order should be upheld.

Member Lambert stated that the plastic lattice is not in compliance with the Town's Fence By-law. She questioned how can it be repaired? Member Lambert stated that there was a need to cover chain link for visibility.

Chair Barrett asked if only the rear yard fence can have plastic on it. Officer Abott answered yes. She also stated that the chain link fence in the side yard of the property also has plastic lattice affixed to it. Chair Barrett asked if the chain link fence in the side yard of the property would comply with the visibility issue. Officer Abott answered yes. Chair Barrett asked if the lattice in the side yard can be removed and compliance achieved. Officer Abott answered yes.

Member Lambert stated only the rear yard can have the lattice but it would still have to comply with proper screening.

Member Jean put forward a Motion that the Order should stand as is, as the Committee is only dealing with the Property Standards By-law issue.

Member Bridgeman agrees that it is strictly a By-law issue. She also stated that it is unfortunate there is nothing in writing before the Committee with regard to the Court Order.

Mr. Karmash stated that he was surprised that there was nothing in writing. He also stated that Officer Abott was not in Court.

Member Lambert said that the court information would have been helpful but still the appellant needs to look after the rear yard.

Chair Barrett stated if the side yard plastic fencing is removed then the debris would be visible. Chair Barrett stated that the appellant must comply with the Fence By-law or clean up the debris.

Member Bridgeman stated that debris on the property is not permitted anywhere and that the rear yard needs to be fixed.

Officer Abott says because the fence is in a commercial/industrial area, plastic lattice to screen is not appropriate to use except for outdoor storage.

Member Lambert asked that the Committee uphold Member Jean's Motion to uphold the Order.

SCHEDULE "A"

ITEM

PARTICULARS OF REPAIRS TO BE EFFECTED

1. Remove the coloured plastic/vinyl type lattice that has been affixed to the chain link fence with zip ties. The lattice is not an approved material for non residential areas pursuant to Town of Ajax Fencing By-law. In addition, the lattice was not installed in a good workmanship like manner, the lattice panels drape over the top of the existing chain link fence and it is creating an unsightly appearance.*
2. Repair area located on the southwest side of the property used for vehicular traffic, where the property abuts the neighbouring properties located to the west and to the south. The repairs must be completed so as to afford safe passage, be free of defects, and accident hazards. The area is to be evenly graded, with a smooth surface, free from deep ruts and pot holes and uneven sections with a surface covering of either compacted stone or gravel. All areas used for vehicular traffic are to be maintained in a good state of repair.
3. Cease the practice of parking and/or storing of any motor vehicles on the grassed front yard, east of the building, where it abuts the asphalt parking lot, as parking and/or storing of motor vehicles is not permitted on grass.**
4. Remove all discarded unusable items, and debris from the property, located in the front, side and rear yards, including but not limited to: the white plastic buckets, wood, lumber, branches, discarded vegetation, metal, clear plastic, blue plastic, tarps, cardboard, food and beverage containers, and black plastic containers. The debris and waste materials must be disposed of legally and the property must be maintained in a good state of repair and not create an unsightly appearance.
5. Repair the grassed front yard area, east of the building, where it abuts the asphalt parking lot. The area must be evenly graded, with a smooth surface, free from deep ruts with the approved surface covering of grass. The grassed front yard shall be maintained in good state of repair and not create an unsightly appearance.

***Please note:** In accordance, with the Town of Ajax Fencing By-law a permitted fence, in a non residential zone must be constructed of any of the following listed materials, or any combination of materials where applicable: chain link and galvanized steel wire, vertical board on board, or wrought iron.

****Please note:** As this property is under Site Plan Control, no person is permitted to alter or change the approved Site Plan without first having applied for and receiving approval for a Site Plan Amendment. If you wish to gather further information on the Site Plan Amendment process please feel free to contact the Planning Services 905-683-4550, or by email at planningservices@ajax.ca.

All in favour.

Carried.

5. Verbal Update

5.1 Property Standards Committee

Radix Appeal – Fearn Crescent

D. Hannan, Staff Resource, told the Committee that the By-law Officer closely monitored the work of the contractor and that the home owner has carried out all of the work and has met the intent of what the Committee agreed to. They will continue to monitor it.

Frazer Heights Co-op – Hayward Lane

They are now in compliance.

Woods Appeal – Carwin Crescent

They are now in compliance.

6. Other/New Business

N/A

7. Adjournment

Member Lambert made a Motion to adjourn the meeting at 9:02 p.m.

Chair



MEMO

TO: Animal Services Committee
FROM: Shane Christensen
DEPARTMENT: L.I.S. By-law
SUBJECT: Appeal of Order to Restrain 15 113629
DATE OF APPEAL: February 11, 2016
TIME OF APPEAL: 7:00 P.M.
LOCATION: 65 Harwood Avenue South, Ajax, Ontario, Council Chambers

Overview

Mr. Dean Harry LANG is the owner of a 4 year-old, male, Golden Retriever type dog named Rascal. There was no licence or complaint history prior to an attack on a person in October 2015.

Facts

October 5, 2015 Complaint received by By-law Services regarding a dog attack on a cyclist which resulted in personal injury. Complainant supplied a picture of the dog and owner but did not have a licence plate number or any other identifying information except that the dog owner had a white pick-up truck with dog decals on the side of it. Complainant advised that the dog owner was cutting grass at 23 Ontoro Boulevard at the time of the incident and also when the complainant's wife arrived on the scene to assist her husband. (Photo taken of Mr. LANG and Rascal by Mr. Stobinski attached)

October 8, 2015 Attended 23 Ontoro Boulevard and left a business card with "Please Call Re: Dog Incident" written on the face of the card. Did not receive any contact from resident.

Also attended 27 Ontoro Boulevard and left a business card with an adult female resident who advised that the homeowner, Mr. Michael Seidel, was on a business trip and would return in a week. I asked that she pass along my request that he call me upon his return, and she indicated that she would do so.

Phone conversation with Mrs. Stobinski to set up time for attendance to pick up statement from her husband. We also discussed the events of October 2 in detail. (Mrs. Stobinski's Will Say Statement attached)

Attended residence of victim Mr. Pawel Stobinski to retrieve written statement from him. The victim had a cast on his right arm that extended from his elbow to his hand, and he had a sling over his shoulder to support the arm. Physical signs of discomfort were obvious during our conversation and he indicated that he was experiencing a great deal of pain in his neck, ribs and arm. (Statement of Mr. Stobinski attached)

October 15, 2015

Attended 23 Ontoro Boulevard and left a business card with an adult female who identified herself as a contract cleaner. I asked her if she would pass along my card with the request for contact from the homeowner/resident. Upon my return to the office, Mr. Maurice Tremble called within minutes and we had a very brief conversation. I advised him of the reason for leaving the business card, and asked him if he could provide the name and contact information for the dog owner/contractor. He replied that he would not do so and warned me to stop harassing his people and to stay off his property.

