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**Date** July 7, 2022 **Report No.** 2022-505

**To** Chair and Members  
Property Standards Committee

**From** Jordan Tozer  
Senior Municipal Law Enforcement/Property Standards Officer

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## 1.0 Type of Report

|                        |                                     |
|------------------------|-------------------------------------|
| Consent Item           | <input type="checkbox"/>            |
| Item For Consideration | <input checked="" type="checkbox"/> |

2.0 **Topic** Appeal filed by Velma Morrison and Ricardo Morrison, owners of 43 Fieldgate Dr., Brantford, ON regarding Property Standards Order #51-22.

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## 3.0 Recommendation

THAT Property Standards Order #051-22 issued to Velma Morrison and Ricardo Morrison, owners of 43 Fieldgate Drive Brantford, ON BE CONFIRMED and UPHELD by the Property Standards Committee.

## 4.0 Purpose and Overview

Property Standards Order #51-22 was issued in accordance with Chapter 465 – Property Standards of the City of Brantford Municipal Code (Chapter 465) to the owner of 43 Fieldgate Dr., Brantford. An appeal was filed by the owner in accordance with Section 15.3 of the *Building Code Act, 1992*. Details of the investigation are provided herein to support the issuance and contents of the Property Standards Order for consideration of 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 then sent to all impacted parties with an interest on title. This procedure was followed pursuant to the issuance of Order #51-22, and presently the property remains in non-compliance.

In this particular case, on March 21, 2022 Senior Officer Jordan Tozer attended the property and observed the following:

- a. Sump pump/water discharge piping in the rear yard is causing flooding to the rear yard and surrounding yards
- b. Right side eaves trough downpipe is draining towards a neighbouring property

As is standard practice, a preliminary letter was sent March 21, 2022 to the property owners detailing the requirement to repair the building as required in Chapter 465. The building in question is a 1 story brick and siding residential house. In speaking with the owner, multiple extensions were granted to try and remedy the issue before proceeding to order. Due to an amount of time passing without compliance or a contract to remedy in place, a re-inspection was conducted. On May 5, 2022 Senior Officer Tozer observed the property in the exact same state as the initial inspection on March 21, 2022.

## **6.0 Corporate Policy Context**

The report was reviewed 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 wellbeing of its 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 non-compliant state with no progress towards remedying, 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 5, 2022 which showed the subject property known municipally as 43 Fieldgate Dr., Brantford, Ontario to be owned by Velma Morrison and Ricardo Morrison of Brantford. Accordingly, Property Standards Order #51-22 was issued May 9, 2022 to the registered owner, detailing the requirements to repair the building.

The final date for filing an appeal was May 29, 2022, and a Notice of Appeal was filed by the owners on May 27, 2022. 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 #51-22, 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 the appeal filed by Velma Morrison & Ricardo Morrison owners of 43 Fieldgate Dr., Brantford, Ontario regarding Property Standards Order #51-22 be CONFIRMED and UPHELD by the Property Standards Committee.

Prepared By:

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Jordan Tozer, Senior Municipal Law Enforcement Officer/Property Standards Officer

Attachments:

-Photos

-Property Standards Order #51-22

-Appeal Form