



AGENDA PROPERTY STANDARDS/ANIMAL SERVICES APPEAL MEETING

September 10, 2015 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/ANIMAL SERVICES APPEAL COMMITTEE
MEETING HELD IN THE COUNCIL CHAMBERS, AJAX TOWN HALL
At 7:00 p.m. on Thursday, June 11, 2015**

Present:	Members	- K. Barrett - A. Bridgeman - O. Lambert, Chair - A. Olugbenga
	Staff	- K. Little, Secretary - D. Hannan, Staff Resource - C. Weller, MLEO - J. Lang, MLEO
	Absent	- D. Jean

1. Call to Order

Chair Lambert called the meeting to order at 7:07 p.m. and asked that everyone turn their cell phones off. She explained that the Property Standards Appeals would be heard first, followed by the Animal Appeal. She asked if Mr. or Mrs. Nazim was in attendance, if Mr. or Mrs. Iafate was here and if Mr. Gill was here. They all replied that they were here.

2. Adoption of Minutes

Moved by: Member Barrett

That the Minutes of the Property Standards Committee held on April 9, 2015, be adopted.

Carried.

Chair Lambert explained to the appellants and witnesses in attendance how the meeting would be run, including the right to appeal the Committee's decisions.

3. Public Meeting/Appeal

3.1 Property Standards Committee

3.1.1 Nazim Appeal – 8 Sharp Crescent

Mrs. Nazim explained that Mr. Bourassa, of Chaitons LLP, would be speaking on

the matter before the Committee. Mr. Bourassa explained that he was representing the mortgage lender and had previously appeared at the December 11, 2014 appeal meeting. He can speak on the reconstruction of the house and the insurance claim and has better knowledge of the timing of how work will be done.

Member Barrett made a Motion that the Rules of Order be suspended to allow Mr. Bourassa to state his case, before the Officer speaks.

All in favour.

The work on the house is scheduled to be completed by the end of October, 2015. Financing has been secured well north of six figures. Drawings have been commissioned and they are almost complete. The Nazims' are ready to go for the building permit. Contractor says they should be finished by the end of October, 2015.

Chair Lambert asked Mr. Bourassa if the Nazims' were asking for an extension of time to have the work completed.

Mr. Bourassa explained that he was here tonight to offer additional information and is representing the bank's interest only. The Committee would have to ask Mrs. Nazim if she is requesting an extension.

Mrs. Nazim requested an extension to October, 2015 and Chair Lambert confirmed that she wanted the extension to October 31, 2015.

Member Bridgeman wanted to make a Motion that the Order be extended to October 31, 2015.

Member Barrett asked for clarification if the date of the extension was to be October 10 or October 31. Mrs. Nazim clarified that it was October 31, 2015.

Member Olugbenga suggested extending the Order to mid-November, being November 15, 2015.

Member Bridgeman agreed to go to November 15, 2015.

Member Barrett agreed to extend the Order to November 15, 2015.

Chair Lambert made a Motion to extend the date of the Order to November 15, 2015.

All in favour.

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

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

A Building Permit will be required prior to work commencing.

That this Order be extended to November 15, 2015.

Carried.

Chair Lambert explained to Mrs. Nazim that the Committee will extend the Order to November 15, 2015 and that the decision will also be sent to her in writing.

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

3.1.2 Iafrate Appeal – 2252 Salem Road

Mr. Giuseppe Mainolfi appeared for 2252 Salem Road.

Chair Lambert asked Officer Weller to give his statement. He explained that the property is a small bungalow that has been rented for years. On March 9-10, 2015 he was there for an air quality issue. He inspected and issued an Order to Test. As this is not in Officer Weller's area of expertise, he advised that a professional company would need to test the house for mould. Golder and Associates tested the house and issued a report with regards to mould. It recommended that all water damage/mould areas be cleaned up. Subsequently,

Officer Weller issued a Property Standards Order for the mould clean up. He explained that the property has been vacated and is up for sale. The Property Standards Order has also been registered on title relating to mould.

Chair Lambert asked Mr. Mainolfi if he had any questions for Officer Weller and he replied that he did not.

Mr. Mainolfi wants an extension of time to do the work as the property is for sale. He has had a few offers and is eager to get rid of it. No one wants the property for a 750 square foot bungalow. It has been for sale since last July, 2014. It is now for sale at \$1.2 million. He stated that there was no urgency to sell back then, but now they need to as the principal owner is 95 yrs.old and wants to get rid of it.

Chair Lambert asked him how long he is looking for in an extension.

Mr. Mainolfi explained that he would like a 3-4 month extension.

Chair Lambert asked him if he had an offer that fell through and he told her that it had and since then, they have lowered the price.

Member Barrett confirmed with Mr. Mainolfi that no one is living there right now. He replied that that was correct. She asked him if he intended to have anyone renting it and he replied that no, he never will. It is in an unsafe condition and should not be occupied at all. He explained that all the plumbing fixtures have been removed and hydro is only on for the sump pumps.

Member Olugbenga confirmed with Mr. Mainolfi that no one will live there and he replied that you couldn't live there. He asked him what is the exact date you would like and Mr. Mainolfi said October, 2015. Member Olugbenga confirmed it was for the end of October and Mr. Mainolfi said yes.

The Committee then went into discussion. Chair Lambert stated there is no one living there now and the appellant has lowered the price. Mr. Mainolfi wants to the end of October, 2015 to finish the repair work.

Member Olugbenga stated that October is reasonable as he has committed that no one will live there.

Member Bridgeman stated that it is a good commitment, however the Committee can't enforce it.

Officer Weller explained that there is no need to proceed with the Order if no one moves in. If anyone does move in, the Order is on title and it will force them to comply. Member Bridgeman asked if the Committee extends the deadline, will it be removed from title. Officer Weller explained no, not until compliance achieved.

Member Olugbenga asked Mr. Mainolfi if he could put something in writing about no one renting the house and he explained that he would email it to Officer Weller.

Member Bridgeman asked if the Committee could extend the date in light of the email. Officer Weller explained that it is not a liveable place and that he has a certain amount of confidence that Mr. Mainolfi will not be renting it out.

D. Hannan, Staff Resource, raised a Point of Order explaining to the Committee that the Order could be extended on the basis that the house is not occupied. If it becomes occupied, the Order would be confirmed.

Member Bridgeman made a Motion to extend the Order on confirmation from the appellant that the place not be occupied. If occupied, Order confirmed and Town has recourse.

Member Barrett made a Motion that the Order be extended to October 31, 2015 on the condition that the premises not be occupied and if it does become occupied, the Order will be confirmed.

All in favour.

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

5. That the Order be extended to October 31, 2015.

Carried.

This portion of the meeting was finished at 7:34 p.m.

3.2 Animal Services Committee

3.2.1 Gill Appeal – 1 Rotherglen Road North

Chair Lambert asked if Mr. Gill was in attendance. He confirmed that he was.

Chair Lambert asked Officer Lang to give his statement. He stated that he had received a complaint from DRPS regarding a dog bite at 1 Rotherglen Road North. He met with Majeda and she said that the dog came out of nowhere and attacked her daughter who she was walking in her stroller. She explained to Officer Lang that it was a large brown dog with short hair. It scratched her leg. She dropped her daughter on the sidewalk. Son did not receive injuries. Injuries bandaged at the time of Officer Lang's visit and the daughter was sleeping. Majeda took pictures with her tablet. Wound on left thigh, believed to be from dog bite. 10 stitches were required. Large bruise and swelling above the right eye. Scratch required 5 stitches to close. Met with Mr. Gill, owner of 1 Rotherglen and the dog named "Buddy". Mr. Gill did not dispute the facts. He stated that he had come out after the incident occurred. He explained that the dog escaped out the front door when his wife was picking up the newspaper. Officer Lang met Buddy who was in his crate at the time of the visit, barked at his presence but then got comfortable with him. Officer Lang told the Committee that he explained the consequences to Mr. Gill. Officer Lang contacted the City of Brampton and they had no record of any dog bite/attack. Ms. Sasha Woodbeck was a witness to the attack. Gave the Order to Restrain to Mr. Gill and he bought 2 Beware of Dog signs. Officer Lang explained the conditions of the Order to the Committee and that the Beware of Dog sign is at the front of the house. Mr. Gill appealed the Order and a registered letter was sent to him with the date of the appeal.

Chair Lambert asked Mr. Gill if he had any questions for Officer Lang. He did not.

