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Date September 29, 2022 **Report No.** 2022-646

To Chair and Members
Property Standards Committee

From Kane Neuhauser
Municipal Law Enforcement / Property Standards Officer

1.0 Type of Report

Consent Item ☐
Item For Consideration ☒

2.0 Topic **Appeal filed by Jesse Dostal, Lefebvre & Lefebvre LLP, agent for Edward Frank Chrzanowski, owner of 54 Lyndhurst Street, Brantford, ON regarding Property Standards Order #104-22**

3.0 Recommendation

- A. That Property Standards Order #104-22, issued to the owner of 54 Lyndhurst Street, Brantford, ON, BE CONFIRMED and UPHELD by the Property Standards Committee.

4.0 Purpose and Overview

Property Standards Order #104-22 was issued in accordance with Chapter 465 – Property Standards of the City of Brantford Municipal Code (Chapter 465) to the owner of 54 Lyndhurst Street, Brantford. An appeal was filed by the agent for 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

The City of Brantford Municipal Code Chapter 465 - Property Standards (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. 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 #104-22, and presently the property remains in non-compliance with Chapter 465.

In this case, on July 25, 2022, I attended the property and observed the following violations of Chapter 465:

- a. Bathroom toilet not in good working order - does not flush correctly.
- b. Kitchen sink faucets not in good working order – leaking.
- c. Some electrical wiring is improper – bedroom beside bathroom missing cover on light switch.
- d. Living room ceiling not in good repair – damaged; visibly cracked.
- e. Foyer ceiling not in good repair – damaged; visibly cracked.
- f. Ants in house.

As is standard practice, a preliminary letter was sent July 26, 2022 to the property owners detailing the requirement to repair the building as required by Chapter 465. The letter included a 14 day compliance date of August 9, 2022. The building in question is a one (1) story residential dwelling.

On August 9, 2022, I contacted the complainant and was advised no work had commenced. There had been no contact at this point from the property owner.

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 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 Department to undertake a title search to confirm ownership. This information was returned on August 12, 2022 which showed the subject property known municipally as 54 Lyndhurst Street, Brantford, ON to be owned by Edward Frank Chrzanowski of 60 Lyndhurst Street, Brantford, ON.

Accordingly, Property Standards Order #104-22 was issued August 15, 2022 to the registered owner detailing the requirement to repair the building. Prior to September 3, 2022, an agent on behalf of the property owner submitted a request to appeal. At the time of 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 #104-22, 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 #104-22 issued to the owner of 54 Lyndhurst Street, Brantford, ON be CONFIRMED AND UPHELD by the Property Standards Committee.

Attachments (if applicable)

- Photos
- Property Standards Order #104-22
- Appeal Form