



## **PROPERTY STANDARDS COMMITTEE**

### **MINUTES**

August 25, 2022

5:30 p.m.

Brantford City Hall, 58 Dalhousie Street

Brenda Hertog in the Chair. Prior to the Roll Call, the Chair read the rules of procedure for hybrid meetings.

#### **1. ROLL CALL**

Present: Susan Kaplan, Brenda Hertog, Damon Smith

Regrets: Tamara Cupoli

Present: Jill Binkley - Manager of Property Standards & By-laws, Jordan Tozer – Senior Property Standards Officer, Kristina Caton – Property Standards Officer, Kane Neuhauser – Property Standards Officer, Neely Birch – Property Standards Officer, Kim Stoffelsen – Secretary of the Property Standards Committee, Melanie Figueiredo - Committee Coordinator

#### **2. DECLARATIONS OF CONFLICTS OF INTEREST**

There were no declarations of conflict of interest.

#### **3. PRESENTATIONS/DELEGATIONS**

There were no presentations or delegations made at the meeting.

#### **4. ITEMS FOR CONSIDERATION**

Prior to hearing the first appeal, Jill Binkley, Manager of Property Standards and By-laws, advised the Committee of the nature of matters from a management perspective. The Property Standards By-law is governed under the Ontario Building Code Act and is enforced reactively by complaints to the office.

Prior to taking up the Items for Consideration as they appeared in the agenda, Officer Birch provided an update on Item 4.6 - Appeal filed by Gary Kraft, (executor - Marilyn Gail Jeffreys Estate), 69 Mohawk Street, Brantford, ON regarding Property Standards

Order #61-22. Officer Birch advised that an inspection was carried out the morning of the day of the meeting (August 25, 2022) and it was confirmed that Order #61-22 had fully been complied with, and as such the appeal filed by the property owner was no longer required.

**4.1 Appeal filed by JM Market-Grey Inc., owner of 11 Grey St. Unit 9, Brantford, ON regarding Property Standards Order #30-22, 2022-314**

Officer Caton appeared before the Committee and provided an update on the order, as the hearing had been adjourned at the May 5, 2022 meeting of the Committee. The Officer advised that the tenant that was occupying the property had moved out on or about June 4, 2022, and no demolition permit application permit for the property had been received by City staff. In response to questions from the Committee, the Officer confirmed that the building had been boarded up.

Agent Courtney Boyd appeared on behalf of property owner, JM Market-Grey Inc. The agent advised that there are three units located in the building and the unit subject to the order (Unit 9) had been vacated by the tenant and the unit had been boarded and the utilities had been shut off. The agent stated that the property owner is seeking an extension for all items in the order until August 1, 2023. In response to questions from the Committee, the agent advised that multiple units will be demolished, and the owner intends to apply for a demolition permit but is waiting for a site plan to be completed prior to submitting this application.

Moved by Damon Smith

Seconded by Susan Kaplan

THAT Property Standards Order #30-22 issued to JM Market-Grey Inc., owner of 11 Grey St., Brantford, ON, BE CONFIRMED and UPHELD by the Property Standards Committee; and

THAT the following extension of time BE GRANTED to address all outstanding Items in Property Standards Order #30-22:

EXTENSION GRANTED: to September 25, 2022

CARRIED

**4.2 Appeal filed by Pasquale Contestabile and Denise Contestabile, owners of 47 Lambert Crescent, Brantford, ON regarding Property Standards Order #044-22., 2022-498**

Officer Tozer appeared before the Committee and provided an update on the order, as the hearing had been deferred at the July 7, 2022 meeting of the Committee. The Officer advised that the appellants had contacted City staff to discuss obtaining

necessary permits to repair the retaining wall subject to the order, however the Officer was unaware of the results of those discussions.

Appellants Pasquale Contestabile and Denise Contestabile appeared before the Committee and provided an update. The appellants advised they did have a contractor prepared to complete the work, but they no longer had this contractor engaged at the time of the meeting. The appellants also stated that they were seeking a legal opinion on the matter and would not be completing the work until further advised by legal counsel.