Within of minutes of that phone conversation, I received a call from Mr. Michael Seidel of 27 Ontoro Boulevard. During our conversation he confirmed that on October 2, 2015 the victim was at the front of his property and was in obvious pain and discomfort, so Mr. Seidel went over to the man to offer assistance. Although he could not provide any personal identification of the dog owner/contractor, he did advise that the contractor serviced a number of properties on Ontoro Boulevard, he drove a white pick-up truck with dog decals on the sides, and the red dog was always with the contractor whenever he was cutting grass on area properties. (Mr. Seidel's Will Say Statement attached)

October 30, 2015

Letter sent to homeowner formally requesting contractor contact information, or at the very least, that the message get passed on that By-law Services was requesting contact, to the contractor. (Letter attached)

November 25, 2015

While checking Google Streetview software for Ontoro Blvd., a By-law Officer discovered a picture of a pick-up truck matching the complainant's description from 2009. Standing near the truck is a man with a Golden Retriever type dog and what appears to be equipment in the back box, as well as a dog decal on the rear side of the truck. This provided a reference for the specific vehicle of interest. (Print-out attached)

December 1, 2015

Approximately 40 letters sent out to area residents requesting contact information for the contractor with the white pick-up truck. (Letter attached)

December 9, 2015

Identity and address of contractor/dog owner was provided by an area resident who had received one of the letters. A subsequent inspection of the underground parking lot of the appellant's address confirmed the white pick-up truck with dog decals on the side was parked at the location. MTO search of vehicle confirmed owner as Dean Harry LANG,

and after a search the contact number was found. A phone conversation took place in which the gentleman initially denied any knowledge of the incident but he did indicate that he would voluntarily meet By-law staff to prove he was not the person of interest. (3 photos of GMC Sierra truck at the appellant's property attached)

- December 11, 2015 Mr. LANG attended Town Hall and was immediately cautioned because it was obvious that he was the person in the photograph supplied by the victim. A lengthy meeting took place with MLEO CHRISTENSEN, MLEO DIONNE and Mr. LANG in which he acknowledged that he was the owner of the dog and he was at the location on the specific date and time. He clearly articulated a number of times that he felt the entire incident was all a set up to try to extract money from himself or the homeowner of 23 Ontoro Blvd. Town of Ajax Animal Licence 16-5119 was purchased by Mr. LANG confirming ownership of Rascal. (Photo of licence attached)
- December 16, 2015 Order to Restrain Number 15 113629 was issued and dated Wednesday, December 16, 2015. Order was sent prepaid registered mail RN 098 311 870 CA to Dean Harry LANG, 92 Church Street South, Unit 406, Ajax, ON. (Order attached)
- January 6, 2016 Received letter from Mr. LANG's lawyer Edward G. Spong requesting an appeal. (Letter attached)
- January 6, 2016 Letter was sent via prepaid registered mail to Mr. Spong from the Secretary of the Animal Services Appeal Committee advising of the date, time and location of the appeal. (Letter attached)





Will Say Statement of Bozena Stobinski

Town of Ajax vs Dean Harry Lang

Mrs. Bozena Stobinski will state that on October 2, 2015 she received a phone call from her husband Pawel asking for assistance because he had been attacked by a dog while cycling.

Mrs. Stobinski will further state that she promptly attended the location near 27 Ontoro Boulevard and that immediately after getting out of her car to attend to her husband, a big red dog came running up to her and started jumping up on her.

Mrs. Stobinski will further state that an elderly gentleman came over from the property at 23 Ontoro Boulevard, and that she asked him if the dog was his, and if so, could he get control of the dog and get it away from her.

Mrs. Stobinski will further state that the elderly gentleman responded that the dog was his and that it was harmless.

Mrs. Stobinski will further state that she had to ask the man a second time to get his dog under control and away from her, and that the man responded again that the dog was harmless and that her husband wasn't hurt.

Mrs. Stobinski will further state that she requested the man's name and phone number and he responded that it wasn't necessary because no one was hurt.

Mrs. Stobinski will further state that her husband took a picture of the man and the dog because it was obvious that he was not going to provide them with any contact information.

Mrs. Stobinski will further state that the man eventually took control of the red dog and took it back to a white pick-up truck that was parked in the driveway at 23 Ontoro Boulevard, and that the truck had pictures of a dog on the sides, near the rear of the vehicle.

Mrs. Stobinski will further state that she took her husband to the Pickering-Ajax hospital for medical treatment, immediately after leaving the location.

Mrs. Stobinski will further state that she attended Town Hall at 65 Harwood Avenue South on Monday, October 5, 2015 to report the incident to Ajax By-law Services.

Pawel Stobinski
80 Thorp Cres.
Ajax, ON, L1T 3T4

Date: October 6, 2015

To whom it may concern

A statement regarding bicycle accident.

On October 2nd I was riding my bicycle along the waterfront trail in Ajax towards east. It was around 12:45pm, when I entered Ontoro Blvd in Ajax and noticed a brown dog running in my direction approximately 20 meters in front of me. The moment I was near the dog, suddenly, the dog start running along my right side with the same speed as I was riding the bicycle. The dog started attacking my right leg in the thigh area with open snout and exposed teeth. Startled by the dog unexpected attack, I tried to pull myself away from it not realizing that I am heading towards a ditch. As a result of this attack, I lost control of my bicycle. I landed in a ditch together with my bicycle. I was lying in the ditch with bleeding nose and pain in my right hand, chest and neck and at the same moment the dog run away from the scene. After a minute, I collected myself and got out from the ditch. I realized that the accident happened in front of the property on 27, Ontoro Blvd. A man emerged from this house and asked me if I am Ok, and do I need anything, telephone to make a call?. I said; I don't know if I am Ok, but I have my own cell phone with me.

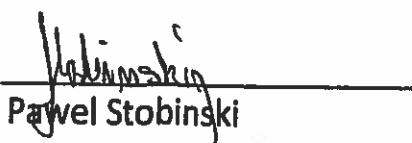
This man probably witnessed what had happened because he informed me that the owner of the dog that attacked me, cuts grass in that area.

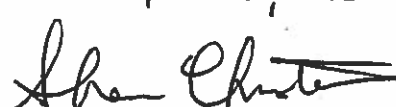
I called my wife to help me. In 10-15 min she arrived.

My wife looked for the dog owner to talk to him but before she could do so, the dog run towards her and jumped on her as well. The dog owner seeing that said; "oh this is a friendly dog, everybody knows him, he is harmless". The dog owner was cutting grass on the 23 Ontoro Blvd. property at that time.

We had the opportunity to make a picture of the dog and its owner. (Available when needed)

Next, my wife took me to the Emergency room at the Rough Valley Hospital in Ajax. I was diagnosed with broken right wrist, bruised ribs and strained neck muscles.


Pawel Stobinski

THURSDAY, OCT. 8, 2015


Will Say Statement of Michael Seidel

Town of Ajax vs Dean Harry Lang

Michael Seidel, of 27 Ontoro Boulevard, Ajax, Ontario, will state that on October 2, 2015, that he provided assistance to an elderly male cyclist who had been knocked off his bicycle and was currently laying on the travelled portion of the roadway near 27 Ontoro Boulevard, Ajax, ON.

Mr. Seidel will further state that the elderly gentleman on the ground appeared to be in obvious pain and discomfort, and that the elderly gentleman was favouring his right arm.

Mr. Seidel will further state that while providing assistance to the elderly gentleman he was told by the elderly gentleman that a red retriever dog had chased and knocked the elderly gentleman off of his bike.

Mr. Seidel will further state that while he was assisting the elderly gentleman on the road that he observed a red retriever dog on Ontoro Boulevard near where the elderly gentleman was lying on the road. Mr. Seidel will state that he recognized the dog as belonging to a grass cutting contractor who was currently servicing the property of 23 Ontoro Boulevard, Ajax, ON.

