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Date July 7, 2022 **Report No.** 2022-498

To Chair and Members
Property Standards Committee

From Jordan Tozer
Senior Municipal Law Enforcement/Property Standards Officer

1.0 Type of Report

Consent Item ☐
Item For Consideration ☒

2.0 **Topic** **Appeal filed by Pasquale Contestabile and Denise Contestabile, owners of 47 Lambert Crescent, Brantford, ON regarding Property Standards Order #044-22.**

3.0 Recommendation

That Property Standards Order #044-22 issued to Pasquale Contestabile and Denise Contestabile, owners of 47 Lambert Crescent, Brantford, ON BE CONFIRMED and UPHELD by the Property Standards Committee.

4.0 Purpose and Overview

Property Standards Order #044-22 was issued in accordance with Chapter 465 – Property Standards of the City of Brantford Municipal Code (Chapter 465) to the owner of 47 Lambert Cres., 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 #044-22, and presently the property remains in non-compliance.

In this particular case, on April 12, 2022 Senior Officer Jordan Tozer attended the property and observed the following:

- a. Block retaining wall severely leaning towards city sidewalk and fence

As is standard practice, a preliminary letter was sent April 12, 2022 to the property owners detailing the requirement to repair the building as required in Chapter 465. The building in question is a 2.5-story, brick and siding, single family residential house. A re-inspection was conducted on April 29, 2022 where Senior Officer Tozer observed the property in the exact same state as the initial inspection on April 12, 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 3, 2022 which showed the subject property known municipally as Appeal filed by Pasquale Contestabile and Denise Contestabile, owners of 47 Lambert Crescent, Brantford, ON regarding Property Standards Order #044-22. was issued May 4, 2022 to the registered owner, detailing the requirements to repair the building.

The final date for filing an appeal was May 24, 2022 and a Notice of Appeal was filed by the owners on May 13, 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 #044-22, 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 Order #044-22 be CONFIRMED AND UPHELD by the Property Standards Committee.

Prepared By:

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

Attachments:

- Photos
- Property Standards Order #044-22
- Appeal Form