Moved by Susan Kaplan

Seconded by Damon Smith

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.

CARRIED

#### **4.3 Appeal Filed By Thelma Richardson, power of attorney for Clifford Fergus Richardson, owner of 286 Darling Street, Brantford, ON regarding Property Standards Order #86-22, 2022-570**

Officer Neuhauser appeared before the Committee and provided an overview of the report. On June 21, 2022, a Property Standards Officer attended the property and observed the fire damaged structure located on the property known as 286 Darling Street, Brantford. The building in question is a two (2) story residential multi-unit building. A preliminary letter was sent June 24, 2022 to the property owners detailing the requirement to repair the building as required. The letter included a 14 day compliance date of July 8, 2022.

On June 27, 2022 the property owner's son left a Property Standards Officer a voicemail indicating they had received the preliminary letter. The Property Standards Officer then returned the call and left a voicemail.

On July 8, 2022, a Property Standards Officer attended the property and observed that no work had commenced. There was no further contact from the property owner or any other representatives. Property Standards Order #86-22 was issued July 13, 2022 to the registered owner detailing the requirement to repair the building. On July 29, 2022, the property owner submitted a request to appeal. At the time of writing of this report, the property remains in violation of the issued Property Standards Order.

Appellant Thelma Richardson, power of attorney for owner Clifford Fergus Richardson and son David Richardson appeared before the Committee. The appellant advised that

the house has been sold, and the sale would close August 31, 2022 and the new owners intend to completely renovate the home and were seeking an extension on behalf of the new owner. In response to questions from the Committee, the appellant advised that personal circumstances do not permit them as current owners to complete the repairs.

Moved to Susan Kaplan

Seconded by Damon Smith

THAT Property Standards Order #86-22, issued to the owner of 286 Darling Street, Brantford, ON, BE CONFIRMED and UPHELD by the Property Standards Committee; and

THAT the following extension of time BE GRANTED to address all outstanding Items in Property Standards Order #86-22:

EXTENSION GRANTED: to September 30, 2022

CARRIED

#### **4.4 Appeal Filed by Darlene Davis, owner of 5 Fair Avenue, Brantford, ON regarding Property Standards Order #82-22, 2022-568**

Officer Neuhauser appeared before the Committee and provided an overview of the report. On April 22, 2022, a Property Standards Officer attended the property and observed the roof in disrepair of the building located on the property known as 5 Fair Avenue, Brantford. The building in question is a two (2) story residential home split into two units – an upper and lower unit. A preliminary letter was sent April 26, 2022 to the property owners detailing the requirement to repair the building as required. The letter included a 14 day compliance date of May 10, 2022.

On April 28, 2022, a Property Standards Officer spoke to one of the property owners who had reached out after receiving the letter, and advised that they were working to complete the repairs.

On May 6, 2022, another inspection was completed at the request of the initial complainant and the following additional items were observed to be in violation:

- the window on second level facing south had large gaps around frame and was not sealed from the elements, allowing rodents / vermin / birds to enter in addition to a broken window on the main level underneath upper unit landing;
- the foundation wall had deteriorated on the south side of house near the back, with gaps visible at ground-level;
- the upper unit landing was not structurally sound; and
- the upper unit landing handrail was loose and wobbly.

With the assistance of a Building Inspector, the staircase and upper landing were also inspected. It was the recommendation of the Building Inspector that a professional engineer should inspect the upper unit staircase and landing, and provide a report outlining, what, if any, changes would be required to ensure it is safe and brought up to code.

Another letter was sent on May 9, 2022 to the property owners, which referenced the item from the original letter, as well as included the new items noted at the May 6, 2022 inspection. A new compliance date of May 23, 2022 was issued. In addition to the letter, property owner was notified by telephone of the additional items required for compliance.

Between May 16 and May 26, 2022, the property owner was in contact with a Property Standards Officer, who outlined the progress towards compliance. The content of the preliminary letter was also discussed at length with Darlene Davis through telephone, including the required corrections to achieve compliance with Chapter 465.

