



AGENDA PROPERTY STANDARDS APPEAL MEETING

September 8, 2016 at 7:00 p.m.
Council Chambers, Town Hall

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

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

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

1. Call to Order

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

2. Adoption of Minutes

Moved by: Member Bridgeman

That the Minutes of the Animal Services/Property Standards Appeal Committee held on June 9, 2016, be adopted.

Carried.

3. Public Meeting Appeals

3.1 Property Standards Appeal Committee

3.1.1 Whilby – 90 Church Street South

Chair Barrett called Mr. Easton Luke to the podium.

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

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

Chair Barrett asked Officer Abott to tell the Committee her findings at 90 Church Street South. She told the Committee that the work has been 90% completed and that Mr. Luke wants an extension of time to complete this work and she is

not opposed to giving him until September 12, 2016.

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

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

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

Chair Barrett asked the Committee if they had any comments.

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

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

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

Chair Barrett asked if there were any comments.

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

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

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

All in favour.

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

Chair Barrett agreed that October 15, 2016 is a good day to comply. As October 15, 2016 is a Saturday, the Committee agreed the work would be done by October 14, 2016.

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

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

Member DeSouza agreed with Officer Abott on the date.

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

Passed 3 to 1.

SCHEDULE "A"

ITEM

PARTICULARS OF REPAIRS TO BE EFFECTED

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

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

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

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

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

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

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

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

Member Bridgeman raised a Motion to accept this package.

All in favour.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Officer Abbott explained that it should be 15 feet.

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

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

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

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

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

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

The Committee then went into deliberations.

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

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

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

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

Member Bridgeman agrees with Member Jean and she asked if there were any other ways to rectify the hazard. There have been no injuries, so she was wondering if there was something

else Mr. Mathew can do, like maybe post some extra signs. You also have to sign a waiver of liability and pay money to play there. Mr. Mathew confirmed that the parents have to sign a waiver.

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

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

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

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

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

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

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

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

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

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

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

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

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

Member DeSouza asked Mr. Mathew what other options could he try. He replied that he has thick foam padding on the post and there have been no injuries reported. She asked if there

had been any child asking for ice or anything else. He replied no, not one.

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

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

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

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

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

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

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

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

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

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

Chair Barrett asked if there should be a height restriction? Member DeSouza agreed and asked if you could take this information back to the inspector. She agreed that the padding should be in a bright colour and reflective.

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

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

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

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

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

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

difficult to enforce.

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

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

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

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

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

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

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

ORIGINAL ORDER

SCHEDULE "A"

ITEM	PARTICULARS OF REPAIRS TO BE EFFECTED
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- | | |
|----|--|
| 1. | Install appropriate signage indicating owner/operators name and contact information. Such signage shall be "readily identifiable" and "clearly visible" and located within the play area as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 5 1. |
| 2. | Install appropriate signage indicating manufacturers name and contact information on play equipment as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 5, Item 2. |
| 3. | Install signage and identify areas within playground regarding composite play structures. Such signage shall indicate the appropriate age groups as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 5 Item 3. |

4. As per Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 6.3 Item 6:
 - a) ensure that all slides less than 1.2 m (47.24 in) in platform height shall have a minimum of 1.8 m (70.87in) of clearance which includes the protective surface zone, (see attached diagram), and
 - b) ensure that all slides greater than 1.2 m (47.24 in) in platform height shall have a minimum of 4.0 m (156 in) of clearance which includes the protective surfacing zone (2.4 m), plus the no encroachment zone (1.8 m).The width of protected no encroachment zone shall equal the slide bedway width plus .5 m on either side. (see attached diagram)
5. At 2 spiral stairs rises vary from 330 mm (13 in) to 430 mm (16.93 in), adjust the stairs so as to ensure even spacing within +/- 6 mm (1/4 in) and +/- 2 degrees tolerance as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Item 6.5 Item 13.

AMENDED ORDER

SCHEDULE "A"

ITEM	PARTICULARS OF REPAIRS TO BE EFFECTED
1.	Install appropriate signage indicating owner/operators name and contact information. Such signage shall be "readily identifiable" and "clearly visible" and located within the play area as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 5 1.
2.	Install appropriate signage indicating manufacturers name and contact information on play equipment as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 5, Item 2.
3.	Install signage and identify areas within playground regarding composite play structures. Such signage shall indicate the appropriate age groups as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 5 Item 3.
4.	As per Report submitted by the Certified Playground Inspector dated May 11, 2016 Section 6.3 Item 6: <ol style="list-style-type: none"> a) ensure that all slides less than 1.2 m (47.24 in) in platform height shall have a minimum of 1.8 m (70.87in) of clearance which includes the protective surface zone, (see attached diagram), and

5. At 2 spiral stairs rises vary from 330 mm (13 in) to 430 mm (16.93 in), adjust the stairs so as to ensure even spacing within +/- 6 mm (1/4 in) and +/- 2 degrees tolerance as identified in the Report submitted by the Certified Playground Inspector dated May 11, 2016 Item 6.5 Item 13.
6. a) The column at the bottom of any slide over 1.2m must be surrounded by padding of a bright/fluorescent colour identifying it as a hazard and also have a sign on the pole stating "Caution,"and

b)That a staff member be located at the bottom of the slide to monitor use.