Mr. Seidel will further state that he clearly recognized both the dog and the grass cutting contractor as the contractor services several properties on Ontoro Boulevard. Mr. Seidel will state that the grass cutting contractor has been working in the area of Ontoro Boulevard for many years and that the dog is always with the grass cutting contractor when he works.

Mr. Seidel will further state that the grass cutting contractor also drives a very distinctive white pick-up truck that has pictures of dog decals on both rear side panels. Mr. Seidel will state that this grass cutting contractor has driven the vehicle for a number of years and at the time of Mr. Seidel providing assistance to the elderly gentleman, that the same white pick-up truck with the dog decals was parked in the driveway of 23 Ontoro Boulevard, Ajax, ON.



**Legislative &
Information Services**

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

TOWN OF AJAX

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

Friday, October 30, 2015

MAURICE HAROLD TREMBLE
P.O. BOX 1635
HOLLAND LANDING, ON
L19 1P2

SUBJECT PROPERTY: 23 Ontoro Blvd., Ajax, ON

PLAN 525 LOT 32

This letter is further to a phone conversation on Thursday, October 15, 2015.

Dear Sir:

By-law Services has been investigating a dog attack that occurred on **Friday, October 2, 2015** on Ontoro Boulevard. This incident resulted in serious personal injury to a cyclist who was knocked down to the ground by a large, gold coloured dog (picture enclosed) that had run from the subject property.

Witnesses have advised that the person who identified themselves as the owner of the dog (picture enclosed) was working at the subject address, possibly cutting grass or performing some type of landscaping work.

It is imperative that the owner of the dog contacts myself at the earliest convenience so that I can discuss this matter with him. By-law Services had requested the contact information during a brief phone conversation on Thursday, October 15, 2015, and you stated that you would not provide that information.

Please be advised that if I do not receive either the contact information of the dog owner, or contact from the dog owner by **Friday, November 13, 2015** additional measures will be taken to secure the person's identity. These measures could be in the form of media releases that include pictures of the dog and the owner, that would be distributed Region wide for optimum exposure. It could also include a request to the Durham Regional Police Service to post the pictures on their website requesting the identity of the person.

If you would be kind enough to pass this information along to the person that was working at your property on the date of the incident, it would be greatly appreciated by By-law Services and possibly the person in question.

Please be advised that failure to act on this request could result in additional action, which could include charges and penalties for both the property owner and the dog owner.

Please contact me at your earliest convenience if you can provide further assistance to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Christensen". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Shane Christensen
Municipal Law Enforcement Officer
905-619-2529, Ext:3334
shane.christensen@ajax.ca

External Geocortex Visualization for Google Maps™

Synchronize



Streetview 2009.



**Legislative &
Information Services**

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

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

Tuesday, December 1, 2015

AREA RESIDENT
AJAX ON

Dear Sir/Madam:

Ajax By-law Services is currently investigating a dog attack which occurred on Ontoro Boulevard in early October 2015.

Our office would like to speak with a contractor who drives a white Chevrolet Sierra pick-up truck that has a dog decal on both sides of the vehicle. Additionally, this contractor typically has a Golden Retriever with him when he services properties in the area.

If you are able to pass along any specific information, please contact me at the phone number or email address below. If you are unable to pass along the contact info but happen to be in a position to speak with this person, please advise them that it would be greatly appreciated if they were to contact our office promptly.

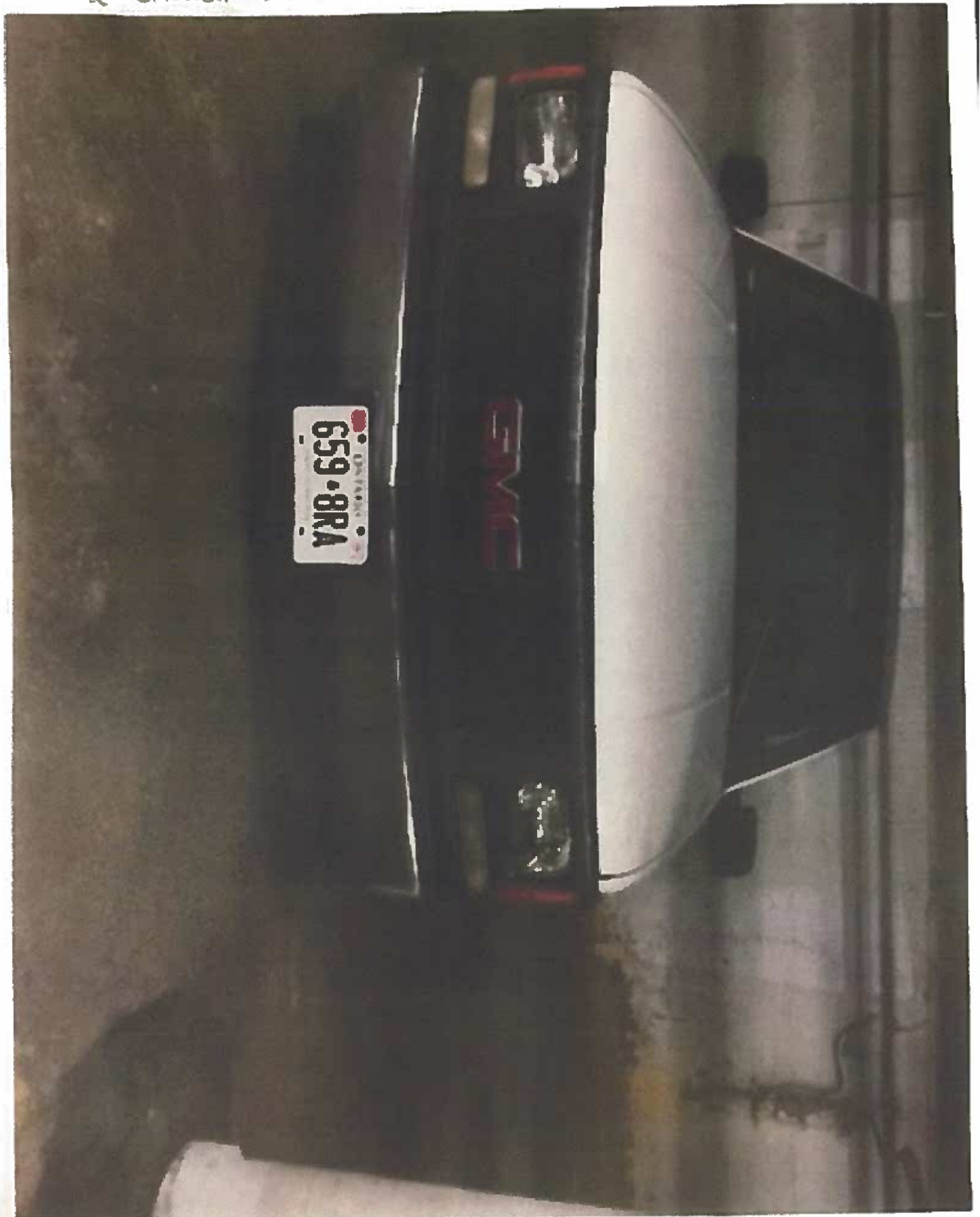
Sincerely,

Shane Christensen
Municipal Law Enforcement Officer
905-619-2529, Ext:3334
shane.christensen@ajax.ca