The Committee had no questions for Officer Lang.

It was explained to the Committee that Majeda would speak first through her translator, Zaheda.

Member Barrett asked for her account of the events on the day of the attack. She stated that she was walking with her son and daughter. She was very scared and the attack has completely changed her. She doesn't go out of the house, except

for appointments. It was hard for her to come tonight. Zaheda took Majeda's daughter to the Oshawa park and the little girl ended up screaming at a seagull and they had to leave after 15 minutes.

Member Barrett asked if Majeda's daughter was asleep at the time the dog approached. Zaheda explained that Majeda's daughter now takes medication to sleep and if she sees the neighbour's dog, she runs away.

Member Barrett asked again that on the day of the attack was Majeda's daughter asleep, awake, playing? She was awake. The dog had scratched her daughter. Member Barrett asked how did the dog approach? Was it playful or aggressive?

Chair Lambert asked Majeda if the dog just attacked her or was it playing and then attacked? She stated that the dog came right up and attacked her.

Member Barrett thanked Majeda and confirmed that she said she was behind the stroller. Did you go in front or did you turn around? How did you get in front of the dog? She turned around. Her daughter fell and she went to pick her up. Member Barrett asked Majeda if she often walks in this neighbourhood. She replied yes, since October, 2014. Had you ever seen this dog before? No, she had not.

Mr. Gill asked Majeda if she saw him there to get the dog. He stated that he saw what happened just after it had happened. He asked did you see me beside you?

Zaheda said that Majeda did not know who was there. She doesn't remember even now. She does remember a neighbor bringing her water.

Chair Lambert asked Mr. Gill if he had any more questions. He stated he did not.

Sasha Woodbeck stated that she saw the dog on the road and approached the mom, daughter and son, but didn't see the dog owner. She distracted the dog from the child. She stated that the owner had to take 5-10 minutes to get dog and had to give it treats to get him to come to him. The dog was going around in circles and Sasha tried to run with the child away from the dog. Another girl was there hiding under a car. The dog continued to go around in circles.

Member Barrett asked Ms. Woodbeck if she saw the owner come out of the house. No, she only saw him on the road. Ms. Woodbeck stated that the neighbour says the dog is not good with kids.

Chair Lambert asked Ms. Woodbeck if it was only herself, the mom and victim the only people there? She said she was and that the man in the car ahead got out of it to distract the dog. Chair Lambert asked her if the dog was upset the whole time and she stated that he was.

Chair Lambert asked Mr. Gill if there were any questions for Sasha. Mr. Gill said he had a question stating that Ms. Woodbeck said it was 5-10 minutes before he could control his dog. How long did it take before you saw me on the street? She replied that he could have been outside, but it took 5-10 minutes before he had control over the dog. Everything happened so quickly. She said that Mr. Gill had to use treats to stop the dog from running around.

Chair Lambert asked if there were any questions for Officer Lang. She asked Officer Lang when he visited Mr. Gill he sold him an Ajax dog licence. Did he only have a Brampton licence? Mr. Lang stated that prior to May 14, 2015 he did not have an Ajax licence, only one from Brampton.

Mr. Gill explained to the Committee that he was very, very sorry what happened that day. The dog bit Majeda and her daughter. He told the Committee that he was painting in the laundry room and the door was slightly ajar. His wife went to pick up the paper which she does 3-4x a week and had done it many times. Believes it was a mystery how the dog got out, maybe a crosswind may have opened the door and the dog got out. Wife called out and he left right away with treats. He told the Committee that it was no more than a few split seconds. From 1 Rotherglen to Sherwood/Rotherglen, it is approximately 100 yards. He wanted to get the dog, that was his first priority as it was running around. Mr. Gill said that he dropped the dog treats, Buddy came and got them. It wasn't any more than 2-3 minutes. He brought Buddy in and then went outside to see what happened. Mr. Gill said the attack happened on the east side of the road and now the victim was on the west side. Someone brought the victim water and phoned DRPS. They called an ambulance and took the victims away. The dog is walked 2-3 times a day and has never gotten out of the house before that. He is always leashed. He, his wife and 89 year old mother-in-law live at the house with the dog. A Personal Support Worker comes every day to look after his mother-in-law and there has been no complaints about the dog. He is put in his cage when the PSW comes and never bothers anyone. Buddy was enrolled in a training program and has a letter from his trainer that he has shown no aggressive behavior. Mr. Gill offered his sincere apologies to the victim. He told the Committee that he walks Buddy on Highway 2 at the Westney Plaza and also along Rotherglen. Any interactions have been no problem. Mr. Gill is the only one who walks him and his son walks him every few weeks.

Member Bridgeman asked Mr. Gill if Buddy had training before or since the attack and if there was any more training he can take. Mr. Gill told the Committee that Buddy was already enrolled in a training program once a week before the incident. She asked if there was any continuing training. What will prevent this from occurring in the future? What are you doing moving forward? Mr. Gill replied that the first level of training was walking on a leash and the second level was basic obedience. The next level is up to him. Mr. Gill told the Committee that he will take responsibility that the dog doesn't get out. When he opens the front door, Buddy will be in a cage or he will watch him.

There is no chance he can get out.

Member Bridgeman asked Mr. Gill again if there are any other courses he can take with Buddy. He replied that June 4, 2015 was the completion of his last course.

Chair Lambert asked him long was the course from start to finish. He replied that it was a 12 week course and it finished on June 4, 2015. He couldn't say the exact date when it started.

Member Barrett confirmed with Mr. Gill that the course he took taught aggression control and basic obedience. He replied that he has the certificate and a letter from his trainer. The course was provided by Gemini Canine School. He also said that there is "Bark Busters". On April 18, 2014, he went to quite a few sessions. He believed that it was training more for him and not the dog.

Chair Lambert confirmed that Mr. Gill is not enrolled in any other course at this time with Buddy.

Chair Lambert asked why was the dog not licenced in Ajax? Mr. Gill replied that the dog was living in Brampton for a long time. He said that a man came to his door with Town ID and was told that since he had a licence from Brampton, that was fine. He didn't know he needed one from Ajax. He later bought one from Officer Lang.

Chair Lambert asked Mr. Gill where the dog was dog at the time of the incident. How was he behaving? He replied that the dog was at the intersection, a distance away from the victim. She confirmed that he took the dog home, then came out again. Did you introduce yourself to the victim? Did you see the injury? He stated that he did not. He said that he told the victim that he was the dog owner. Chair Lambert also asked Mr. Gill why is Buddy always in a cage at home. He replied that he is not always in the cage. When they are at home, the dog is out of the cage. If the PSW comes in, he will put the dog in the cage for 1 hour as a preventative measure.

Member Olugbenga believes that all precautions have been taken. Mr. Gill's yard is fenced in and there is a lock on the gate. Mr. Gill will put Buddy in his cage or laundry room if someone is at the front door.

Chair Lambert asked Officer Lang if he had any questions for Mr. Gill. He asked him about training. Had he researched any training programs for dogs with aggression. Mr. Gill responded that he had spoken to his trainer and that they train police dogs. Officer Lang asked when Buddy graduated from his first class. When was he enrolled? Mr. Gill responded that it was a 12 week program and that he was enrolled in it way before the incident. He was enrolled in Level 2 prior to the attack and Level 1 before that.

Member Barrett asked how long Mr. Gill had owned Buddy. He replied since he was 4 weeks old. He brought him over from India. He is now 18-19 months old. She asked him if he had been away from him for any length of time. He replied that only once for 4 months, now maybe 1 week or so.

Member Barrett asked Mr. Gill how was Buddy acting the day of the attack. He responded that he was playful, how we are in the backyard, playing a game. Mr. Gill said that Buddy has made considerable progress, but will continuously bark if strangers come into the house. He told the Committee that training has helped curb this with Buddy. Mr. Gill can give him correction as he attended all manouevs/training. Sometimes his wife observed. His son was there for 1-2 classes.

Member Olugbenga confirmed with Mr. Gill that he takes care of Buddy. He asked him if he isn't home, who would look after Buddy? He replied that his wife can put him in a cage or the laundry room. He also follows her commands.

Chair Lambert asked Mr. Gill why Buddy has to go into the cage now if he is trained. Mr. Gill responded that Buddy is not in his cage all the time – only when someone come in. He does not want to take a chance again after this incident.

Member Barrett asked Officer Lang if licencing/registering is one in the same. He replied that it was.