All in favour.

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

7. Verbal Update

a. Animal Services Committee

i. Bannerman Appeal – 49 Iles Street

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

b. Property Standards Committee

i. McNee Appeal – 16 Garnett Drive

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

ii. Speed Appeal – 25 Meekings Drive

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

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

All in favour.

Chair

Synopsis

Prepared by Officer Robert Vokey

OVERVIEW

19 Baker Road, Ajax, ON, is a residentially zoned property that is owned by William SIMPSON and Elspeth SIMPSON.

FACTS

March 18, 2016 - Officer Vokey attended the property in response to a complaint with regard to several wooden support studs being erected on the front of the garage door and an accumulation of debris on the property.

The officer noticed the following violations at the property:

1. In the front and side yards of the property there were old doors, discarded plastic plant pots, old bench, unused pieces of lumber, broken branches and collected yard waste, old yard waste bag, unused wooden type box.
2. The garage door had large areas of paint peeling off.
3. There were studs that were installed in front of the garage door and secured to the exterior frame.
4. The masonry and stonework on the north side of the house near the garage door was cracked and damaged, with missing pieces.

In a discussion with the owner on site, and from Officer Vokey's observations, there looked to be structural issues with the garage. In this discussion, Officer Vokey requested that the owner advise the officer of a realistic time frame to complete the work required. It was requested that he advise Officer Vokey in a week.

May 4, 2016- Officer Vokey had not heard back from the owner and returned to the property to follow up on any progress that may have been made. At that time the officer noticed that there was no change to the garage door, the studs around the frame, and the masonry on the north side. The front, side, and rear yards still contained items of debris. There was no major change with the property's condition. (See Attached Photos)

May 12, 2016- Officer Vokey spoke with Mr. SIMPSON on the phone. The officer advised him of the identified violations must be dealt with. Mr. SIMPSON indicated that he was not sure of who to go with in regard to a contractor. Officer Vokey advised that he was unable to recommend a company, but could see if there are any tips that could be passed on from the building department that will help in finding a decent contractor to do the work.

June 8, 2016- Officer Vokey called and left a voice mail for Mr. SIMPSON, regarding the information about contractors, as well as requesting that Mr. SIMPSON call back and discuss the work.

June 16, 2016- After not hearing back from Mr. SIMPSON, a Property Standards Order was issued to the registered owners of the property, William George SIMPSON and Elspeth SIMPSON. (See Attached)

The order required the following remedial action to be undertaken:

1. Remove the wooden studs that are located on the exterior of the garage door and ensure that the garage, garage door and all structurally affected areas are structurally sound and in a good state of repair.
2. Repair the exterior brickwork and masonry and ensure that it is free from damage, gaps, holes, cracks or other signs of deterioration; is replaced with an appropriate similar material, and is in a good state of repair.
3. Remove all chipping and peeling paint on the garage door and re-paint it with an appropriate weather proof paint.
4. Remove and legally dispose of all debris, garage and refuse on the property.

June 29, 2016 – A letter of appeal was submitted to the attention of the Secretary of the Property Standards Committee. (See Attached)

June 30, 2016 – A letter from the Secretary of the Property Standards Committee was sent by registered mail to the attention of registered property owner, William SIMPSON. (See Attached)



19 Baker Rd

05/04/16

Shelby



19 Baker Rd.

05/04/16

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19 Baker Rd.

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19 Baker Rd.

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19 Baker Rd.
05/04/16
[Signature]



The Corporation of the Town of Ajax

ORDER

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

ISSUED TO: ELSPETH SIMPSON
WILLIAM GEORGE SIMPSON
19 BAKER RD
AJAX, ON, L1S 2T7

PROPERTY: 19 Baker Rd, Ajax, ON
PLAN M141 LOT 18
050018164000000

FILE NUMBER: 16 101468

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 to the By-law on or before Saturday, July 16, 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, Thursday, June 16, 2016

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

Robert Vokey
(905) 619-2529 ext. 3349

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

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

SCHEDULE "A"

ITEM	PARTICULARS OF REPAIRS TO BE EFFECTED
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1. Remove the wooden studs that are located on the exterior of the garage door and ensure that the garage, garage door and all structurally affected areas are structurally sound and in a good state of repair.

Please Note: As per previous conversations, it has been indicated that the studs were used to support the garage door frame. Should the garage be in an unstable condition, you must ensure that all necessary repairs are made. Furthermore, you should also consult with the Town's Building Department to determine if you require building permits.

