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Date May 5, 2022 **Report No.** 2022-306

To Chair and Members
Property Standards Committee

From Neely Birch
Municipal Law Enforcement/ Property Standards Officer

1.0 Type of Report

Consent Item ☐
Item For Consideration ☒

2.0 Topic **Appeal filed by Wayne and Lee-Anne Paley, the executors of 72 Webster Street, Brantford, ON regarding Property Standards Order #027-22**

3.0 Recommendation

That Property Standards Order 027-22 issued to Lorne Raymond Fraser, owner of 72 Webster Street, Brantford, ON and represented by Wayne and Lee-Anne Paley (executors) BE CONFIRMED and UPHELD by the Property Standards Committee.

4.0 Purpose and Overview

Property Standards Order #027-22 was issued in accordance with Chapter 465 – Property Standards of the City of Brantford Municipal Code (Chapter 465) to the owner of 72 Webster Street, Brantford, ON. 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.

As is standard practice, a preliminary letter was sent February 16, 2022 to the property owner detailing the requirement to repair the building as required in Chapter 465.

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 #027-22, and presently the property remains in non-compliance.

On February 15, 2022 a complaint was received regarding property standards issues at 72 Webster Street, Brantford, ON. Contact was made with the tenant to arrange an inspection. On February 16, 2022 staff met with the tenant at 72 Webster Street, to inspect the condition of the property.

The following violations were observed at the time of inspection:

1. The circuit breaker located in the basement was in a state of disrepair (all power to the house was turned off by the tenant due to an instance where the power went out and while inspecting the breaker, the tenant reportedly witnessed sparks and an odour similar to burning rubber).
2. The furnace located in the basement was in a state of disrepair (condemned by a service technician in 2017).
3. The shower spout had a continuous leak.
4. Multiple boards on the front porch were rotted/rotting and/or missing.
5. Hole in the exterior siding, located near the peak of the house.

As is standard practice, a preliminary letter was issued February 16, 2022 to the property owners detailing the requirements to repair the building as required by Chapter 465. Using a number provided by the tenant, staff reached out to Lee-Anne Paley (executor) and left a voicemail informing that a letter detailing current property standard issues was being issued to the address of 72 Webster Street. No communication was received in response.

A re-inspection was conducted on March 3, 2022 and observed the property in the same state as the initial inspection on February 16, 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 subject property.

8.0 Analysis

Due to the property remaining in violation with no communication and 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 March 9, 2022 which showed the subject property known municipally as 72 Webster Street, Brantford, ON to be owned by Lorne Raymond Fraser of Brantford, ON. Accordingly, Property Standards Order #027-22 was issued March 10, 2022 to the registered owner, detailing the requiring to repair the building.

A Notice of Appeal was filed by the executors Wayne and Lee-Anne Paley on March 29, 2022 in accordance with Chapter 465, requesting additional time to bring the property into compliance. At the time of writing this report, the property remains in violation of both the issues Property Standards Order and Chapter 465.

9.0 Conclusion

Property Standards Order #027-22, 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 Order be CONFIRMED and UPHeld by the Property Standards Committee.

Prepared By:

Neely Birch, Municipal Law Enforcement/ Property Standards Officer

Attachments (if applicable):

Photos and video

Property Standards Order #027-22

Appeal Form