Officer Lang told the Committee that they could view the extent of the victim's injuries by looking at the pictures. He believes it was a very significant attack. It caused the victim both physical harm and emotional trauma. An Order to Restrain doesn't prevent attacks 100%, but wearing a muzzle can provide some measure of safety/security. He told the Committee that dogs act on instinct, therefore no one can predict how Buddy will act in the future. He is of the opinion that the Order should remain as written and that it is for the dog's lifetime.

Mr. Gill doesn't dispute anything that happened that day. He told the Committee that you can't predict any dog in Ajax from not doing it. The Durham Region Medical Officer told Mr. Gill that there is 1 bite per day in Durham. Buddy was in quarantine for 10 days. The lifetime ban seems to be a very long time. He believes that even a murderer gets parole. Mr. Gill stated again that he was not diminishing what happened. It was an accident and he has since taken all precautions.

Chair Lambert had a question for Officer Lang. She confirmed that Mr. Gill had secured all access to the house and in the Order it says how to do fencing, etc. She asked Officer Lang if he had seen anything at the house since he delivered the Order. He answered that he had not reattended the property since delivering the

Order. He did say that there were two Beware of Dog signs in front window and at gate.

Member Bridgeman asked Officer Lang if muzzling was required at all times and he replied that Buddy did not have to be muzzled inside the house. It is only required when he is off the property being walked or in an unsecured yard.

Member Barrett asked Mr. Gill with respect to fencing, do you have a self closing latch. He replied that he does.

Member Bridgeman asked Staff Resource Hannan if the Committee could confirm the Order for 6 months and that Mr. Gill would come back before the Committee then.

Staff Resource Hannan answered that that was an option.

Chair Lambert and the Committee debated the merits of the Order.

Member Bridgeman wanted to confirm the Order giving Mr. Gill 6 months. She said that this was not an acceptable accident and what was described by the victim was incredibly serious. If the Committee brings the Order back in 6 months, action must be taken. It specifically must address children, as Buddy may not be comfortable around them. She wants to give Mr. Gill time to deal with it.

Member Barrett said that no one can say for certain what could happen again. Mr. Gill says Buddy can't pant with muzzle. She believes that some training programs deal with owners and dogs and believes that owner should also be trained. She would like training to be added to the Order.

Member Olugbenga asked Mr. Gill how long he walks Buddy for. He responded that he walks him approximately 1 hour per day. Mr. Gill told the Committee that he is just taking extreme precaution by putting Buddy in a cage. It's not that he doesn't trust his dog, just taking extra steps.

Chair Lambert confirmed that Buddy is only muzzled 1-1.5 hours per day. At other times, he is not muzzled.

Staff Resource Hannan raised a Point of Order. He told the Committee that it is beyond the Committee's mandate to order Mr. Gill to get training. In 6 months, he can seek relief from the Order's requirements.

Member Olugbenga discussed 9 months to seek relief and that the victim will be scarred for life.

Member Bridgeman confirmed that the Order is not preventing a dog bite.

Chair Lambert stated that she was very sorry for the victim and that it was courageous for both the victim and witness to come tonight. She thanked them and said it was very clear what was said. It helped her make her decision.

Member Bridgeman stated that she would like 12 months for Mr. Gill to come back before the Committee.

Member Barrett raised a Motion to convene in 1 year to review this matter. Mr. Gill can seek relief then. The Order will be upheld for 1 year from today's meeting date to the nearest meeting date in June, 2016.

Member Olugbenga explained to Mr. Gill what requirements he needs to do in one year to seek relief from the Order.

All in favour.

You shall:

Register and licence the dog with the Town of Ajax on an annual basis as outlined in the Town of Ajax Dog and Cat By-law.

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. 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.

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. The dog shall also be muzzled using a humane muzzling device to prevent the dog from biting.
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 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.)
- 6 That the Appellant return to the Committee meeting of June 9, 2016 to seek relief from the Order to Restrain.

Carried.

This portion of the meeting was finished at 8:50 p.m.

4. Verbal Update

4.1 Property Standards Committee 4.1.1

Chimienti – 2 Elizabeth Street

Officer Foreman reinvestigated the property on May 21, 2015. She noted full compliance of the Order.

This portion of the meeting was finished at 8:55 p.m.

5. Other/New Business

None

Moved by: Member Bridgeman

That the meeting be adjourned at 8:56 p.m.

All in favour.

Carried.

Chair



MEMO

TO: Property Standards Committee

FROM: Scott Neal

DEPARTMENT: L.I.S By-law

SUBJECT: Appeal of Property Standards Order # 15 107826
19 Fearn Cres, Ajax, Ontario

DATE OF APPEAL: September 10, 2015

TIME OF APPEAL: 7:00 p.m

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

Overview

19 Fearn Cres, Ajax, Ontario is a residentially zoned property owned by Brian Radix. It is neighboured by 4 other residentially zoned properties. The property was developed and the house was constructed in 1983. The house is approximately 32 years of age.

Facts

June 19, 2015 Complaint received by By-law Services regarding a large tree that was unhealthy and being held together by straps.

June 23, 2015 MLEO S.Williamson and I attended at 19 Fearn and inspected the tree. The tree is in the rear corner of the back yard. The tree canopy extends over the back yard of 19 Fearn and also the rear yards of neighboring properties. Shipping style tie down straps were wrapped around large limbs that had a crack in their centre. The straps appeared to be holding the limbs from cracking further and falling to the ground. It appeared that the tree had previously sustained damage as there were cracks and missing branches/limbs. I advised the resident that I would be making arrangements to have a certified arborist inspect the tree as I believed it was a hazard.

June 24, 2015	Attended 19 Fearn Cres with MLEO Williamson, and certified Arborist Del Cresman of Cressman Tree Maintenance & Landscaping. Mr. Cressman determined the tree was a hazard and that the entire tree needed to be removed. He advised that that the split stem held with straps was very hazardous. He also identified included bark, signs of decay and a large split limb high in the tree canopy. He advised removal of the stem with the straps would leave the rest of the tree structurally unstable and recommended the removal of the entire tree to alleviate the hazard. (Mr.Cressman's report and MLEO S.Neal's photos attached)
June 25, 2015	<p>Property Standards Order # 15 107826 was issued under section 15.2 of the Building Code Act and sent prepaid registered mail to the owner of the property Brian Radix. (Order attached)</p> <p>The Order requires the full removal of the silver maple tree located in the rear corner of the property, and the removal and legal disposal of all debris from the property as a result of the work, on or before Saturday, July 25, 2015.</p>
July 7, 2015	Mr. Radix's letter (dated July 6 th , 2015) requesting an appeal was received (letter attached)
July 8, 2015	Letter was sent via prepaid registered mail to Mr. Radix from the Secretary of the Property Standards Committee advising of the date, time and location of the appeal (letter attached)



June 24, 2015

19 Fearn Cres.

Scott Neal



June 24, 2015

19 Fearn Cres.

Scott Neal



June 24, 2015

19 Fearn Cres.

Scott Neal



June 24, 2015

19 Fearn Cres

Small Neck



June 24, 2015

19 Fearn Cres

Satt Neel



Cressman Tree Maintenance & Landscaping Ltd.

P.O. BOX 57 - 1436 ONTARIO ST., COBOURG, ONTARIO K9A 4K2

DEL CRESSMAN, President

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Email: cressmantree@cogeco.ca

June 25, 2015

Town of Ajax
65 Harwood Avenue South
Ajax, Ontario L1S 2H9

Attention: Sharon Williamson
Supervisor, Bylaw Services

Re: 19 Fearn Crescent, Ajax, Ontario – TREE ASSESSMENT

I was pleased to meet with you and Scott yesterday, June 24th, 2015, to look at a tree located at the above address. Following are my observations and recommendations:

Silver Maple – located in Southwest corner of backyard

- it is a multi-stem tree with 6 stem at the main crotch which is 4 feet above the ground
- West stem is split at secondary crotch 4 feet above the main crotch. This split stem is in a very hazardous condition.
- the main crotch has severe included bark with some cracking
- there is open decay in the north stem
- there is a split limb hanging in the upper crown

Structurally, this tree is in very poor condition and I would recommend that the tree be removed.

I trust this will be of assistance to you. If you have any further questions, please feel free to call me at 905-377-5286.