2. Repair the exterior brickwork and masonry and ensure that it is free from damage, gaps, holes, cracks or other signs of deterioration; is replaced with an appropriate similar material, and is in a good state of repair.

Please note: The area of concern is located on the north side of the garage. There are signs of cracks and damage to the masonry and brick work.

3. Remove all chipping and peeling paint on the garage door and re-paint it with an appropriate weather proof paint.

4. Remove and legally dispose of all debris, garage and refuse on the property.

Please Note: Debris, garbage and refuse includes, but is not limited to: dead branches and yard waste, old yard waste bag(s), scrap lumber, plastic buckets, plant pots and containers, scrap particle board and plywood, miscellaneous wooden boxes/containers, wooden laundry rack, old tire, plastic bags, old tarpaulins and covers, etc. Furthermore, this will include any debris that is created through the required work in items 1, 2 and 3.



DEFINITIONS- PROPERTY STANDARDS BY-LAW #91-2012

"Good state of repair" is a descriptive term that means that an item is capable of performing its originally designed function and all associated parts, members and components are:

- a) present and in working order,
- b) not missing, broken, or rusted,
- c) structurally sound, level and plumb, and
- d) free from deterioration and damage.

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

- Section 3.3 The owner of any property, which does not conform to the standards, shall repair and maintain such property to conform to the standards, or shall clear the site of all buildings, structures, debris and refuse and leave it in a graded and levelled condition.
- Section 3.4 All repairs and maintenance of property shall be carried out:
- a) with suitable and sufficient materials;
 - b) by tradespersons duly qualified by applicable legislation or governing body, in the trade concerned;
 - c) in compliance with all relevant legislation;
 - d) with the benefit of relevant permits and approvals including, but not limited to, building permits;
 - e) in a manner accepted as good workmanship in the trades concerned; and
 - f) in conformity to the Ontario Building Code, where applicable.
- Section 4.1 All vacant lots, every yard, and all property, shall be kept clean and free from objects or conditions that might create a fire, health or accident hazard.
- Section 4.2 Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris, garbage or other objects that create an unsafe or unsightly condition, out of character with the surrounding environment, shall be removed.
- Section 5.1 Every building or structure or part of a building or structure shall be structurally sound and maintained in that condition so that it has sufficient structural capacity to resist safely and effectively all loads and the effects of loads and influences that may reasonably be expected, having regard to its expected use and service life.
- Section 5.2 Every building or structure or appurtenant part shall be maintained in a good state of repair, free of hazards, and protected by paint or other weather resistant material so as not to present an unsightly condition.
- Section 5.10 The foundations and the foundation walls of every building or structure or part of a building or structure shall be structurally sound and maintained in that condition so that all masonry cracks are grouted, walls, joists, beams or other exposed wood members are waterproofed, and so that there is adequate subsoil drains at footing levels and that jacking, underpinning or shoring is done where necessary.
- Section 5.11 The exterior walls of every building or structure or part of a building or structure must be structurally sound, maintained in a good state of repair, weatherproof and free of loose and unsecured objects and materials. Improperly secured objects and materials shall be either removed, repaired or replaced.
- Section 5.12 All brick and stonework, wall facings and similar decorative features shall be maintained in a good state of repair and safe condition with proper anchorage.

- Section 5.13** The exterior wall of every building and structure shall be properly painted or otherwise treated, and kept free from unsightly marks, painted slogans and similar markings or defacements.
- Section 5.14** The cladding on the exterior walls of all buildings or structures shall consist of masonry stucco, wood, finished plywood, metal or other similar materials that are of equivalent strength, durability and fire resistance.
- Section 5.15** Exterior surfaces which have been previously covered with paint or other similar protective materials shall be maintained in good repair and the coverings renewed or replaced when it becomes damaged or deteriorated.
- Section 5.22** 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 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.

To the Secretary, Property Standards Committee

Town of Ajax

CC: ROBERT VOKEY

65 Harwood Avenue South

Ajax, Ontario L1S 2H9

---Re Order of the Town of Ajax

File # 16 101468

Property 19 Baker Road

I hereby appeal this order.

I am proceeding to get the work done that is outlined in the order. However it is extremely unlikely, and probably impossible, that the work can be completed by the deadline in the order (July 16, 2016).

I therefore appeal the order, requesting a revised completion date of Friday September 30.

The reasons for needing the extension are, in brief, as follows:

- a) The order assigning a one month period arrived in mid-June, at what seems to be a major season for outside residential contract work. I was told "the good contractors are booked for 3 to 6 months, the okay ones for 1 to 2 months, and the fly-by-night contractors can start tomorrow."
- b) The work required in items 1 to 3 is not especially simple. It needs to be done carefully and in the correct order.
- c) Just getting estimates from contractors is taking time.