92 CHURCH ST S 6/9/15 SC



92 CHURCH ST S 12/9/15 SC



92 CHURCH ST S 12/7/15 SC





ANIMAL IDENTIFICATION

NAME RASCAL
DOG ☒ OR CAT ☐
MALE ☒ OR FEMALE ☐
MICROCHIP ☐ STERILIZED ☐
BREED GOLDEN RETRIEVER
COLOUR RED
AGE 4 Years
DATE OF RABIES VACCINE 2013
HOSPITAL / CLINIC CLARKMOUNT

ANIMAL LICENCE

905-683-8275
bylawservices@ajax.ca

RENEWAL LICENCE ☐
NEW LICENCE ☒

FIRST NAME DEAN LAST NAME LANG

ADDRESS 9264 RICH ST. S. #406 POSTAL CODE L1S 6B4

PHONE #1 416-773-5492 PHONE #2 1

EMAIL _____ LICENCE \$ 35.00

(UNSTERILIZED ANIMAL + \$35 STERILIZED ANIMAL = \$20. MICROCHIPPED ANIMAL = \$5 DISCOUNT)

OWNER SIGNATURE Dean Lang DATE Dec 11/15

COLLECTOR SC LICENCE NUMBER 5119

THIS LICENCE EXPIRES ON DECEMBER 31, 2016

Personal information on this form is collected pursuant to the Municipal Act, 2001, s.11(1), and will be used for the purpose of registering for, and the issuance of a dog or cat licence in the Town of Ajax. Questions about this collection should be directed to the FOI Co-ordinator, Legislative and Information Services, 65 Hurwood Avenue South, Ajax, ON L1S 2W6. (905) 619-2529 ext. 3343.



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: DEAN HARRY LANG
92 CHURCH ST S UNIT 406
AJAX ON
L1S 6B4

AS AN OWNER OF A DOG DESCRIBED AS: A nearly 4-year-old male red Golden Retriever named **Rascal**.

FILE NUMBER: 15 113629

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 attacked a person on the 2nd of October, 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. 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. This requires the dog to be leashed at all times when he is not in the primary residence apartment unit. For instance, he must be leashed in the elevator or stairway going down to the parking garage or while outside the apartment building.

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.

2. 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.

3. 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.
4. 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.
5. Ensure that Rascal is registered with the Town and obtain a licence therefor on an annual basis on or before the 31st day of January of each year. A current licence was purchased for 2016, so you will not have to buy one until 2017.
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, #145-2010, and #28-2015 please visit the Legislative & Information Services section located at Ajax Town Hall at the address below.

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

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

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

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

Dated at Ajax, Wednesday December 16, 2015



Shane Christensen
Municipal Law Enforcement Officer
(905) 619-2529 ext. 3334
shane.christensen@ajax.ca

EDWARD G. SPONG
BARRISTER & SOLICITOR

TOWN OF AJAX

2016 JAN -4 A 10: 27

FINANCE DEPARTMENT

124 BYRON STREET NORTH
WHITBY, ONTARIO
L1N 4M9
(905) 668-8571
TORONTO: 686-4346
FAX: 668-7936
E-mail: office@espong.com

**REGISTERED MAIL
AND REGULAR MAIL**

December 30, 2015

Secretary, Animal Services Committee
65 Harwood Avenue South,
AJAX, Ontario.
L1S 2H9.

Dear Sir or Madame:

Re: Dean Harry Lang – Order to Restrain dated December 16, 2015.

I am counsel for Mr. Lang with regard to the above noted matter. Please accept this as notice of appeal with regard to all the paragraphs of the said Order to Restrain.

Yours very truly,


EDWARD G. SPONG
EGS/mb

[Dictated but not read]
c.c. Dean Harry Lang



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, January 6, 2016

Dean Harry Lang
92 CHURCH ST S, Apt. 406
AJAX ON
L1S 6B3

RE: Order To Restrain Appeal Date

FILE NUMBER: 15 113629

Please be advised that The Animal Services Appeal Committee is in receipt of your letter requesting an appeal to Order to Restrain Number 15 113629.

The Animal Services Appeal Committee will hear the appeal on **THURSDAY, FEBRUARY 11, 2016**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee 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, Animal Services Appeal Committee
(905) 619-2529 ext. 3341
karen.little@ajax.ca

c: Edward G. Spong, Barrister & Solicitor



MEMO

TO: Animal Services Committee
FROM: Shane Christensen
DEPARTMENT: L.I.S. By-law
SUBJECT: Appeal of Order to Restrain 16 101560
DATE OF APPEAL: April 14, 2016
TIME OF APPEAL: 7:00 P.M.
LOCATION: 65 Harwood Avenue South, Ajax, Ontario, Council Chambers

Overview

Mr. & Mrs. CURRAN are the registered owners of 2924 Beachview Street, Ajax, ON and the owners of a 2-year-old + male, German Shepherd type dog named ACE.

Facts

March 8, 2016 By-law Services received a complaint regarding a dog attack on a resident in which a large German Shepherd type dog lunged, snarled and growled at the complainant, but did not make physical contact. The complainant, Leshia Frost, provided a detailed statement of the incident that occurred on her driveway on March 6, 2016. (Written statement attached)

March 8, 2016 History check by the investigating Officer indicated that there was a previous complaint regarding the CURRAN's dog being off leash in June, 2015. A 2015 Town of Ajax (TOA) Animal Licence had been purchased but no licence was issued to date for 2016. (Copy of TOA letter dated June 26, 2015 and photograph of 2015 TOA Animal Licence 15 – 1181 attached)

March 9, 2016 MLEO S. CHRISTENSEN attended 2924 Beachview Street with MLEO A. DIONNE and spoke with an adult female who identified herself as Tracy CURRAN, the appellant. She was advised of the reason for the visit and her response was that an attack had not occurred on March 6, 2016. It was explained to her that the definition of "attack" did not always imply physical contact, and that a dog that was barking, growling or baring its

teeth while presenting in an aggressive manner would be deemed to be attacking.

During the conversation, Mrs. CURRAN stated a number of times that her husband regularly walked the dog off leash because they lived on a dead end street and also because their neighbours were okay with that, except for the complainants.

Just before the conversation ended, the appellant was served with 2 Pt. 1 tickets – one for a lapse in licensing and the other for allowing a dog to run at large. Mrs. CURRAN advised that she had licensed ACE on March 8, 2016 and provided a valid TOA receipt to confirm that. The ticket for failing to licence the dog was immediately voided. Mrs. CURRAN was advised that they would be receiving written correspondence in the next week, which may include an Order to Restrain with conditions placed upon the dog owners and dog.