Yours truly,

Del Cressman, B.C.M.A.
President



The Corporation of the Town of Ajax

ORDER

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

ISSUED TO: BRIAN RADIX
19 FEARN CRES
AJAX, ON
L1S 5L7

PROPERTY: 19 Fearn Cres, Ajax, ON
PLAN 40M1230 LOT 70
020015513900000

FILE NUMBER: 15 107826

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 **Saturday, July 25, 2015**. If repairs or clearance are not carried out within the specified time, the Town of Ajax may carry out the repairs or clearance at the owner's expense, and/or legal action may ensue.

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

Dated at Ajax, Thursday, June 25, 2015

A handwritten signature in cursive script that reads "Scott Neal". The signature is written in dark ink and is positioned above a horizontal line.

Scott Neal
(905) 619-2529 ext. 3348

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. Fully remove the silver maple tree located in the rear corner of the property.
2. Remove all debris from the property that is created by the work being carried out in item 1 and legally dispose of it.



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

- Section 3.3 The owner of any property, which does not conform to the standards, shall repair and maintain such property to conform to the standards, or shall clear the site of all buildings, structures, debris and refuse and leave it in a graded and levelled condition.
- Section 3.4 All repairs and maintenance of property shall be carried out:
- a) with suitable and sufficient materials;
 - b) by tradespersons duly qualified by applicable legislation or governing body, in the trade concerned;
 - c) in compliance with all relevant legislation;
 - d) with the benefit of relevant permits and approvals including, but not limited to, building permits;
 - e) in a manner accepted as good workmanship in the trades concerned; and
 - f) in conformity to the Ontario Building Code, where applicable.
- Section 4.1 All vacant lots, every yard, and all property, shall be kept clean and free from objects or conditions that might create a fire, health or accident hazard.
- Section 4.2 Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris, garbage or other objects that create an unsafe or unsightly condition, out of character with the surrounding environment, shall be removed.
- Section 4.15 All trees on a property shall be maintained in a manner that will eliminate a condition which is a source of danger to people or constitutes a potential health, fire or safety hazard.
- Section 4.16 Where the dangerous condition, health, fire or safety hazard cannot be eliminated by maintenance practices, the tree and all resulting debris shall be removed.

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

Section 7.6 An owner who fails to comply with an Order that is final and binding is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the Building Code Act.

Section 7.7 If an Order is not complied with in accordance with the Order as deemed final and binding or as confirmed or as modified by the Property Standards Committee or a Judge, the Municipality may cause the property to be repaired or demolished accordingly, and shall be entitled to recover the expense incurred in doing any demolition or repair as municipal real property taxes. The expense of division fence repair shall be determined in accordance with the Town of Ajax Fence Cost Sharing By-law.

RECEIVED
TOWN OF AJAX

July 6, 2015

NOTICE OF APPEAL

JUL 07 2015

RE: File Number 15 107826

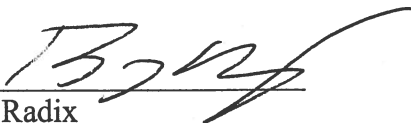
LEGISLATIVE AND
INFORMATION SERVICES

Property: 19 Fearn Crescent, Ajax, ON

This letter serves as an appeal to the order set by the Town of Ajax against the above listed property suggesting that it is not "in conformity with the Standards of Maintenance and Occupancy". It has been issued that the silver maple tree located at the rear of the property be removed in its entirety by July 25th, 2015. This issue is being appealed based on the following:

1. Reasoning for removal has not been made clear to the property owner and a clear answer as to why the removal is necessary could not be provided to the property owner
2. The order does not state any such reason that the tree poses any dangerous condition, health, fire or safety hazard and tree does not appear dilapidated, dead, or decayed

As the owner was not present when the arborist visited the property, an official report from the arborist is requested, as well as a scheduled visit to clarify supposed issues with the tree that necessitate its entire removal.


Brian Radix



**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 8, 2015

BRIAN RADIX
19 FEARN CRES
AJAX ON
L1S 5L7

SUBJECT PROPERTY: 19 Fearn Cres LOT 70
PLAN 40M1230 LOT 70
020015513900000

FILE NUMBER: 15 107826

Dear Sir/Madam:

Please be advised that The Property Standards Committee is in receipt of your letter requesting an appeal to Order Number **15 107826** for the above subject property.

The Property Standards Appeals Committee will hear the appeal on **THURSDAY, SEPTEMBER 10, 2015**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee may be hearing several matters that night, in addition to your own and you may have to wait for your Agenda item to be called.

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

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

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

Sincerely,

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

July 31, 2015

19 Fearn Crescent
Ajax, Ontario, L1S 5L7

Attn: Scott Neal

RE: Silver Maple Tree Review - Date of inspection, July 28, 2015.

This Arborist Letter is prepared in response to a Notice of Appeal Letter submitted to the owner of 19 Fearn Crescent in regards to the removal of a Silver Maple Tree (*Acer saccharinum*) on their property. This tree is located at the southwest corner of the property with branches overhanging onto adjacent properties.

Observations

It was observed that the Silver Maple tree exhibited vigorous growth that is typical of an actively growing healthy tree of this species. It was observed that the southwest lateral limb had been damaged and was split in half as indicated in image #3. The damage is restricted to the affected limb and does not affect other areas of this tree. In addition to the southwest limb, there were a number of secondary branches that were previously pruned. The canopy of this tree is unbalanced with strong lateral growth favoring the north side of the tree. Following a discussion with the home owner, it was noted that the damage to the tree occurred during the December 2013 Ice Storm that affected Southern Ontario.

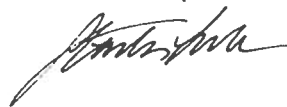
Recommendations

Based on this Arborist Inspection, it is recommended that this tree be preserved. In order to preserve this tree, it is recommended that pruning by an ISA Certified Arborist be conducted to remove the damaged southwest lateral branch and any other dead and diseased limbs. The reduction of the north leaning lateral limb by 50%, with a heading cut to a strong growing lateral shoot is required to establish a balanced canopy shape. In addition, all debris, nylon ties and ornaments placed on and around this tree must be removed. Please refer to Appendix A for tree images and Appendix B for tree pruning recommendations.

Conclusion

It is the professional opinion of the Arborist that the Silver Maple at the southwest corner of 19 Fearn Crescent be retained following the implementation of the recommended pruning work by an ISA Certified Arborist. Following the removal of the damaged or diseased limbs, and the reduction of the length of north leaning lateral branch by 50% as recommended, this tree can be retained while eliminating the potential for fall hazards from storm damaged tree limbs to occur.