I am proceeding on this work while filing this appeal so that I do not miss the filing deadline.

Thank you for considering this appeal.

Yours truly,

William Simpson

19 Baker Road, Ajax L1S 2T7

William B. Simpson June 29/2016
905-621-2007

PS, the order is addressed to myself and to Elspeth Simpson. My wife Elspeth passed away last year.



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

Thursday, June 30, 2016

William Simpson
19 BAKER RD
AJAX ON
L1S 2T7

SUBJECT PROPERTY: 19 Baker Road, Ajax, Ontario

FILE NUMBER: 16 101468

Dear Sir/Madam:

Please be advised that The Property Standards Committee is in receipt of your letter requesting an appeal to Order Number **16 101468** for the above subject property.

The Property Standards Appeals Committee will hear the appeal on **THURSDAY, SEPTEMBER 8, 2016**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee will be hearing several matters that night, in addition to your own and you may have to wait for your Agenda item to be called.

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

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

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

Sincerely,

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

76 Dreyer Drive, East, Ajax - Property Standards Order, file # 16-106554 - Appeal
Package

Synopsis
prepared by Officer Tami ABOTT

OVERVIEW

76 Dreyer Drive East, Ajax, Ontario is residentially zoned property. The registered owner of the property is Susan SOSNA. The property is located in a mature subdivision near the lake front in south Ajax.

FACTS

July 29, 2016 Complaint received by By-law Services regarding a fence that has been under construction for several years.
Google search indicates that fence posts were installed after August 2011 and prior to August 2014. (see attached photos).
The posts are visible on the right side of the dwelling.

August 2, 2016 Officer ABOTT attended the property and spoke with Kevin DUBE. Mr. DUBE identified himself as the one of the property owners. Mr. DUBE acknowledged that the fence on the right side of the property has been a work in progress for some time. I advised him of the By-law requirements, he indicated he could complete the fence in a weeks' time. I further informed him that I would be issuing a property standards Order and would provide him with 30 days to comply should he run into any issues completing the fence.

August 2, 2016 Property Standards Order (see attached) issued under Section 15.2 of the Ontario Building Code Act.

August 3, 2016 The registered owner of the property Suzanne SOSNA contacted Officer ABOTT by telephone to discuss the Order that had been issued to her with regards to the fence.

Ms. SOSNA questioned authority to deal with issues on private property and in complete structures. Officer ABOTT referenced the Property Standards By-law.

August 15, 2016 Mr. DUBE contacted Officer ABOTT by telephone to discuss a time extension for the fence. Officer ABOTT advised Mr. DUBE of the process for appeal as she would not extend the time frame to complete the fence as it has been under construction for a 2 years.

August 16, 2016 A letter of appeal was submitted to the attention of the property Standards Committee Secretary. (see attached)

August 22, 2016 A letter submitted from the Secretary of the Property Standards Committee was sent by registered mail to the attention of the registered owner of the property Suzanne SOSNA. (see attached)