- | | |
|----------------|---|
| March 10, 2015 | Order to Restrain, File Number 16 101560 was issued and dated Thursday, March 10, 2016. The Order was sent prepaid registered mail RN127183279CA to Dale & Tracy CURRAN, 2924 Beachview Street, Ajax, L1S 1C7, ON. (Order attached) |
| March 11, 2016 | Mr. CURRAN attended Town Hall to discuss the situation on Beachview Street, specifically between him and his neighbour Mr. O'Keefe. He was advised that an Order to Restrain had been issued and that he would be receiving it shortly. The conversation was civil and courteous. Mr. CURRAN appeared frustrated over the current situation that existed between himself and the complainant Mr. O'KEEFE. |
| March 22, 2016 | Mr. & Mrs. CURRAN attended Town Hall and submitted a letter requesting an appeal of the Order to Restrain. (Appeal letter attached) They also requested clarification on specific items in the Order, thus an impromptu meeting occurred. Mr. CURRAN again appeared agitated and was frustrated over the current situation that existed between his household and the appellants. |
| March 23, 2016 | Letter was sent via prepaid registered mail to Mr. & Mrs. CURRAN from the Secretary of the Animal Services Appeal Committee advising of the date, time and location of the appeal. (Letter attached)

The complainant called into Town Hall to request an adjournment of the Appeal, because she would be out of the country on that date. This request was denied, however she was advised that a second statement could be submitted. |
| March 24, 2016 | A written statement was received from Lesha Frost regarding the incident of March 6, 2016 as well as other incidents that have occurred dating back to spring of 2015. (Statement attached) |
| March 29, 2016 | Received returned registered letter RN127183574CA which was marked refused on the front of it. The contents of this envelope was the Appeal date letter that was sent out on March 24, 2016 to the appellants. Canada Post's website provided package tracking and delivery attempts for this |

package. (Photo of envelope and copy of Canada Post tracking sheet attached)

Mr. Hannan

Thank you and Pat Brown for meeting with myself and my husband this morning.

Further to our discussion today, I would like to lodge a formal complaint relating to our neighbour's husky german shepherd mix dog running off-leash and charging at me in my driveway on Sunday, March 6, 2016.

My address is 2926 Beachview Street, Ajax, which you are aware of, due to a similar complaint that I lodged with the Town in July 2015 - the neighbour's dog off-leash and charging at me in my driveway.

The neighbour's address is 2924 Beachview Street, Ajax and this house is the adjacent house to ours, on the west side. Dale Curran and his family live in this house.

On Sunday, March 6, 2016 between approximately 1:30 and 2:00 pm, I was returning home from grocery shopping. As I was driving towards my driveway, I observed Dale Curran walking on Beachview Street in front of my house. His dog was also on the street, running off-leash alternating between the roadway and the various ditch areas in front of other neighbour's houses. Dale Curran's wife Tracy was on her driveway near the road.

I drove into my driveway and parked my car. I stepped outside my car and opened the rear passenger door to get my grocery bags when the dog charged at me barking very loudly and moving quickly. I was badly startled and stepped back. I yelled at Dale Curran to get his dog off my property. When I yelled, Tracy realized what the dog was doing and began screaming at the dog to stop. The dog was about 2 metres away from me when it stopped and ran back into the street.

Dale Curran did nothing to bring the dog under control and the dog continued to run loose around the street. He then started shouting at me stating that "I didn't know who I was dealing with" and that "I was probably the one causing all of the problems". I proceeded inside my house without saying anything.

For approximately one hour after this incident Dale Curran walked back and forth on the street with the dog off-leash and throwing a stick quite a distance down the road for the dog to run after and catch.

This incident is both frightening and frustrating - as I should not be afraid to be in my own driveway on my own property. I am very concerned that Dale Curran's dog may attack and bite me or some other person in the future.

Please advise if you require anything further to act on this complaint.

Thank you,

Lesha Frost 905 683-0807



Legislative &
Information Services

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

TOWN OF AJAX

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

Friday, June 26, 2015

DALE CURRAN
TRACY CURRAN
2924 BEACHVIEW ST
AJAX ON
L1S 1C7

Dear Sir/Madam:

Ajax Animal Services has received a complaint with regard to your dog running at large at on Beachview St, in Ajax.

The Town of Ajax Dog and Cat By-law, as amended states that every owner of a dog shall keep the dog leashed and under the control of some person when the dog is off the premise of the owner. The By-Law also states that no owner of a dog shall knowingly or not knowingly allow a dog to run at large within the limits of the Town.

As the owners of the dog in question, you are hereby requested to rectify this situation immediately. Please note that failure to comply with this notice may result in charges being laid pursuant to the By-law.

If you have any questions with regard to this matter, please do not hesitate to contact me.

Sincerely,

Alexandra Clayton
Municipal Law Enforcement Officer
(905)619-2529, Ext.: 3355
alexandra.clayton@ajax.ca



ANIMAL IDENTIFICATION

NAME Ace

DOG ☒ OR CAT ☐

MALE ☐ OR FEMALE ☐

MICROCHIP ☐ STERILIZED ☐

BREED German Shepherd

COLOUR White

AGE 21 months

DATE OF RABIES VACCINE 12-17-14

HOSPITAL / CLINIC McGowen's Pet Hospital

ANIMAL LICENCE

800-683-8275
bylawservices@ajax.ca

RENEWAL LICENCE ☒
NEW LICENCE ☐

FIRST NAME Tony LAST NAME Cartier

ADDRESS 2744 Beckwith St POSTAL CODE M1S 1C3

HOME PHONE (905) 427 1305 BUSINESS PHONE (289) 314 4825

EMAIL fraygation@1095.com LICENCE \$ 35
(UNSTERILIZED ANIMAL = \$35; STERILIZED ANIMAL = \$20; MICROCHIPPED ANIMAL = \$5 DISCOUNT)

OWNER SIGNATURE [Signature] DATE April 10/15

COLLECTOR LC [Signature] LICENCE NUMBER 11181

THIS LICENCE EXPIRES ON DECEMBER 31, 2015

Personal information on this form is collected pursuant to the Access to Information Act, 2001, s.11(1), and will be used for the purpose of registering tax and the issuance of a dog or cat licence in the Town of Ajax. Questions about this collection should be directed to the FOI Co-ordinator, Legislation and Information Services, 65 Huron Avenue South, Ajax, ON L1S 2P2, (905) 619-2522 ext. 2243.



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: DALE ROBERT GARRY CURRAN
TRACY LEIGH CURRAN
2924 BEACHVIEW ST
AJAX ON
L1S 1C7

AS AN OWNER OF A DOG DESCRIBED AS: A 2 year-old + male German Shepherd named **Ace**.

FILE NUMBER: 16 101560

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 attacked a person on March 6, 2016.

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

You shall:

1. Register and licence the dog with the Town of Ajax. You shall provide proof of such registration and licencing to the Animal Services Division within 15 days of service of this Order. **Note:** Current licensing for 2016 is now in place, effective March 7, 2016.
2. Keep the dog on a leash, no more than 1.8 meters in length, while the dog is on the property of the owner, or tethered so that the dog is physically restrained to a distance of 1 metre from the property line. The leash or tether must be of sufficient strength to prevent an attack and the leashed dog shall be under the full control of a person of at least eighteen years of age. In the alternative the dog shall be kept in a secured and fenced yard. (see Item 4)
3. Keep the dog on a leash, no more than 1.8 meters in length, while the dog is on property other than that of its owner. The leash must be of sufficient strength to prevent an attack and be under full control of a person of at least eighteen years of age.
4. Ensure where this Order requires a secured and fenced yard, the said fence shall be of sufficient height and strength to adequately prevent the dog from escaping. In addition, where a gate forms a part of the fence, the gate shall have a self-closing and self-latching device, both of which shall be kept in good working order.

5. Notify the Town of Ajax, Animal Services, in the event the dog is sold or ownership of the dog is otherwise transferred to any other person, or the dog is relocated to any other address besides the address referred to in this Order, of the new owner's name and address within 5 days.
6. Have clearly posted "BEWARE OF DOG" signs at all entrances of the dwelling unit which the public can access. These signs must be a minimum of 12 inches wide and a minimum of 8 inches tall. Any variation of the sign must be approved by Ajax Animal Services. (Signs may be purchased at 65 Harwood Avenue South, Ajax at cost, \$2.00 tax incl.)