Regards,
The MBTW Group



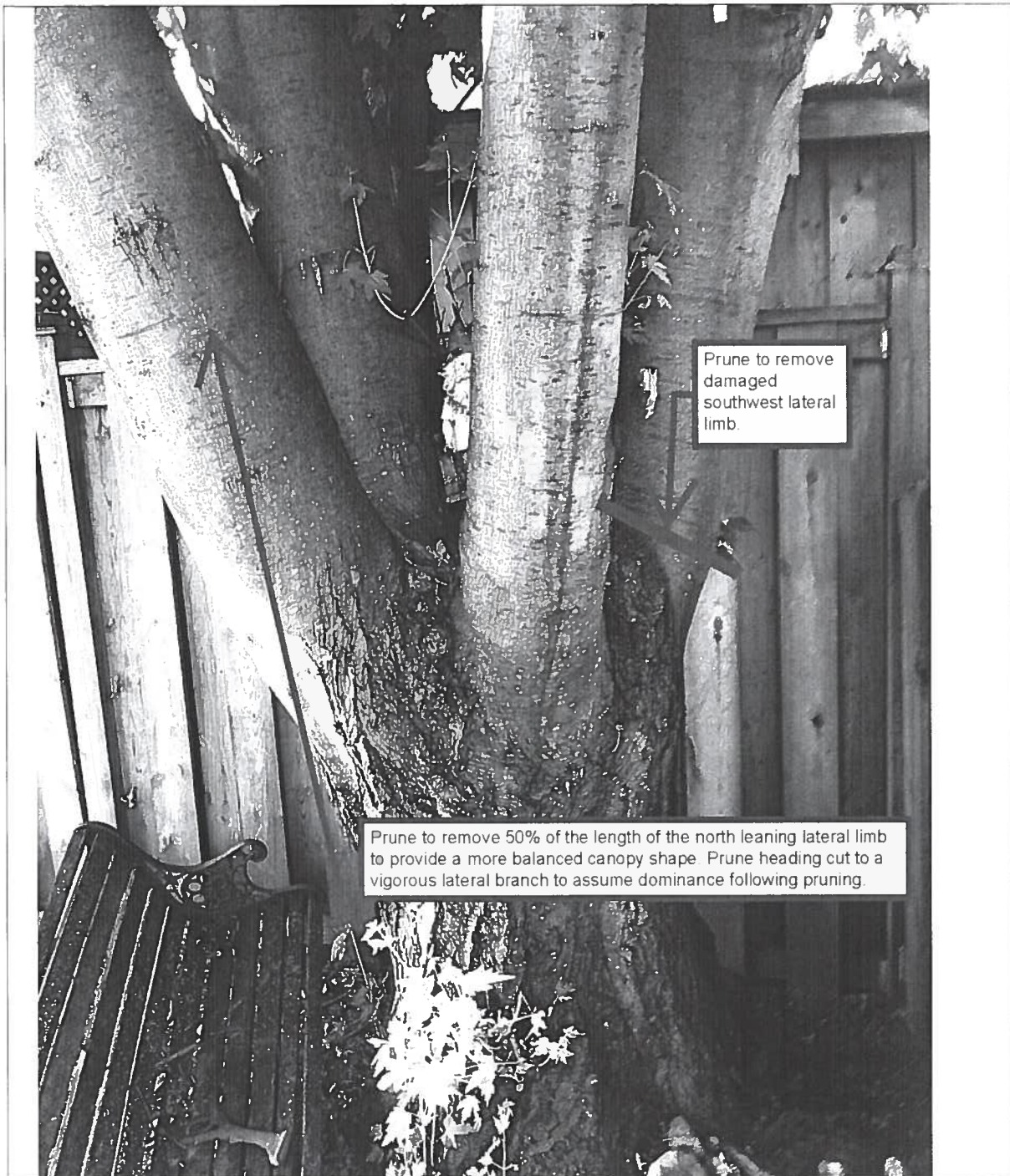
Stanley Luk – Senior Project Manager, Dip LA, B Tech LA, OALA Associate, ISA Certified Arborist.

Cc: Kevin Holmes – The MBTW Group, Partner

416-440-2267
1-800-966-4100 ext 420/500
250 Wickwood Ave. Unit 1A Toronto, ON M2H 1C3
www.mbtwgroup.com

the mbtw group
arboriculture
landscape
consulting
tree care
planting
removal

Appendix B – Pruning recommendations.



Appendix A – Tree Images



Image #1: Silver Maple at 19 Fearn Crescent, view south.



Image #2: Closeup of trunk of Silver Maple.



Image #3: Lateral limb damaged during the December 2013 Ice Storm.



Image #4: Example of diseased or dead limb in canopy to be pruned back to sound wood.



MEMO

TO: Property Standards Committee

FROM: Clayton Weller, Municipal Law Enforcement Officer

DEPARTMENT: Legislative and Information Services; By-law Department

SUBJECT: Appeal of Property Standards Order #15-108166
1 Hayward Lane, apartment 35 Ajax, Ontario

DATE: Thursday, September 10, 2015

TIME: 7:00 p.m.

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

The Frazer Heights Co-Operative has submitted an appeal of Order 15-108166. The unit in question is on the top floor of a 3 storey apartment building within the co-operative complex.

By-law Services received a complaint concerning water leak in the second bedroom of the apartment. During the inspection on June 30, 2015, I confirmed water damage and water staining on the ceiling of the bay window from a water leak. The four photographs taken during the inspection are included with this report.

The Co-Operative advised that repairs would be completed and submitted the appeal because the work could not be completed before July 31, 2015.

A handwritten signature in dark ink, appearing to be "CK" or similar, written in a cursive style.



The Corporation of the Town of Ajax

ORDER

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

ISSUED TO: Frazer Heights Co-Operative
1 Hayward Lane, Unit 10
Ajax, Ontario
L1S 4A1

PROPERTY: 1 Hayward Lane, Ajax, Ontario, Apartment 35

FILE NUMBER: 15 108166

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 July 31, 2015. If repairs or clearance are not carried out within the specified time, the Town of Ajax may carry out the repairs or clearance at the owner's expense, and/or legal action may ensue.

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

Dated at Ajax, Wednesday, July 1, 2015

A handwritten signature in black ink, appearing to be "CW", is written over a horizontal line.

Clayton Weller
(905) 619-2529 ext. 3350

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

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

SCHEDULE "A"

ITEM	PARTICULARS OF REPAIRS TO BE EFFECTED
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Repair the leak in the bay window, in the second bedroom, where rain water has entered and repair the damage to the drywall.



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

- Section 3.3** The owner of any property, which does not conform to the standards, shall repair and maintain such property to conform to the standards, or shall clear the site of all buildings, structures, debris and refuse and leave it in a graded and levelled condition.
- Section 3.4** All repairs and maintenance of property shall be carried out:
- a) with suitable and sufficient materials;
 - b) by tradespersons duly qualified by applicable legislation or governing body, in the trade concerned;
 - c) in compliance with all relevant legislation;
 - d) with the benefit of relevant permits and approvals including, but not limited to, building permits;
 - e) in a manner accepted as good workmanship in the trades concerned; and
 - f) in conformity to the Ontario Building Code, where applicable.
- Section 5.22** 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.

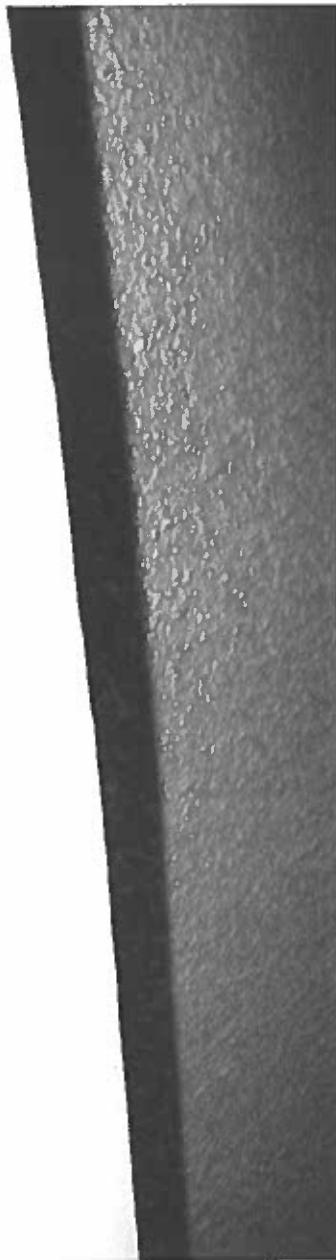


AK

June 30, 2015

water damage to the bay window

1 Hayward Lane, apt 35



1 Hayward Lane, apt 35

water damage to the bay window

June 30, 2015

CK



1 Hayward Lane, apt 35

water damage to the bay window

June 30, 2015

CK



1 Hayward Lane, apt 35

plaster on the floor below the bay window

June 30, 2015

CLC

FRAZER HEIGHTS CO-OPERATIVE

1 Hayward Lane, Unit #10

Ajax, Ontario L1S 4A1

Phone 905-428-6245 Fax 905-428-8270

Email: fraserheightscoop@rogers.com

**RECEIVED
TOWN OF AJAX**

JUL 21 2015

**LEGISLATIVE AND
INFORMATION SERVICES**

July 21, 2015

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

Re: Appeal to Town of Ajax Order, File Number 15 108166

Dear Secretary:

The purpose of this correspondence is to appeal for more time to have the situation at 1 Hayward Lane, Apt. 35 rectified; as July 31, 2015 is not enough time to have the repairs completed. Frazer Heights Co-operative is requesting an alternative date of August 31, 2015.

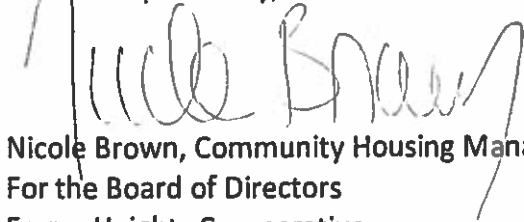
The Office received the Town of Ajax Order dated July 1, 2015, from Clayton Weller, regarding the window leak at 1 Hayward Lane, Apt. 35; on July 13, 2015. The Office was closed from July 3rd to July 13th, 2015. The registered mail from the Town of Ajax was also picked up on July 13, 2015. I spoke with Derek Hannon, Manager By-Law Services, on July 14th and July 16th and apprised him of the situation; Mr. Hannon verbally confirmed August 15, 2015 as a temporary extension and recommended submitting a letter of appeal.