Dreyer Dr E

August 2011 # 76



Image capture: Aug 2011 © 2016 Google

Ajax, Ontario

Street View - Aug 2011



Currently shown: Aug 2011



Dreyer Dr E

August 2014 # 76

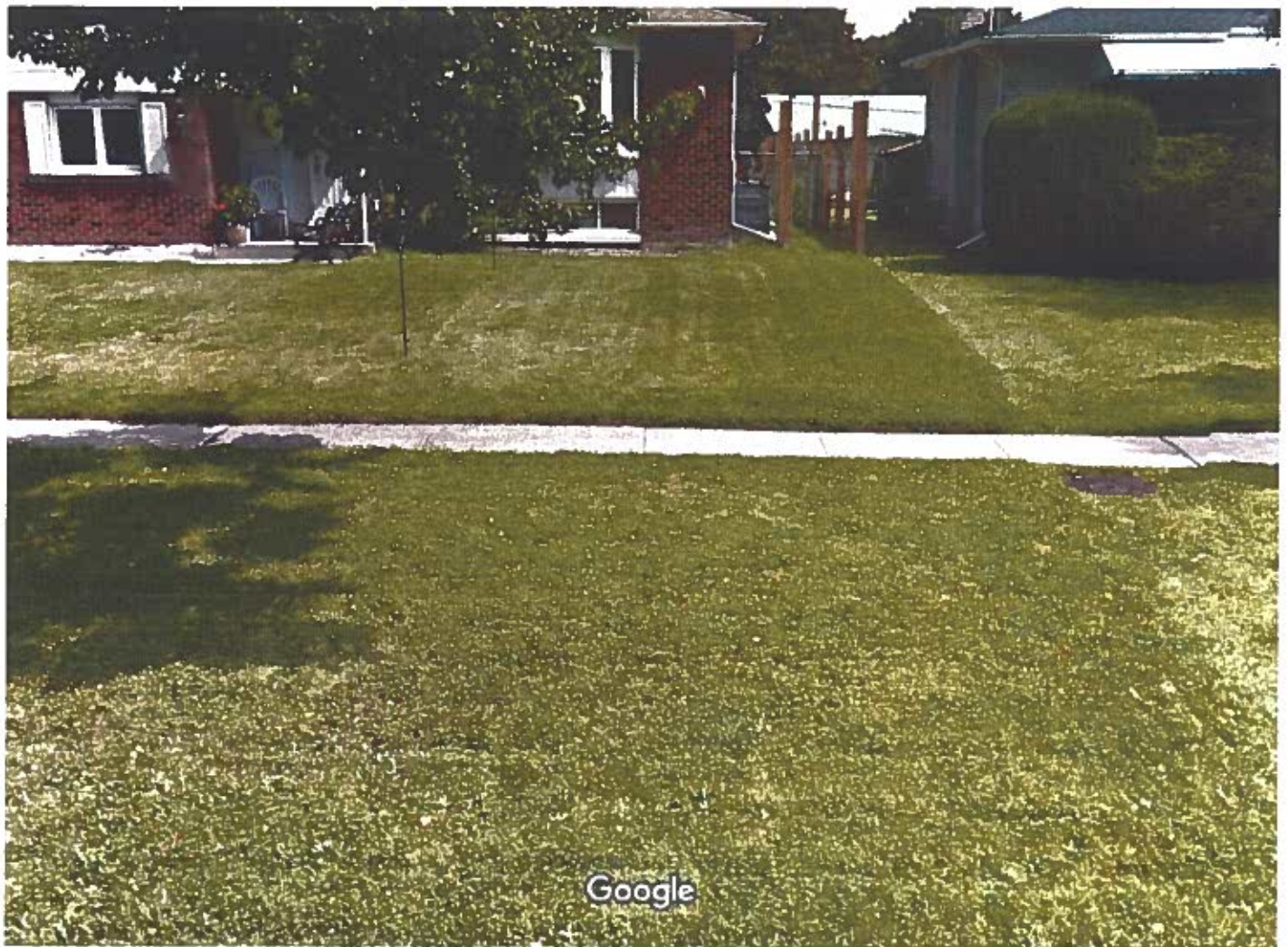


Image capture: Aug 2014 © 2016 Google

Ajax, Ontario

Street View - Aug 2014



Currently shown: Aug 2014



Dreyer Dr E

July 2015 # 76



Image capture: Jul 2015 © 2016 Google

Ajax, Ontario

Street View - Jul 2015





The Corporation of the Town of Ajax

ORDER

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

ISSUED TO: SUZANNE VERONICA SOSNA
76 DREYER DR E
AJAX ON
L1S 1J5

PROPERTY: 76 Dreyer Dr, Ajax, ON
PLAN M112 LOT 20
040017166000000

FILE NUMBER: 16 106554

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

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

Be advised that this property must be made to conform with the By-law on or before **Friday, September 2, 2016**. If repairs or clearance are not carried out within the specified time, the Town of Ajax may carry out the repairs or clearance at the owner's expense, and/or legal action may ensue.

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

Dated at Ajax, Tuesday, August 2, 2016

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

Tami Abbott
(905) 619-2529 ext. 3360

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

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

SCHEDULE "A"

ITEM	PARTICULARS OF REPAIRS TO BE EFFECTED
------	---------------------------------------

1. Complete the unfinished fence located on the south side of the property in the rear and side yards where the wood posts are currently erected so as to ensure that the fence and all of its components are in a good state of repair, plumb, and completed in accordance with the Fence By-law. Fence and all of its components must be constructed of weather resistant material, and stained or painted to match any existing fencing where applicable.
2. All debris generated from the removal of the existing chain link fence, including but not limited to the wire mesh, and metal posts shall be disposed of legally.



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

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

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

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

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

Section 4.2 Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris, garbage or other objects that create an unsafe or unsightly condition, out of character with the surrounding environment, shall be removed.

Section 4.21 Fences and gates and their hardware, comprising a swimming pool enclosure, shall be maintained in a good state of repair and in accordance with the Municipality's Fence By-law.

Section 4.22 All fences, gates and hardware shall be maintained free of hazards, in a state of good repair, and in accordance with the Municipality's Fence By-law.

- Section 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.

16AUG2016

**RECEIVED
TOWN OF AJAX**

**AUG 16 2016
LEGISLATIVE AND
INFORMATION SERVICES**

TO: Corporation of the Town of Ajax

FROM: Suzanne V. Sosna, 76 Dreyer Dr E., Ajax, ON L1S 1J5

File # : 16 106554

RE: Notice of Appeal - Request for extension

I request an extension of the time allowed to complete the said order served to us 02AUG2016 in regards to an uncompleted fence.