On June 23, 2022, after no contact since May 26, 2022, a Property Standards Officer attended the property to check on progress. It was observed that the roof had been repaired, and the broken window on the main level had been replaced.

Property Standards Order #82-22 was issued July 6, 2022 to the registered owners detailing the requirement to repair the building. On July 20, 2022 property owner submitted a request to appeal. At the writing of this report, the property remains in violation of the issued Property Standards Order.

Appellant Darlene Davis appeared before the Committee and advised that she was seeking an extension of two months. The appellant advised that documents had been received from the engineers and is currently waiting for building permit approval from City staff. The appellant also advised that a contractor has already been engaged to complete the work.

Moved by Damon Smith

Seconded by Susan Kaplan

THAT Property Standards Order #82-22 issued to Darlene Davis, owner of 5 Fair Avenue, Brantford, ON, BE CONFIRMED and UPHeld by the Property Standards Committee; and

THAT the following extension of time BE GRANTED to address all outstanding Items in Property Standards Order #82-22:

EXTENSION GRANTED: to October 31, 2022

CARRIED

#### **4.5 Appeal filed by Stan Mysliwy, owner of 50 Mary Street, Brantford, ON regarding Property Standards Order #63-22, 2022-585**

Officer Tozer appeared before the Committee and provided an overview of the report. On March 19, 2022 a Property Standards Officer attended the property and observed the following:

- roof shingles curled and not in water-tight condition facing Mary Street;
- missing front porch handrail;
- second floor windows with torn screens facing 52 Mary Street;
- missing bricks/mortar on the chimney

The building in question is a 2.5-story, brick and siding, single family residential house. A preliminary letter was sent March 21, 2022 to the property owners detailing the requirement to repair the building.

On April 2, 2022, a Property Standards Officer spoke to the property owner over the phone and followed up on the letter that listed the corrections required to achieve compliance. The owner indicated they did not want to go onto the property and make repairs.

Between the period of April 16, 2022 and May 1, 2022, a Property Standards Officer left three separate voicemails for the property owner.

A re-inspection was conducted on May 14, 2022 where a Property Standards Officer observed the property to be in the exact same state as the initial inspection on March 20, 2022.

Property Standards Order #063-22 was issued May 31, 2022 to the registered owner, detailing the requirements to repair the building. A Notice of Appeal was filed by the owner on June 19, 2022. At the time of writing of this report, the property remains in violation of the issued Property Standards Order.

In response to questions from the Committee, Officer Tozer advised that there appears to be someone occupying the building.

At this time, it was confirmed that the appellant, nor an agent on behalf of the appellant, was present at the meeting.

Moved by Susan Kaplan

Seconded by Damon Smith

THAT the hearing for the appeal for Property Standards Order #63-22 regarding 50 Mary Street, Brantford CONTINUE IN ABSENTIA of the appellant.

CARRIED

As the motion to continue in absentia of the appellant was carried, the Committee began discussion on the Item.

Moved by Susan Kaplan

Seconded by Damon Smith

That Property Standards Order #63-22 issued to Stanley Kazimierz Mysliwy, owner of 50 Mary Street, Brantford, ON, BE CONFIRMED and UPHELD by the Property Standards Committee.

CARRIED

**4.6 Appeal filed by Gary Kraft, (executor - Marilyn Gail Jeffreys Estate), 69 Mohawk Street, Brantford, ON regarding Property Standards Order #61-22., 2022-584**

Item 4.6 was addressed prior to Item 4.1.

**5. CONSENT ITEMS**

**5.1 MINUTES**

Moved by Damon Smith

Seconded by Susan Kaplan

THAT the following minutes BE APPROVED:

**5.1.1 Property Standards Committee - July 7, 2022**

CARRIED

**6. RESOLUTIONS**

There were no resolutions made at the meeting.

**7. NOTICES OF MOTION**

There were no notices of motion provided at the meeting.

**8. UPDATES**

**8.1 Status of Previous Property Standards Appeals (no copy)**

There were no updates provided.

**9. ADJOURNMENT**

The meeting adjourned at 6:29 p.m.

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Brenda Hertog, Chair

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M. Figueiredo, Committee  
Coordinator