Frazer Heights Co-operative Inc. is governed by the *Ontario Co-operative Corporations Act*; and there are guidelines which we operate under, one being that the Co-op is governed by an elected Board of Directors who make decisions pertaining to the governance and maintenance of the Co-operative. The Co-operative needs time to find the right contractors to tender bids, have the Board of Directors review the bids and approve the contractor before the work can proceed. The Board of Directors was advised of this order on July 14, 2015.

Enclosed is a copy of an invoice dated April 30, 2015 whereby the Co-operative addressed the leak at 1 Hayward Lane, Apt. 35.

The Co-operative will research contractors and solicit bids while waiting to hear back from the Town of Ajax regarding this appeal.

Yours co-operatively,



Nicole Brown, Community Housing Management Network
For the Board of Directors
Frazer Heights Co-operative

Enclosure

Foran's Roofing & Sheetmetal Limited
400 Hopkins Street
Whitby, ON L1N 2B9
Office: (905) 668-3244
Fax: (905) 668-8205
www.foransroofing.com



RECEIVED
APR 30 2015

INVOICE #3214

BILL TO: Fraser Heights Co-op
1 Hayward Lane
Ajax, ON

REMIT PAYMENT TO: Foran's Roofing & Sheetmetal Limited
400 Hopkins Street
Whitby, ON L1N 2B9

DATE OF SERVICE	CLIENT PO#	JOB	TERMS	DATE	DATE DUE
04/29/2015		WO #4771	Net 30 Days	04/29/2015	05/29/2015

JOB SITE:
1 Hayward Lane, Ajax, ON CAN

WORK PERFORMED:

Leak in hallway caused by fan curb lid blown off. Crew re fastened lid to fan.
Leak at bay window - crew located many existing repairs to bricks. Some have deteriorated and have bricks flaking away. Crew re sealed areas of poor condition and recommended further brick repairs.
Service Call

Technician Hours	1.0
Technician Hours	1.0
1-1/4" HP Fasteners (Pack of 20)	1.0
Dymonic Caulking	1.0
Equipment Surcharge	40.0
Travel Time - Tech 1	0.5
Travel Time - Tech 2	0.5

NET AMOUNT	\$338.88
H.S.T.	\$44.05
BALANCE DUE	\$382.93

HST Number 101841377

FRAZER HEIGHTS CO-OPERATIVE

1 Hayward Lane, Unit #10

Ajax, Ontario L1S 4A1

Phone 905-428-6245 Fax 905-428-8270

Email:fraserheightscoop@rogers.com

July 20, 2015

Clayton Weller, Municipal Law Enforcement Officer
By-Law Services
65 Harwood Avenue South
Ajax, ON L1S 2H9

Re: 1 Hayward Lane, Apt. 35: Mould

Dear Mr. Clayton:

The purpose of this correspondence is to respond to your letter dated July 1, 2015 about the mould on the bathroom ceiling at 1 Hayward Lane, Apt. 35.

The Co-operative brought in a mould remediation specialist on February 6, 2015 to deal with the mould on the bathroom ceiling. The specialist advised the member's son and the Office that to promote more air circulation the bathroom door should be left open a crack to reduce the moisture in the bathroom. The member was also advised that a gallon bathroom ceiling paint would be made available to her to paint her bathroom ceiling. The member has not picked up the paint as of the date of this letter.

Members have a responsibility for maintaining their units to help keep costs down.

The member will be advised to clean the bathroom ceiling with a bleach solution and paint the bathroom ceiling with mildew resistant paint, which will be made available to her by the Co-operative.

Yours co-operatively,



Nicole Brown, Community Housing Management Network
Frazer Heights Co-operative

Enclosures

Wednesday, July 22, 2015

Frazer Heights Co-Operative
1 HAYWARD LANE UNIT 10
AJAX ON L1S 4A1
CAN

SUBJECT PROPERTY: 1 Hayward Lane APT 11
PLAN M1243 BLK 1
040006063250001

FILE NUMBER: 15 108166

Dear Sir/Madam:

Please be advised that The Property Standards Committee is in receipt of your letter requesting an appeal to Order Number **15 108166** for the above subject property.

The Property Standards Appeals Committee will hear the appeal on **THURSDAY, SEPTEMBER 10, 2015**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee will be hearing several matters that night, in addition to your own and you may have to wait for your Agenda item to be called.

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

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

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

Sincerely,



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

12 Carwin Crescent, Ajax - Property Standards Order, file # 15-108820- Appeal
Package

Synopsis

prepared by MLEO Tami ABOTT

OVERVIEW

12 Carwin Crescent, Ajax, Ontario is residentially zoned property owned by Rodney James WOODS and Susan Florence WOODS. The property is fully fenced and located in the rear yard of the property there is a large inground swimming pool. There is a blue pool cover where water has accumulated. The surface of the water is covered in green algae. There is an accumulation of tall weeds, debris, and discarded vegetation in the rear and side yard. In addition, the fencing located on the left side of the property that encloses the rear yard and swimming pool is not structurally sound and it is leaning inwards.

FACTS

July 14, 2015- complaint received by By-law Services regarding the stagnant pool water and the owners not opening and operating their pool for the season.

July 16, 2015 - MLEO T. ABOTT attended the property located at 12 Carwin Crescent, Ajax

MLEO T. ABOTT was able to gain access to the rear yard where the pool is located through a side gate that was unlocked. No one responded to the Officer when she attended at the front door of the home.

The Officer observed a large inground pool in the rear yard. The pool was covered by a blue pool cover. There was water beneath the cover, and there was an accumulation of water on top of the cover. The water was black in colour and there was an abundance of algae.

The Officer also noticed that the fence along the left side of the property was not structurally sound and it was leaning inwards. In areas the fence was leaning against trees that have been planted along the fence line, a pole was also being used to provide support to the fence.

The Officer also noted an accumulation of old branches, vines, general debris including but not limited to: blue tarp, a solar pool cover over grown weeds, grass and vegetation.

Five (5) photos were taken.

A Notice of Violation was issued to Rodney and Susan WOODS pursuant Ontario Regulation 199/03 Control of West Nile Virus, as amended by Ontario Regulation 231/03 made under the Ontario Health Protection and Promotion Act R.S.O. 1990, c.H.7.

The Notice was left affixed to the front door of the dwelling.

In accordance with the Ontario Regulation the property owners were given 24 hours to take the necessary action to eliminate the standing water on the property.

July 17, 2015 - MLEO T. ABO TT returned to the property to conduct her follow-up inspection in relation to the stagnant water located in the swimming pool.

The Officer gained access to the rear yard through the unlocked left side gate.

The condition of the swimming pool remained unchanged.

As no action had been taken to remove and or eliminate the stagnant water a copy of the Notice of Violation was submitted to the attention of the Region of Durham's Health Unit as per the Ontario Regulation.

Property Standards Order issued under section 15.2 of the Building Code Act was sent via pre-paid registered mail.

The Order required conformity with the By-law on or before August 16, 2015.

One (1) photo was taken.

August 7, 2015 – Appeal letter received from the registered property owners Rodney and Susan WOODS of 12 Carwin Crescent, Ajax.

August 10, 2015 – Letter sent to Rodney WOODS of 12 Carwin Crescent, Ajax via pre-paid registered mail advising that the Property Standards Committee will hear the Appeal on September 10, 2015.



The Corporation of the Town of Ajax

ORDER

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

ISSUED TO: RODNEY JAMES WOODS
SUSAN FLORENCE WOODS
12 CARWIN CRES
AJAX ON L1S 6G6

PROPERTY: 12 Carwin Cres, Ajax, ON
PLAN M115 LOT 21
010001273000000

FILE NUMBER: 15 108820

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 **Sunday, August 16, 2015**. If repairs or clearance are not carried out within the specified time, the Town of Ajax may carry out the repairs or clearance at the owner's expense, and/or legal action may ensue.