Please advise us of the following steps involved.

A handwritten signature in cursive script, appearing to read 'S. Sosna', is written over a horizontal line.

Suzanne Sosna



**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

Monday August 22, 2016

SUZANNE VERONICA SOSNA
76 DREYER DR E
AJAX ON
L1S 1J5

SUBJECT PROPERTY: 76 Dreyer Dr E LOT 20
PLAN M112 LOT 20
040017166000000

FILE NUMBER: 16 106554

Dear Sir/Madam:

Please be advised that The Property Standards Committee is in receipt of your letter requesting an appeal to Order Number **16 106554** for the above subject property.

The Property Standards Appeals Committee will hear the appeal on **THURSDAY, SEPTEMBER 8, 2016**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee will be hearing several matters that night, in addition to your own and you may have to wait for your Agenda item to be called.

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

If you wish to have any hardcopy material included in the agenda package for the Committee's review, you must supply the Town with a copy of it on the Wednesday (**AUGUST 31, 2016**), one week before your appeal date. The material can be brought into Ajax Town Hall and left for my attention at the Information Desk between 8:30 a.m. to 4:30 p.m., Monday to Friday. Any documents you wish the Committee to review after this date must be done by a vote of the Committee on the day of the Appeal.

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

Sincerely,

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



MEMO

TO: Animal Services Committee
FROM: Joe Lang, Municipal Law Enforcement Officer
DEPARTMENT: Legislative and Information Services; By-law Services
SUBJECT: Appeal of Order to Restrain # 16-105604
DATE: Thursday September 8th, 2016
TIME: 7:00pm
LOCATION: 65 Harwood Avenue South, Ajax, in Council Chambers

Synopsis of Evidence

July 05, 2016 Received complaint regarding a dog on dog bite incident that occurred earlier in the day between Freeston Crescent and Roberson Drive in the footpath.

Attended 4 Freeston Crescent and met with Mr. Brill who is the owner of the dog that got bit. He explained to me that earlier in the day around 10:00am he was walking his 2 Bernese Mountain Dogs on leashes and was on the way back home when one of his dogs was attacked by a Great Dane in the footpath near 16-18 Freeston Crescent that joins Freeston Crescent and Roberson Drive.

He told me that he had observed a young female walking a large Great Dane on leash on Roberson Drive who turned down the footpath towards Freeston Crescent. Mr. Brill was on his way home so he also turned down the footpath after the Great Dane and the female had gone down the path. Approximately half way through the footpath, the Great Dane was now 15-20feet in front of Mr. Brill and his 2 dogs. The Great Dane turned around escaped the control of the young female before lunging at and biting Harmony, one of Mr. Brill's dogs.

A scuffle ensued and Mr. Brill was able to separate the dogs from each other. During the scuffle he let go of the leashes of his dogs and his dog Juno ran towards Roberson Drive and the dog that got bit, Harmony, ran away to Freeston Crescent and back home. Once home, he discovered that Harmony had bite marks on her neck/chest area that were bleeding and he decided to take her to Ajax Animal Hospital for treatment. (invoice attached)

While I was speaking with Mr. Brill at his home I noticed he had some scratches on his face and he told me they were from his sunglasses scratching him when he fell to the ground on top of the Great Dane. He also had scratches on his left knee from falling.

His dog Harmony was still at the vet after being treated for her injuries so I attended Ajax Animal Hospital and took a few pictures of her injuries. (pictures attached)

Address of the Great Dane was unknown at this time but I was able to narrow it down to 65 Roberson Drive with the help of some area residents and animal licensing records for a Great Dane registered to Mr. Webster of 65 Roberson Drive. I left a business card at the property asking for a call.

- July 06, 2016 Spoke on the phone with Sheldon WEBSTER, owner of the Great Dane. He informed me that his 11 year old daughter was walking the family dog at the time of the incident. He told me that he believed Mr. Brill was following his daughter too closely and that is why his Great Dane ran away from his daughter to bite one of the other dogs. I explained to Mr. Webster that I would likely be issuing an Order to Restrain with a muzzle requirement because of the incident.
- July 08, 2016 Spoke to Mr. Webster over the phone and confirmed that I would be issuing an Order to Restrain. Sent the Order via email and also the original copy in registered mail. (Order attached)
- July 12, 2016 Received request for appeal from Sheldon and Kristi-Ann WEBSTER. (attached)
- July 13, 2016 Notice of Appeal Date was mailed to the appellant. (attached)



Rear passenger seat of Mr. Brill's vehicle July 05,⁴² 2016 1:30pm @ 4 Freeston Cres, Ajax PL#4009



