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Date July 7, 2022 **Report No.** 2022-499

To Chair and Members
Property Standards Appeal Committee

From Jessica Curley, Municipal Law Enforcement/Property Standards Officer

1.0 Type of Report

Consent Item ☐
Item For Consideration ☒

2.0 Topic Appeal Filed by Jorge Pineda, owner of 172 ½ Sheridan Street Brantford, ON regarding Property Standards Order # 042-22

3.0 Recommendation

THAT Property Standards Order # 042-22, issued to Jorge Pineda, Owner of 101 Murray Street, Brantford, ON, be CONFIRMED and UPHELD by the Property Standards Committee.

4.0 Purpose and Overview

Property Standards Order # 042-22 was issued in accordance with Chapter 465 – Property Standards of the City of Brantford Municipal Code (Chapter 465) to the owner of 172 ½ Sheridan Street Brantford. An appeal was filed by the owner in accordance with section 15.3 of the *Building Code Act, 1992*. Details of the Property Standards Order are provided for consideration by the Property Standards Committee.

5.0 Background

Chapter 465 is primarily enforced on a reactive basis to complaints received by the Building Department. Upon receiving a complaint, staff will investigate to

determine the validity of the complaint. Should violations be observed, efforts are made to contact the owner to gain compliance. When compliance does not result or efforts to comply cease, a Property Standards Order is issued to the owner requiring compliance with Chapter 465. A copy of the Order is sent to all impacted parties with an interest on title. This procedure was followed pursuant to the issuance of Order #042-22, and presently the property remains in non-compliance.

In this particular case, on February 14, 2022, a Property Standards Officer attended the property and observed the following violations of Chapter 465:

- 1) porch is pulling away from house
- 2) both entry way doors need to be replaced and they are not weather tight
- 3) The walls around lower half of door are in disrepair and cracking
- 4) exterior siding is coming off
- 5) bathroom:
 - (a) Hole and cracks in ceiling walls
 - (b) shower pulling away
 - (c) corner of flooring near shower
 - (d) vent can be pushed down floor is falling in
 - (e) cracked tile
- 6) kitchen:
 - a) flooring is humped
- 7) living room:
 - a) ceiling is caving in and becoming detached from the wall
- 8) lower half of the unit:
 - a) multiple ceiling tiles missing
 - b) electrical plug in bedroom doesn't work
 - c) no heat coming out of the vent in the bedroom

In keeping with standard practices, a preliminary letter was sent February 15, 2022 to the property owner detailing the requirement to repair the building as required by Chapter 465. The letter included a 14 day compliance date of February 29, 2022.

On February 23, 2022 the property owner explained to the Property Standards Officer that he had applied for building permits on February 14, 2022 to renovate the entire unit, therefore repairing the issues. He offered the upper unit to the tenant and the tenant did not want to move into the upper unit.

On March 15, 2022 the tenant advised the Property Standards Officer that he was issued a N13 for temporary eviction for July 3, 2022 for the renovations to be completed on the unit.

On April 6, 2022 the tenant stated that the property owner sent over contractors on April 3, 2022 at 4:00 pm. They came to look at the job and tenant claimed that they appeared to be intoxicated and that there was a man in his backyard without permission.

On April 6, 2022 Property Standards Officer spoke with the property owner who advised that the tenant did not approve of the contractors sent to look at the work required and that he would be looking for a new contractor.

On April 12, 2022 Property Standards Officer contacted the property owner by email requesting an update. The response provided stated that the property owner was still unable to find a new contractor.

On May 2, 2022 as violations were still present in the unit and with no updated plans provided to repair therefore Property Standards Order #042-22 was issued to the address of 172 ½ Sheridan Street Brantford, ON.

6.0 Corporate Policy Context

The report was review within the context of the Municipal Strategic Plan, Goal #2 – Long Term Desired Outcomes, where Brantford will be recognized as a safe, healthy community – one that promotes and enables the well-being of it citizens

7.0 Input From Other Sources

The City of Brantford Legal Department Assisted in establishing the ownership of the property in question.

8.0 Analysis

Due to the property remaining in its current state with no progress towards compliance, it was the decision of the Building Department to proceed to issue the applicable Property Standards Order. A request was then made to the City's Legal and Real Estate Department to undertake a title search to confirm ownership. This information was returned on May 2, 2022 which disclosed the subject property known municipally as 172 ½ Sheridan Street, Brantford, Ontario to be owned by Jorge Eduardo Pineda of 20 Solsbury Cres., Mount Hope, ON.

Accordingly, Property Standards Order #042-22 was issued May 2, 2022 to the registered owner detailing the requirement to repair the building. A Notice of Appeal was filed by the owner on May 13, 2022 requesting additional time to bring the property into compliance. At the writing of this report, the property remains in violation of both the issued Property Standards Order and Chapter 465.

9.0 Conclusion

Property Standards Order #042-22, which is the subject of this appeal, was issued in accordance with Chapter 465. The order remains valid and the property to which the order pertains remains non-compliant with Chapter 465. Staff recommend that Property Standards Order #042-22 be CONFIRMED and UPHELD by the Property Standards Committee.

Prepared By:

Jessica Curley, Municipal Law Enforcement Officer/ Property Standards Officer

Attachments (if applicable)

- Photos
- Property Standards Order #042-22
- Appeal Form