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

Dated at Ajax, Friday, July 17, 2015

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

Tami Abott
(905) 619-2529 ext. 3360

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

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

SCHEDULE "A"

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

1. Swimming Pool in rear yard:

- a) Ensure swimming pool in rear yard is operational, in good repair, filled with clean-filtered water and maintained in that condition.**

OR IN THE ALTERNATIVE;

- b) Drain and remove the swimming pool in the rear yard;**
- c) Fill the area and leave the property in a graded, leveled and appropriately landscaped condition; and**
- d) Remove and legally dispose of all debris, including but not necessarily limited to pool equipment, material and liner.**

2. Swimming Pool Enclosure (fencing)

- a) Ensure the swimming pool enclosure is constructed and maintained in accordance with the Town of Ajax Fence By-law;**
- b) Secure the gate on the west side of the rear yard with a self-closing and latching device and lock, and ensure the gate is kept locked at all times unless a responsible person is directly supervising the swimming pool.**

******Note: At the time of inspection the fence along the west side of the property and the gate located on the west side of the dwelling that were in disrepair. The fence is leaning and is not structurally sound, the gate was not locked to prevent entry into rear yard.**

- 3. Ensure that stagnant water does not accumulate, or exist on the property in the future.**
- 4. Tall weeds located in rear yard around the pool and along the fence are to be cut and/or removed so as not to exceed 15 cm in height and shall be maintained at a height that does not exceed 15 cm in height.**
- 5. Accumulation of debris, including but not limited to dead vegetation, discarded branches are to be removed from the property and disposed of in a legal manner.**



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 4.6** All landscaped areas and ground cover, with the exception of grass and/or weeds, shall be maintained in a reasonable condition.
- Section 4.7** All yards and property, including vacant lots, shall be kept free of grass and/or weeds in excess of 15 cm in height.
- Section 4.9** No owner shall permit or allow stagnant water to exist or occur in any location on a property at any time.
- Section 4.18** All swimming pools, wading pools, hot tubs and ornamental ponds and any appurtenances thereto shall be maintained in a good state of repair, free from leaks, and free from health and safety hazards. Any swimming pool, wading pool, hot tub or ornamental pond that does not meet this standard shall be drained and removed. All resulting depressions in the ground shall be filled with clean fill and the property left in a graded and levelled condition.
- Section 4.19** All swimming pools, wading pools, hot tubs and ornamental ponds shall be kept clean of stagnant water and any such areas that are unkept or unused shall be drained of all water found therein.
- Section 4.21** Fences and gates and their hardware, comprising a swimming pool enclosure, shall be maintained in a good state of repair and in accordance with the Municipality's Fence By-law.

- Section 4.22** All fences, gates and hardware shall be maintained free of hazards, in a state of good repair, and in accordance with the Municipality's Fence By-law.
- Section 4.50** Accessory buildings, signs, fences, retaining walls and all other structures appurtenant to a property shall be structurally sound, maintained in a good state of repair, free of hazards and protected by paint or other weather resistant material so as not to present an unsightly appearance.
- Section 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.

REPAIR STANDARDS – FENCE BY-LAW # 81-2010

- Section 11.1** The owner of the land on which a fence, swimming pool enclosure, privacy screen or invisible safety net is erected shall maintain such fence, swimming pool enclosure, privacy screen or invisible safety net in a good state of repair.
- Section 11.2** For the purposes of this by-law "good state of repair" shall mean;
- a) the fence, is complete and in a structurally sound condition and plumb and securely anchored;
 - b) protected by weather-resistant materials;
 - c) fence, components are not broken, rusted, rotten or in a hazardous condition;
 - e) all stained or painted fences are maintained free of peeling paint or stain; and
 - f) that the fence does not present an unsightly appearance, deleterious to abutting land or to the neighbourhood.



Legislative &
Information Services

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

TOWN OF AJAX
65 Harwood Avenue South
Ajax ON L1S 2H9
www.townofajax.com

NOTICE OF VIOLATION

Owner/Occupant Name: Rodney Woods + Susan Woods
Address of Property: 12 Carwin Crescent, Ajax

During an inspection of the above-noted address, certain conditions or practices listed below were noted which are in violation of the Notice of Required Action pursuant to Ontario Regulation 199/03 Control of West Nile Virus, as amended by Ontario Regulation 231/03, made under the Health Protection and Promotion Act R.S.O. 1990, c.H.7, and issued to the Corporation of the Town of Ajax by the Commissioner and Medical Officer of Health for the Regional Municipality of Durham.

The following object(s)/area(s) were observed accumulating standing water on your property:

Unopen pool - water accumulation over
cover,

You are hereby required to eliminate the accumulation of standing water on your property or otherwise eliminate the capacity of accumulated standing water to support mosquito breeding as per the above identified items.

A re-inspection will be carried out on or about July 17 2015 to ensure that this Notice has been complied with. Failure to comply with this notice by the required date may result in legal proceedings being initiated against you.