Picture taken by DVM at Ajax Animal Hospital on July 05, 2016



Picture taken by DVM at Ajax Animal Hospital on July 05, 2016



"Harmony" - Bernese Mountain Dog July 05, 2016 ⁴⁵ 4:00pm @ Ajax Animal Hospital J.#4009



"Harmony" - Bernese Mountain Dog. July 05, 2016⁴⁶ 4:00pm @ Ajax Animal Hospital GL #4009

Ajax Animal Hospital

369 Finley Avenue
Ajax, ON L1S 2E2
905-683-6430



FOR: Debra Brill
4 Freeston Cres.
Ajax, ON L1T 4A1

Printed: 7/5/2016 at 6:11p
Date: 7/5/2016
Account: 8927
Invoice: 222113

Date	For	Qty	Description	Price	Discount	Price
Services by Dr. Devon Barnes						
7/5/2016	Harmony	28	Amox-Clav 625 mg Tabs*			63.19
7/5/2016		1	Penrose Drain Application*			9.90
7/5/2016		1	In-house Procyte CBC Complete Bl*			38.50
7/5/2016		1	Blood or other sample Collection*			33.70
7/5/2016		1	In-house Chem 10 Preadesthetic T*			46.80
7/5/2016		1	Hospitalization/Prof. Monitoring per *			56.50
7/5/2016		3	Surgery & Anesthetic Fee: per unit *			208.50
7/5/2016		1	Surgical Pack/Instrumentation/Mate*			79.90
7/5/2016		1	Patient warming devices*			0.00
7/5/2016		1	Monitors:PulseOx, Apalert, ECG, B*			34.95
7/5/2016		1	Intra-operative IV Fluid Administrati*			29.95
7/5/2016		1	IV indwelling catheter placement*			51.95
7/5/2016		1	Pre-op Sedation, Induction, Intubati*			0.00
7/5/2016		1	Pre-anesthetic Physical Examinatio*			0.00
7/5/2016		1	Anesthetic Induction: Surgical Proc*			152.10
7/5/2016		20	Tramadol 100mg Tablets*			45.55

Services by Dr. Lisa Bowes

7/5/2016		1	Veterinary Consultation*			86.90
7/5/2016		1	Ampicillin 1000 mg I.V. Infusion*			31.70
7/5/2016		1	Therabites MelloWS - 30 chewable*			29.98

Services by

7/5/2016	#017237	Visa payment				-1130.08
----------	---------	--------------	--	--	--	----------

Old balance	Charges	GST	PST	Payments	New balance
0.00	1000.07	*50.00	80.01	1130.08	0.00

Patient	Total charges
Harmony	1000.07

Next appointment for Harmony			Qty
7/8/2016	At: 8:00a	With: Karyn Jones, DVM	

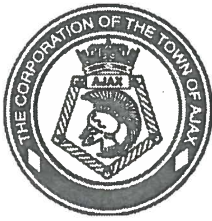
Mr. Joe Lang,

This statement is intended to outline the events of July 5, 2016.

- I was walking my 2 Bernese Mountain Dogs, Juno and Harmony, north on Roberson Dr. that morning (I think it was just after 10:00 pm)
- A girl was walking her Great Dane (I am certain the Great Dane out weighted the girl) south on Roberson Dr. when she turned left into the cat walk joining Roberson Dr. and Freeston Crescent
- I also turned into the cat walk given I live on Freeston Crescent
- About ½ way down the cat walk the Great Dane turned and broke free of the girl. I would estimate they were 10 to 20 feet in front of us at the time.
- The Great Dane bound toward and pounced on one of my Bernese (Harmony) and attacked her (I found out afterward the Great Dane bit her around her neck area)
- I jumped on the Great Dane knocking it down to it's knees, causing it to release my Bernese
- Both my Bernese ran to escape, Harmony running toward home and Juno running the opposite way (back onto Roberson Dr.)
- When jumping on the Great Dane I incurred some minor cuts to my face from the sunglasses that broke and a scrapped knee
- The girl walking the Great Dane was most apologetic but I was just concerned about my dogs well being at that point
- I ran the short distance home to find Harmony shaking on my front lawn but Juno was nowhere to be found
- When putting Harmony in the back seat of my vehicle in order to search for Juno I noted a small quantity of blood on the seat when she sat up
- I proceeded to search for Juno as did my wife in her vehicle...she found her in front of a home part way down Roberson Dr.
- Arriving home I examined Harmony for the source of the blood...I found 2 puncture marks around her throat area
- I immediately drove her to the Ajax Animal Hospital, her veterinarian clinic
- They discovered an additional large gash near the 2 puncture wounds
- They described the recommended procedure and provided a cost estimate of \$1,162.42 (which I provided to you)
- As of the time of writing I don't know the full extent of injuries or the actual cost given that I will be picking Harmony up later today from the Animal Hospital

Should you require any other information please do not hesitate in contacting me or my wife, Debra. Your assistance in this matter is most appreciated.