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

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

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

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

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

Dated at Ajax, Thursday March 10, 2016



Shane Christensen
(905) 619-2529 ext. 3334

March 22/16

SO Secretary ; Animal Services Committee. I
would like appeal the Order to Restrict in
its entirety. I would like to explain the
turn of events and bring a witness to the
appeal.

Trang Awan



RECEIVED
TOWN OF AJAX

MAR 22 2016

LEGISLATIVE AND
INFORMATION SERVICES

2924 Beachview Street.
16-101560

Wednesday, March 23, 2016

DALE ROBERT GARRY CURRAN
2924 BEACHVIEW ST
AJAX ON
L1S 1C7

RE: Order To Restrain Appeal Date

FILE NUMBER: 16 101560

Please be advised that The Animal Services Appeal Committee is in receipt of your letter requesting an appeal to Order to Restrain Number 16 101560.

The Animal Services Appeal Committee will hear the appeal on **THURSDAY, APRIL 14, 2016**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee will be hearing several matters that night, in addition to your own and you may have to wait for your Agenda item to be called.

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

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

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

Sincerely,



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

Shane

Further to my formal complaint made March 8, 2016 to Ajax By-Law & Animal Services regarding my neighbour's (Dale and Tracy Curran) dog running off-leash and charging at me on Sunday, March 6, 2016, I am providing some additional detail about the incident:

On Sunday, March 6, 2016 I was returning home in the early afternoon from grocery shopping. As advised in my complaint, Dale Curran was walking on Beachview Street in front of my house. His german shepherd husky mix dog was also on the street off-leash, running between the roadway and other neighbour's ditches. Tracy Curran was on her driveway near the road.

I pulled my car into my driveway and parked near our front door walkway. Our driveway is a 4 car driveway and there was room on the driveway for another car to be parked behind mine.

I got out of my car and opened the passenger door on the driver side to get my groceries. As I was doing this, the dog began running aggressively at me and barking very loudly. The dog ran up my driveway directly at me. I was so startled that my heart began to pound and I stepped backwards. I felt completely threatened and was afraid that the dog would lunge at me - maybe even bite me. I immediately yelled loudly at Dale Curran to get his dog off my property. At that point I was absolutely shaking. The dog was no more than 5 or 6 feet away from me. Tracy screamed at the dog to stop. The dog turned around and ran back onto the street towards Dale Curran.

The dog continued to run loose around the street and Dale Curran began shouting at me. I repeated to him to get the dog off my property. I reached into my pocket to get my phone as I wanted to try to take a picture - but I was shaking so badly that I couldn't type my password for my phone to open it. Dale kept on shouting at me. Dale and Tracy Curran's daughter was on the front porch and she was yelling "Dad stop" - several times.

I said nothing and went straight into the house. I was upset and immediately told my husband, Pat, that the Curran's dog had charged at me again. I told him what had just happened and that I shouldn't have to feel unsafe on my own property. I was shaking over the incident for some time that afternoon.

This is the 3rd time that the dog has charged at me in the past year.

The first time was in the spring of 2015 when my husband, Pat, and I were returning to our house from a walk. We were walking in front of 2922 Beach view Street. Dale and Tracy Curran were sitting on the steps of their front porch and their dog was lying on their front lawn. The dog suddenly jumped up, started barking loudly and charged us. I jumped back and moved behind my husband not knowing what the dog was going to do. The Currans called the dog off and it returned to their property. We said nothing, nor did the Currans say anything. Dale Curran was smiling and I believe he found the incident amusing.

In July 2015, I went for a walk by myself on a Sunday afternoon and was returning to my house. Dale Curran was outside near his garage and the dog was on the Curran front lawn. As I walked

up my driveway, the dog jumped up, ran across my front lawn barking loudly and again charged at me. Dale Curran called the dog off but I was completely shaken up and afraid that the dog might bite me. The dog is a large dog with a very intimidating and loud, aggressive bark. I went directly into my house and said nothing to him. As I felt totally threatened by Dale Curran's dog, I made a formal complaint the next day to the Town of Ajax Animal Services by phone.

On March 6, 2016 after I had gone into my house, Dale Curran walked back and forth on the street in front of our house with the dog off-leash and throwing a stick quite a distance down the road for the dog to run after. We felt that Dale Curran did this to try to intimidate us with the dog.

Given the previous incidences and this latest incident on March 6th both my husband and I felt threatened and unsafe on our own property because of the dog. We decided it was necessary and serious enough for our own safety that we escalate the matter with both the Town and the police. We met with both the Town of Ajax By-Law manager and our Town Councillor Pat Brown on March 8, 2016 and the Durham Regional Police Services on March 7, 2016 to discuss what steps could be taken so the dog would not be able to something like this again.

Please let me know if there is anything further that might be important.

Lesha Frost
905 683-0807

TOWN OF ALAI
65 HAWOOD AVE
ALAI ON LIS 2ND

www.difference.com 1006 051 1515 5.010340

REGISTERED REC
CNC Training Academy | Member
RW 127 103

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THE NEW YORK PUBLIC LIBRARY
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RECEIVED

MAR 19 2015

TOWN OF AJAX

and Mrs. Curran
4 BEACHVIEW ST
AX ON
IS X7

Refused $\textcircled{2}$

**Tracking Number**

RN127183574CA

History

Date	Time	Location	Description	Retail Location	Signatory Name
2016/03/29	08:43	AJAX	Item processed		
2016/03/28	05:12	AJAX	Item refused by recipient. Item being returned to sender		
2016/03/28	04:15	AJAX	Item out for delivery		
2016/03/27	11:09	AJAX	Item processed		
2016/03/24	03:47	MISSISSAUGA	Item processed		

Shipping Options and Features for this Item

Signature Required



MEMO

TO: Property Standards Committee
FROM: Scott Neal
DEPARTMENT: L.I.S By-law
SUBJECT: Appeal of Property Standards Order # 16 100893
61 Wilce Drive, Ajax, Ontario
DATE OF APPEAL: Thursday April 14, 2016
TIME OF APPEAL: 7:00 p.m.
LOCATION: 65 Harwood Avenue, South, Ajax, Ontario, Council Chambers

Overview

61 Wilce Drive, Ajax, Ontario, is a residentially zoned property owned by Kaniz Kausar Rashid. It is neighbored by 2 other residentially zoned properties. The property was developed and the house was constructed in 1989. The house is approximately 27 years of age.

Facts

Feb. 11, 2016 Complaint received by By-law Services regarding many deficiencies in the basement apartment at 61 Wilce Drive.

