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**Date** September 29, 2021 **Report No.** 2021-436

**To** Chair and Members  
Property Standards Committee

**From** Ian Harrower, Municipal Law Enforcement and Property Standards Officer

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## 1.0 Type of Report- Property Standards Order- Appeal

Consent Item ☐  
Item For Consideration ☒

**2.0 Topic** Appeal filed by 1849438 Ontario Ltd, owner of 14 Ann Street, Brantford, Ontario regarding Property Standards Order #21-21

## 3.0 Recommendation

That the appeal filed by 1849438 Ontario Ltd, owner of 14 Ann Street, Brantford, Ontario regarding Property Standards Order #21-21 BE DENIED and that this Order be CONFIRMED and UPHELD by the Property Standards Committee.

## 4.0 Executive Summary

N/A

## 5.0 Purpose and Overview

Section 15 of the *Ontario Building Code Act* governs Property Standards Orders and Appeals. Section 15.3(1) states that an owner or occupant who has been served with an Order and who is not satisfied with the terms and conditions of the Order may appeal the Order to the Property Standards Committee. Section 15.3(3) states that the Committee shall hear the appeal. Section 15.3(3.1) states that on appeal, the Committee may confirm, modify or rescind the Order, or extend the time for complying with the Order. Section 15.3(4) allows for an

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appeal of the decision of the Property Standards Committee to the local Superior Court of Justice.

## **6.0 Background**

The Property Standards Bylaw is primarily enforced on a reactive basis to complaints received by the Building Department. In this particular case, a complaint was received On April 1<sup>st</sup> 2021 regarding property standards deficiencies at 14 Ann Street, Brantford. A preliminary inspection conducted April 1<sup>st</sup> 2021 confirmed that a retaining wall on the property's rear parking lot area that backs onto the properties of 55 and 57 Usher Street in the City of Brantford, was found to be in disrepair with large cracks and portions that have completely disintegrated.

It was the decision of the Bylaw Division to move forward with the issuance of the applicable Property Standards Order. A request was then made to the City's Legal Department to confirm ownership. Information was returned April 8<sup>th</sup>, 2021 that showed the subject property of 14 Ann Street, Brantford to be owned by 1849438 Ontario Ltd of 103 Copernicus Boulevard, Brantford, Ontario, N3P 1N4.

There has been previous history with the property of 14 Ann Street in the City of Brantford, relating to the same retaining wall in question. On February 14<sup>th</sup> 2014, the retaining wall was inspected and found to be in disrepair by a City of Brantford Building Inspector. This report relates directly to the inspection performed on April 1<sup>st</sup> 2021.

Accordingly, Property Standards Order #21-21 was issued April 8<sup>th</sup> 2021 requiring repairs. Subsequently, a Notice of Appeal was received by the Building Department from the registered owner, and the appellant is requesting additional time to complete the required repairs.

On Jun 25, 2021, the authorized signing officer for the owner requested an adjournment of the appeal hearing originally scheduled for June 30, 2021. The request indicated that they had been actively in the process of consulting and retaining a professional engineer, a surveyor, legal consultant and such other advisors as they required. The request also indicated that the advisors were not available for the June 30, 2021 hearing. As such the appeal hearing was adjourned to September 29, 2021.

On September 20, 2021 a second request for adjournment was received from the authorized signing officer for the owner. The request indicated that they are

currently waiting for their professional engineer and land surveyor to produce their reports. At this time the adjournment request was not approved.

At the time of writing, the property remains in non-compliance with both the Property Standards Order and the Property Standards Bylaw.

## **7.0 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 well-being of its citizens.

## **8.0 Input From Other Sources**

The City of Brantford Legal Department assisted in establishing the ownership of the property in question.

## **9.0 Analysis**

Standard operating procedure for enforcement of the Property Standards Bylaw is reactive to complaints as they are received. Upon receiving a complaint, the Building Department will inspect to determine the validity of the complaint. Should violations be observed, efforts are made to contact the owner to gain compliance. Should non-compliance continue or efforts to comply cease, a Property Standards Order is then issued to the owner, requiring compliance with the standards outlined in the Property Standards Bylaw. A copy of the Order is then sent to all affected parties with an interest on title. This procedure was followed in this case and presently the property remains in non-compliance.

## **10.0 Financial Implications**

N/A

## **11.0 Conclusion**

That the appeal filed by 1849438 Ontario Ltd, owner of 14 Ann Street, Brantford, Ontario regarding Property Standards Order #21-21 BE DENIED and that this Order BE CONFIRMED and UPHeld by the Property Standards Committee.

Prepared by:



Ian Harrower, Municipal Bylaw and Property Standards Officer

Attachments (if applicable):

-Photos to be sent