John (Jack) Brill



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: SHELDON WEBSTER
KRISTI ANN WEBSTER
65 ROBERSON DRIVE
AJAX ON L1T 4B7

AS OWNERS OF A DOG DESCRIBED AS: "Merlin", a male, blue/grey coloured Great Dane

FILE NUMBER: 16 105604

An investigation of an incident involving your dog has been conducted by the Town of Ajax Animal Services Section and it has been determined that your dog did bite another dog on Tuesday July 5th, 2016.

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

You shall:

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

OR

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

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

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

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 July 07, 2016



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

Dear Secretary,

In response to an Order to Restrain issued to us, Sheldon and Kristi-Ann Webster, with regards to our Great Dane "Merlin" and file number 16-105604, we are hereby formally requesting and appeal of the conditions of the order.

Specifically, we are appealing condition #3 and the requirement to have the dog muzzled when the dog is off the property of its owner.

Please advise us soon as possible of when the date of which the appeal will be heard. Thank you.

Sincerely,


Sheldon and Kristi-Ann Webster

11 JULY 2016

RECEIVED
CITY OF AJAX

JUL 12 2016

LEGISLATIVE AND
INFORMATION SERVICES



**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, July 13, 2016

SHELDON WAYNE WEBSTER
65 ROBERSON DRIVE
AJAX ON
L1T 4B7

RE: Order To Restrain Appeal Date

FILE NUMBER: 16 105604

Please be advised that The Animal Services Appeal Committee is in receipt of your letter requesting an appeal to Order to Restrain Number 16 105604.

The Animal Services Appeal Committee will hear the appeal on **THURSDAY, SEPTEMBER 8, 2016**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee will be hearing several matters that night, in addition to your own and you may have to wait for your Agenda item to be called.

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

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

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

Sincerely,

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

Appellant's Submission

**Dated
August 29th, 2016**

August 29, 2016

To Whom It May Concern,

RE: Order to Restrain Appeal File Number: 16 105604

Summary of Incident

On Tuesday, July 5 in the morning, my 11 year old daughter was taking our Great Dane, Merlin, for a walk. Within a few houses of our house, she noticed a man walking toward her with two Bernese Mountain dogs. Not wanting to have a face-to-face encounter with two other large dogs, she quickly took the path leading up to the next street.

This path is approximately 8 feet wide and 230 feet long. With foliage overgrowing the fences, it tends to make the path feel narrower. (Pictures included)

The man (Mr. Brill) followed my daughter up the path as his residence is just down from the path. This made our daughter very uncomfortable. She tried to avoid a situation and the situation followed her. Our dog must have sensed her unease. He pulled away from her and went to the lead dog. At this point, Mr. Brill and his dogs were only about 30 feet from our daughter and our dog. (As indicated in the pictures of our daughter and my husband)

Merlin put his mouth around Mr. Brill's dog. Mr. Brill's initial reaction was to pull the dogs apart by forcing himself down on Merlin. Merlin immediately submitted where our daughter was able to again gain control of the dog.

Unfortunately, Mr. Brill's dog did incur an injury. However, it is unclear to us as to whether the injury occurred due to Merlin's grasp or Mr. Brill pulling the dogs apart.

Upon speaking with Mr. Brill and his adult son a few days after the incident, they both agreed that Merlin is not an aggressive dog and they did not think it necessary for Merlin to be muzzled. Merlin did submit quickly and did not show any aggressive tendencies toward Mr. Brill as he was restraining him. Mr. Brill Jr. did say that he would call the town to see what he could do about getting the muzzle order lifted.

Merlin is always walked on a short leash. His leash is two feet long and attached to a prong collar to allow for more control. He now has a shorter, double handled leash so we now have two hands on his leash.

In the past, we have taken Merlin to walk our children to and from school. He is very good at sitting and waiting for the children while they play at the park. He loves the attention from the other children that come up to pet the "little horse." He is truly our gentle giant.

Sincerely,



Kristi-Ann and Sheldon Webster



Aug 26/16

Re: Blue Great Dane a.k.a. Merlin

To whom it may concern:

I would like to describe my experiences with this wonderful dog whom I have known for 2 years.

Merlin is a wonderful dog, with a fantastic disposition. He is very gentle with children. I have been with his owner at a school to pick up our children where Merlin will allow the children to approach him and fuss over him with out any issues. He is so well behaved with the children and has never reacted aggressively towards any of them, even if a child startles him, he does not react to them.

I have also had many opportunities to go for walks with Merlin and his owner, Kristi-Ann. When we have encountered other dogs, Merlin has never reacted aggressively towards any dogs. He is curious about other dogs but he has never attacked any dog since I met him when he was very little.

I find Merlin to be a wonderful dog, very sweet and sensitive and an absolute joy to be around.

Sincerely,

Claire J. Ferrara