Feb. 16, 2016 MLEO R. Vokey and I attended at 61 Wilce Drive and we inspected the basement apartment. The living room window frame had signs of water damage on it, and a piece of the wood in the window frame was bulging out. There was a hole in the drywall specifically located on the inside of the kitchen cupboard. At the time of my inspection this hole was covered up with cardboard and duct tape. In the bedroom located on the south east side of the dwelling there was a large section of drywall, and insulation missing around the area of the bedroom window. I saw no signs of water damage around the area of the window. There was no handrail for the stairs that lead from the basement to the upstairs laundry room. There were sections of torn carpet in the living room, and in the hallway outside of the two bedrooms. Temperature readings were taken

in the living room and in the bedroom located on the south west side of the dwelling. The temperature readings in both rooms was less than 20 degrees celsius. There was no heat coming out of the vent in the bedroom located on the south west side of the dwelling. Furthermore, it was also noted that there was a small amount of heat coming out of the vent in the kitchen. I checked these vents while the furnace was running. (MLEO S. Neal's Photos Attached)

Feb. 19, 2016 Property Standards Order # 16 100893 was issued under section 15.2 of the Building Code Act and sent prepaid registered mail to the owner of the property Kaniz Kausar Rashid. The Order requires the repair, removal, and installation of several items, on or before April 4, 2016. (Order Attached)

Mar. 3, 2016 Humaira Rashid's letter (dated stamped March 3rd, 2016) requesting an appeal was received. (Letter Attached)

Mar. 4, 2016 Letters were sent via prepaid registered mail to Kaniz Kausar Rashid and Humaira Rashid from the Secretary of the Property Standards Committee advising of the date, time, and location of the appeal. (Letter Attached)



The Corporation of the Town of Ajax

ORDER

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

ISSUED TO: KANIZ KAUSAR RASHID
61 WILCE DR
AJAX, ON, L1T 3K1

PROPERTY: 61 Wilce Dr, Ajax, ON
PLAN 40M1558 LOT 113
010015377970000

FILE NUMBER: 16 100893

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 **Monday, April 4, 2016**. If repairs or clearance are not carried out within the specified time, the Town of Ajax may carry out the repairs or clearance at the owner's expense, and/or legal action may ensue.

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

Dated at Ajax, Friday, February 19, 2016

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

Scott Neal
(905) 619-2529 ext. 3219

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

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

SCHEDULE "A"

ITEM

PARTICULARS OF REPAIRS TO BE EFFECTED

This is with regard to the basement apartment at 61 Wilce Dr.

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

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

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

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

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

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

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

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

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

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



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

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

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

- a) with suitable and sufficient materials;
- b) by tradespersons duly qualified by applicable legislation or governing body, in the trade concerned;
- c) in compliance with all relevant legislation;
- d) with the benefit of relevant permits and approvals including, but not limited to, building permits;
- e) in a manner accepted as good workmanship in the trades concerned; and
- f) in conformity to the Ontario Building Code, where applicable.

Section 4.1 All vacant lots, every yard, and all property, shall be kept clean and free from objects or conditions that might create a fire, health or accident hazard.

Section 4.38 Exterior steps, walks, verandas, porches, decks, balconies, driveways, parking areas, loading docks and similar areas of a yard shall be maintained so as to:

- a) afford safe passage under normal use;
- b) be adequately lighted; and
- c) be free of defects and accident hazards.

Section 4.39 Where there is a difference in elevation between adjacent levels of 600 millimetres or more, a guard shall be installed and maintained in accordance with the Ontario Building Code.

Section 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 5.22** 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 5.37** All ramps and stairs having over 3 risers shall be provided with a handrail in accordance with the Ontario Building Code and maintained in a good state of repair.
- Section 5.52** 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 a accident and all defective floor boards or materials shall be repaired.
- 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 5.81** 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 6.5** 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;
 - b) every habitable room, except a kitchen, contains one or more windows or skylights that open directly to the outside air, have a total light transmitting and ventilating area of not less than that required by the Ontario Building Code;
 - c) all windows and skylights are glazed or fitted with an approved substitute, provided with hardware and locking devices and maintained in a good state of repair; and
 - 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. 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.

Feb. 16, 2016

61 Wilce Dr.

Scott Neal



Feb. 16, 2016

61 Wilce Dr.

Seattle





Feb. 16, 2016

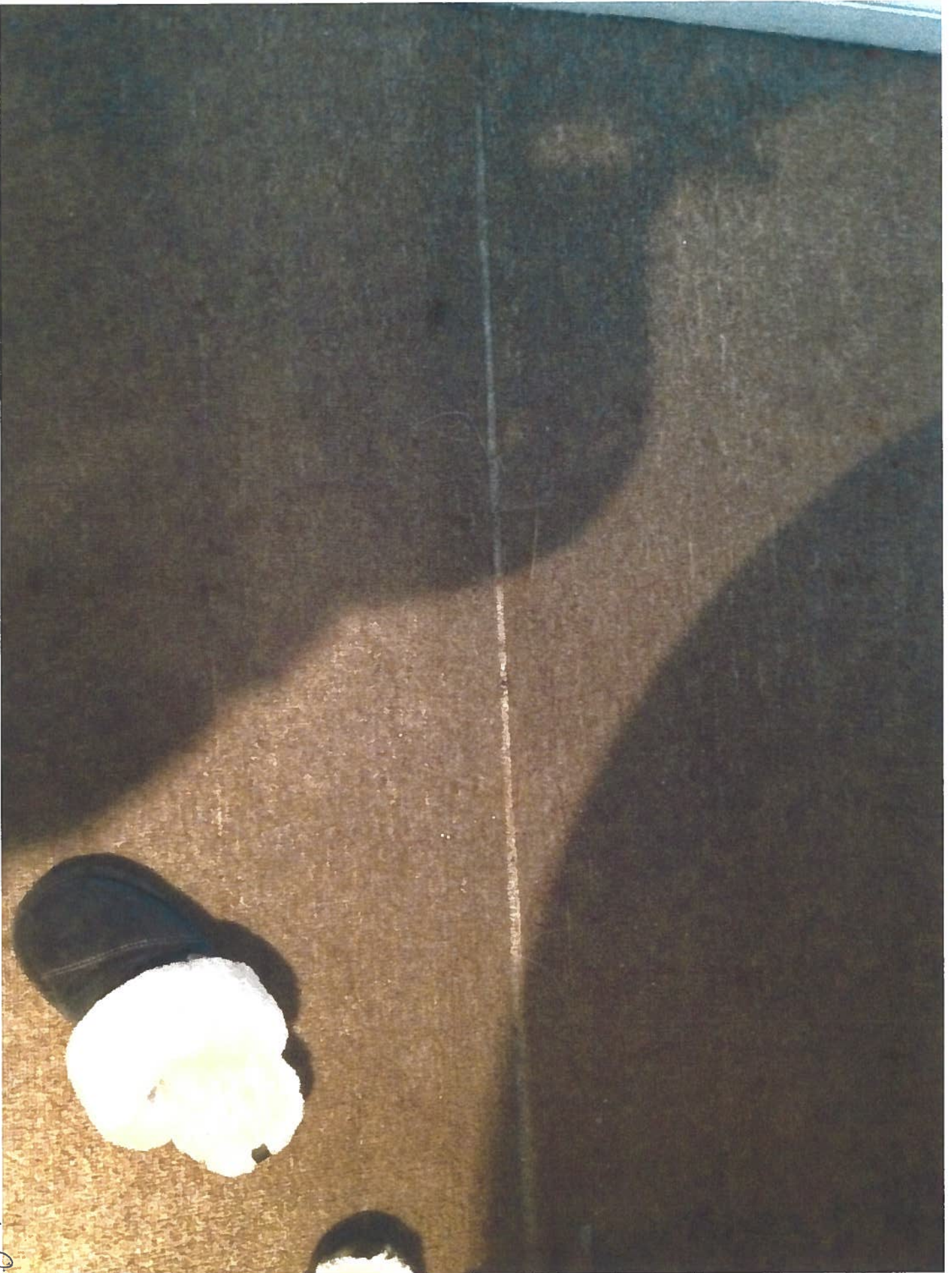
61 Wilce Dr.