Name of Officer: Tami Abbott

Signature of Officer: T. Abbott

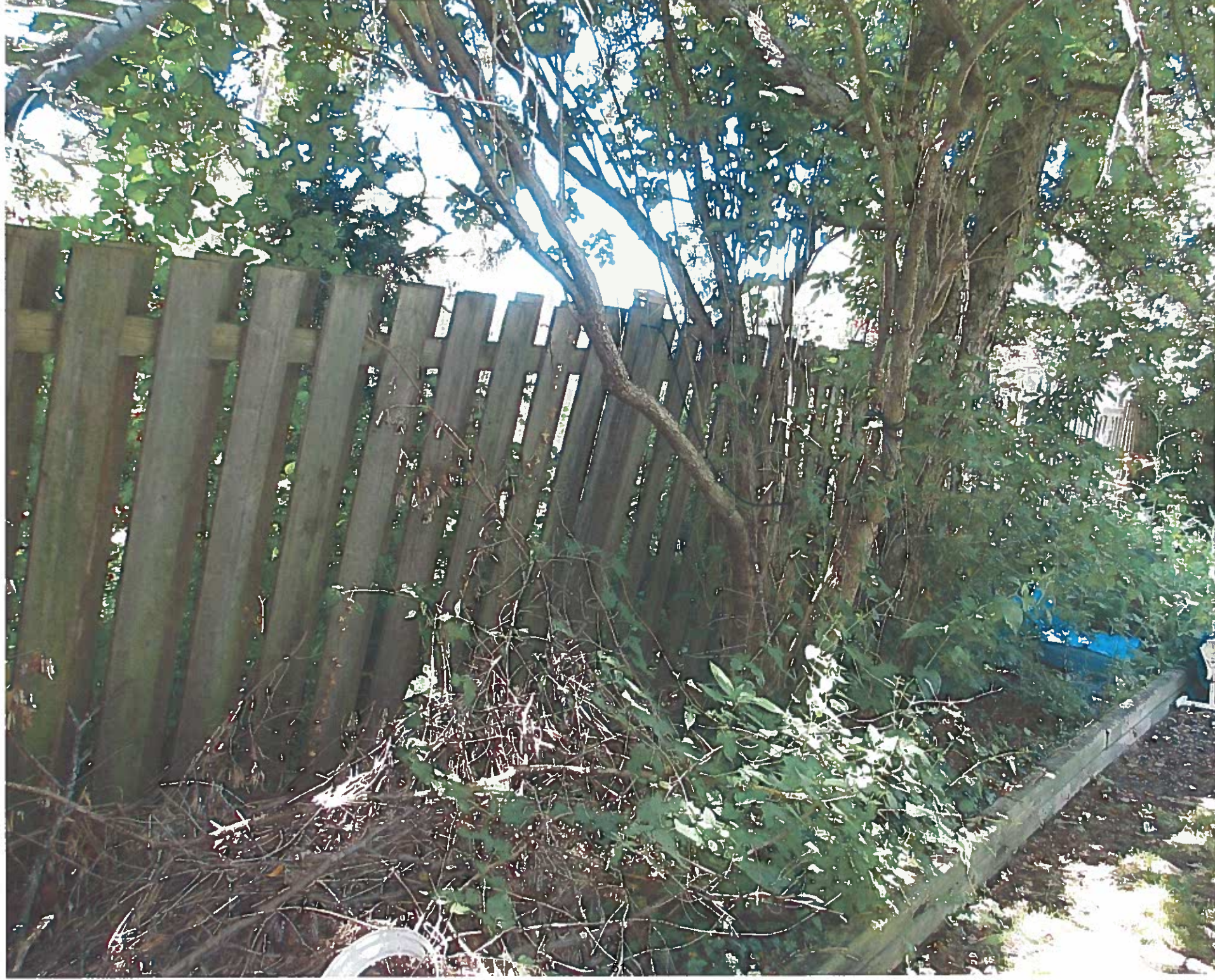
Direct phone#: 905.619.2529 x3360

Date of Notice: July 16/15



12 Carwin Crescent, May July 17 2015 Abbott 1 AM Abbott 1/8/1

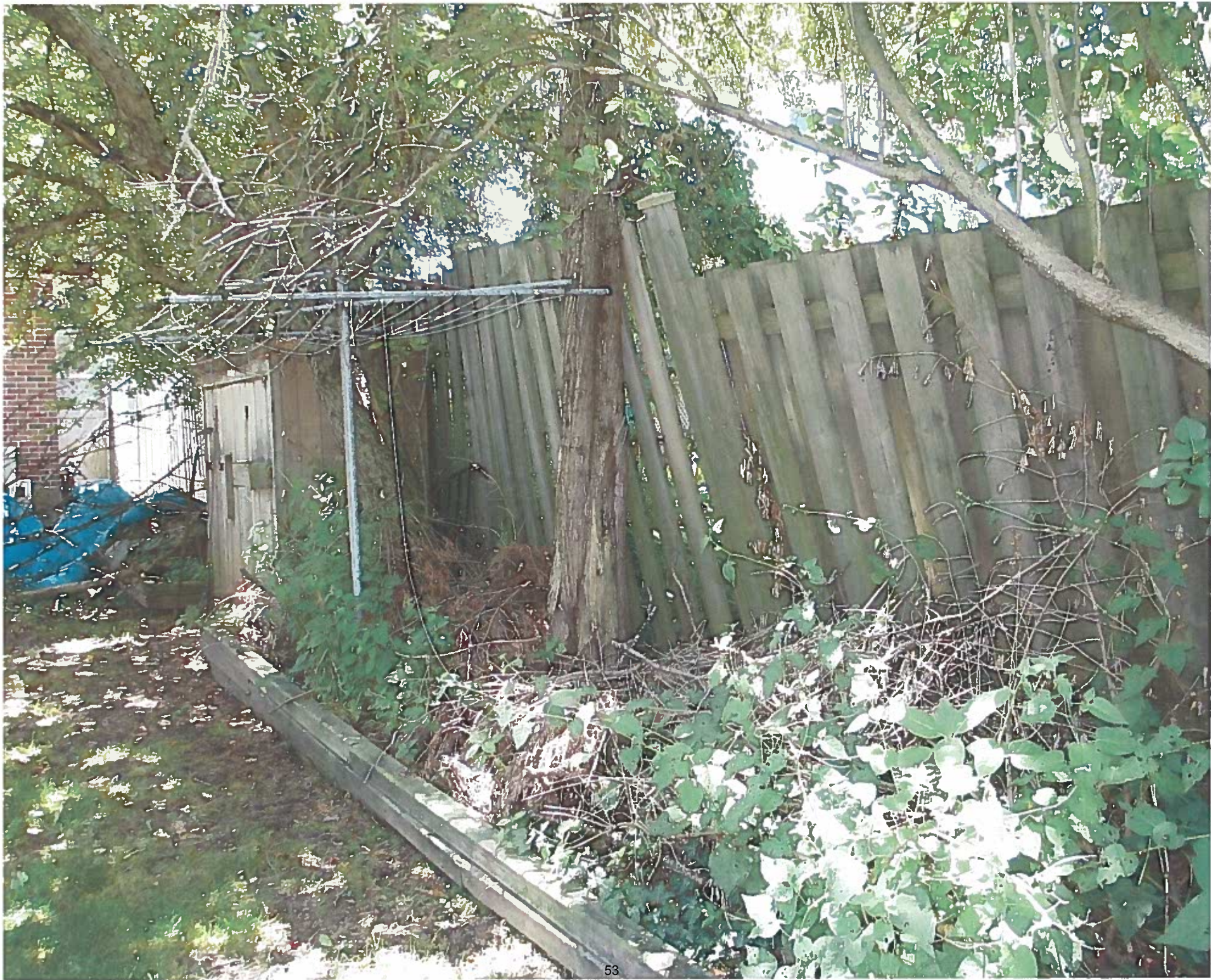




12 Carwin Crescent Apr - T. Abbott - Tami Abbott - July 16 2015

2015







RECEIVED
TOWN OF AJAX

AUG 07 2015

LEGISLATIVE AND
INFORMATION SERVICES

Notice of Appeal re. Items
and conditions of ORDER issued
pursuant to the Building Code
Act, S.O. 1992, c23) issued by the

Corporation of the Town of Ajax
to Rodney James Woods and Susan
Florence Woods, 12 Carwin Crescent,
Ajax, Ontario L4S 6G6, Re. Property:

12 Carwin Crescent, Ajax, Ontario
Plan M115, Lot 21, @ 1000 1273000000

File No. 15 108820 regarding
property not to be in conformity
with the standards of Maintenance
and Occupancy established by the
Town of Ajax as set out in the
Property Standards By-law # 91-2012.
and the work required to remedy

such violations and to bring property into compliance with the By-law prior to August 16, 2015 and if not done by this time period, the Town of Ajax will carry out repairs and clearance at the owner's expense and/or legal action may ensue

The undersigned owners wish to advise you that:

1- we greatly apologize this appeal was not sent in the required time period of 14 days as we did not get it until yesterday - ~~we~~ we are told by the post office that it has been there since July 20 however it was mislaid ~~and~~ at our

3

home. My mother passed and we have been residing at 28 Sherwood Rd W doing repairs to put her house for sale and our niece has been staying at Carwin. We completely understand this our problem. We just want you to know why

We did not appeal during the time period. My husband, Rodney has been laid off since July 2011 and we are living on my disability which is why it is so urgent to sell my mom's house as I am her only child and I am having trouble trying to pay

the bills on Carwin and now I have her house on Sherwood to

○ pay for as well and honestly we are close to losing it all

2. Yesterday my husband immediately went to Carwin and fixed the front gate so it now locks to prevent entry to the yard and fixed the front gate.

○ 3. Prior to receiving this notice, Rod. had rented a pump to clear the top cover and removed all the stagnant water and yesterday when he was there a lady named Toni Moran, showed up at the property, her tel. no. is

Ex^t 4621
905-723-3318 and had come to

5

(test the pool for live mosquito infestation and larvae and she found none and said to call her back when the pool was open and running and Rod told her she would

4. All tall weeds in the rear yard around the pool and

(along the fence bigger than 15cm. in fact all has been removed today and we promise this will never occur again as the property

at 28 Sherwood, my mom's house will be going on the market within the next two weeks as we just need to replace a carpet in

(the basement apartment as the

- upstairs has already been reviewed by ~~the~~ our agent, Robert Barkin and it is ready to go I just need a week to get the money together for the carpet. We have been asking our children to help pay for the two homes as my disability
- alone does not carry them and they do not have much left to help with as at this point we have had to borrow from them over \$10,000.00 so it is really urgent that my mom's house sells quick and our agent believes it will as it is located in Old Pickering Village and Rod will be

- going home once the carpet is in and I have to continue to stay at 28 Sherwood till the sale is done, at least that is what my mom's insurance agent told me last week.

5. All the accumulation of debris not limited to dead vegetation.

- discarded branches have been removed from the rear yard and disposed of in a legal manner

6. Today, liquid chlorine shock has been added to the pool as well as

chlorine pucks and the pool is presently being filled with clean

filtered water so that the pool

○ can be turned on

8

7. the leaning portion along the west side of the property will be fixed ~~on~~ on or prior to Sunday Aug 16th

8. Rodney and I ~~to~~ truly appreciate any understanding you can give us in this matter

Dated at Ajax, Ontario this 7th day of August, 2015.

Rodney James Woods
Rodney James Woods

Susan Woods
Susan Florence Wood

**Legislative &
Information Services**

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

Monday, August 10, 2015

Rodney Woods
12 CARWIN CRES
AJAX ON L1S 6G6
CAN

SUBJECT PROPERTY: 12 Carwin Cres LOT 21
PLAN M115 LOT 21
010001273000000

FILE NUMBER: 15 108820

Dear Sir/Madam:

Please be advised that The Property Standards Committee is in receipt of your letter requesting an appeal to Order Number **15 108820** for the above subject property.

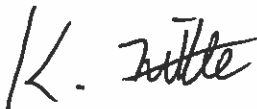
The Property Standards Appeals Committee will hear the appeal on **THURSDAY, SEPTEMBER 10, 2015**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee will be hearing several matters that night, in addition to your own and you may have to wait for your Agenda item to be called.

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

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

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

Sincerely,



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