Scott Noel

Feb. 16, 2016

61 Wilce Dr.

Scott Neal



Feb. 16, 2016

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61 Wilke Dr.

Feb. 16, 2016

Feb. 16, 2016

61 Wilce Dr.

Scott N. Lord

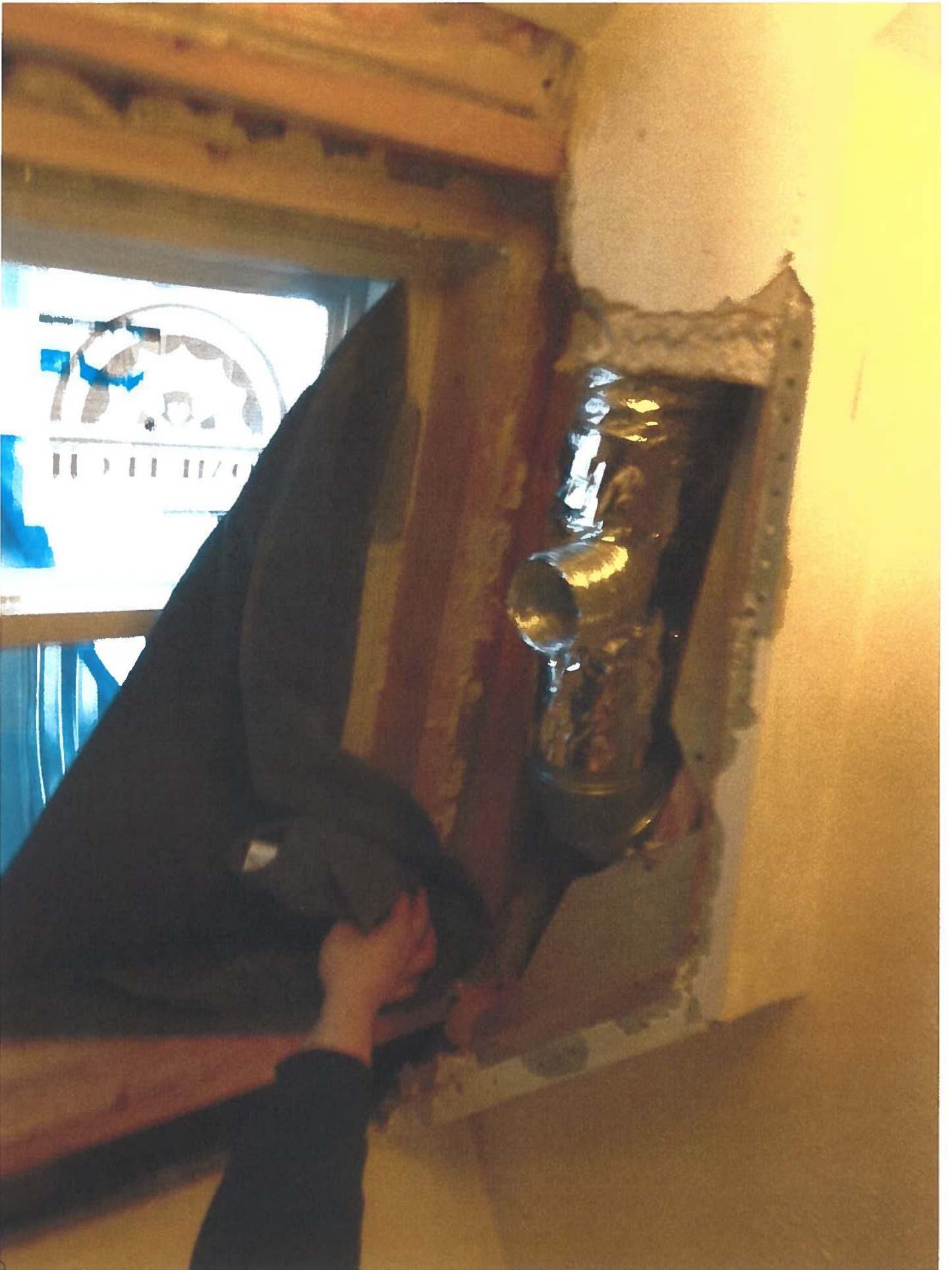


Feb. 16, 2016

61 Wilce Dr.

Scott Neal





Feb. 16, 2016

61 Wike Dr.

South West

Feb. 16, 2016

61 White Dr.

Scott Neal



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Scott Neal



Feb. 16, 2016

61 Wilce Dr.

Scott Neal



Feb. 16, 2016

61 Wike Dr.

Scott Neal



Feb. 16, 2016

61 Wilce Dr.

Southland



Feb. 16, 2016

61 Wilice Dr

Scott Head



Feb. 16, 2016

61 Wilce Dr

Scott Reed



To: The Corporation of the Town of Ajax

Re File 16 100893

Inspector Mr. Scott Neil

Issued to Kaniz Kausar Rashid

61 Wilce Drive, Ajax, On

Plan 40M1558 lot 113

010015377970000

TOWN OF AJAX
2016 MAR -3 P 12:08
FINANCE DEPARTMENT

To Whom it may concern,

I would like to ask for an extension and appeal on behalf of my parents who are currently out of the country. My name is Humaira Rashid and reside at 2039 Erin Gate Blvd in Pickering, 905-839-6711. My parents will not be back until March 30 2016, until their return I am unable to complete this process.

I also would like to appeal and ask for clarification on the work order issues:

1. Please clarify the concern with the carpet. Should the carpet be cleaned, repaired, replaced, is it 1 room, or the entire basement?
2. With regards to the heating conditions, the temperature of the house is constantly being adjusted by my parents on request of the tenants. They were out of the country and that may have been why the temperature was low at the time of the inspection, had they requested it would have been increased.
3. We have been following up with the tenant with the leakage on the windows. One window has been replaced and we are waiting to see if there is any leakage before we repair the drywall in the area. This delay was done on the request of the tenant to confirm that the leakage had completely resolved. The drywall will be replaced as soon as confirmed.
4. My parents were not present at the time of the inspections and may need clarification on what needs to be repaired and a follow up visit by the inspector may be requested.

Please advise what the process would be in this circumstance.

Thank you for your help.

Humaira Rashid

905-839-6711, email h.rashid@rogers.com

2039 Erin Gate Blvd Pickering L1X 2V5



**Legislative &
Information Services**

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

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

Friday, March 4, 2016

KANIZ KAUSAR RASHID
61 WILCE DR
AJAX ON L1T 3K1

SUBJECT PROPERTY: 61 Wilce Dr LOT 113
PLAN 40M1558 LOT 113
010015377970000

FILE NUMBER: 16 100893

Dear Sir/Madam:

Please be advised that The Property Standards Committee is in receipt of your letter requesting an appeal to Order Number **16 100893** for the above subject property.

The Property Standards Appeals Committee will hear the appeal on **THURSDAY, APRIL 14, 2016**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee will be hearing several matters that night, in addition to your own and you may have to wait for your Agenda item to be called.

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

Should you require any Audio / Video equipment for your appeal, or you have any other documents to give to the Committee members that are not listed in the appeal agenda, you must supply the Town with a copy of your materials the Monday before your Appeal date. This will also ensure that the audio/video equipment is 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

c. Humaira Rashid