

Location: Tom Davies Square

Commencement: 6:06 PM

Adjournment: 8:50 PM

Minutes

Hearing Committee Minutes of 6/27/18

Councillor Signoretti, In the Chair

Present Councillors Cormier, Sizer, Signoretti

City Officials Brendan Adair, Manager of Security and By-law; Craig Moxam, By-law Enforcement Officer; Tina Whitteker, By-law Enforcement Officer; Andre Guillot, Manager of Building Inspection Services; Stefan Zhelev, Assistant City Solicitor; Adam Kosnick, Manager of Regulated Services / Deputy City Clerk; Lisa Locken, Clerk's Services Assistant

Declarations of Pecuniary Interests and the general nature thereof

None declared

Rules of Procedure

Councillor Signoretti moved that the order of the agenda be altered to deal with the Addendum at this time.

The following resolution was presented:

HC2018-01 Sizer/Cormier: THAT the City of Greater Sudbury deals with the Addendum to the Agenda at this time.

CARRIED BY TWO-THIRDS MAJORITY

Addendum

Appointment of Chair and Vice-Chair - Hearing Committee

Report dated June 6, 2018 from the Executive Director, Legislative Services/City Clerk regarding Appointment of Chair and Vice-Chair - Hearing Committee.

Nominations were held for the position of Committee Chair

Councillor Cormier nominated Councillor Signoretti.

There being no further nominations, nominations were closed.

Councillor Signoretti accepted the nomination.

Nominations were held for the position of Committee Vice-Chair

Councillor Sizer nominated Councillor Cormier.

There being no further nominations, nominations were closed.

Councillor Cormier accepted the nomination.

The following resolution was presented:

HC2018-02 Cormier/Sizer: THAT the City Greater Sudbury appoints Councillor Signoretti as Chair and Councillor Cormier as Vice-Chair of the Hearing Committee for the term ending November 30, 2018.

CARRIED

Public Hearings

1 Order to Remedy Appeal - ACR 778158 and 778163 (1710 Bancroft Drive, Sudbury)

The Hearing Committee adjourned and the Public Hearing was opened to deal with the following application.

Report dated May 31, 2018 from the General Manager of Corporate Services regarding Order to Remedy Appeal - ACR 778158 and 778163 (1710 Bancroft Drive, Sudbury).

Deric Schryer, Deja Properties Inc., the appellant was present

Brendan Adair, Manager of Security and By-law, outlined the report.

By-law officer Craig Moxam, stated that he attended the property on November 17, 2017 for an inspection after complaints were received from tenants. Many deficiencies were uncovered at the property including wooden balusters of the handrail that were insecure, broken and some missing. The upper railing and decking appeared to be loose and rotting. The security light at the main entrance was missing a light bulb and was not operational. The main entrance door was badly dented and could not be properly locked or secured. Inside the building, the handrail leading to the second floor was unfastened from the wall. One of the tenants allowed inspection inside their apartment which revealed rotting windows with some unable to be opened and interior window casings had peeling paint and moisture on the sills. Cold air could be found around the perimeter of the windows. The tenants expressed their concern about the air quality and upon inspection of the furnace it was observed that the filter was removed. Some of the units had uncovered furnace air vents in the ceiling of the living and bedroom. All of these were very dirty and covered in thick black dust. The main two windows in one unit were cracked and duct taped and cold air was entering from the window. He advised that he revisited the property with Andre Guillot, Manager of Building Inspection Services, on November 22, 2017 to reinspect.

Andre Guillot, Manager of Building Inspection Services, stated that he noted that it appeared that the building may have shifted from its foundations as the rear, or northerly side of the building, was leaning away from the southerly half. It was observed that the floors in the units

were sloping badly and were not level. He suggested that in order to be certain of the structural integrity of the building, the owner would require an engineer to conduct an inspection and provide a report. He felt that it was a health and safety issue.

Mr. Schryer stated that the building was built in 1940 and he purchased it in January 2013. He advised that it has been professionally managed since it was purchased and there are many long term tenants in the building. The building is built on a rock base and is not sinking. The property maintenance firm deals with issues, repairs or tenant concerns and any major issues are discussed directly with himself to rectify major repairs. They have third party services in place for lawn care and snow removal, and make sure snow is removed within 24 hours. He advised that he has been unable to have an Engineer's report; however, he has had some professional opinions who advised that they were unable to assess the floor system as there is no access since it is a crawl space only. To provide full access, the entire floor would need to be removed. The exterior and interior of the building does not show any new cracks. He stated it would cause monetary distress to tear up the floor and there is no physical evidence to require this report. He requested any records for the building through the Freedom of Information process, however, there are no records showing the structural composition of the building. He feels the complaint about the window stemmed from an irate tenant. They tried to get into the unit on many occasions to access the window but were delayed many times by the tenant.

Councillor Cormier asked why he has not shown any documentation advising that there is difficulty accessing the basement area.

Mr. Schryer advised that he did not have an engineer on site. He had professionals that looked at building repairs. The building is 70 to 80 years old and there is no way to know what is under the floor. He further advised that he called a few engineers but they were too busy to come out and inspect the property.

Councillor Cormier stated that Mr. Schryer has referenced professionals, however, he has not provided any letters supporting this.

Mr. Schryer stated that he had Paramount Construction come to inspect the property. They advised him that it is difficult to know what is going on with the building unless the floor is removed.

Councillor Sizer stated that there has been no attempt to resolve any of the issues stated in the Order to Remedy. He advised that he would like to see a professional report as he is very concerned about the property.

Mr. Schryer stated that he has completed most of the work listed in the Order to Remedy. All of the windows have been replaced. He does not feel an engineer's report is required. The buckling of the older aluminum siding occurs from the weather and age of building. He has reattached the handrail many times and it is constantly pulled off by tenants. The air quality is often poor because of tenants smoking. The access to the attic is through one of the units, and the tenant in that unit often removes the air filter, something that is out of his control.

Councillor Sizer stated that the number one thing to do on the Order to Remedy was to provide an engineer's report, and that has not been completed. There is no way of knowing if the building will fall down and someone may get hurt.

Mr. Schryer stated that if an engineer's report is required, he will need a timeline of more than three weeks.

Andre Guillot, Manager of Building Inspection Services, suggested that they can have an engineer on site immediately to see if there are any issues and they can follow up later with a report.

Brendan Adair, Manager of Security and By-law advised that there is some urgency in getting this completed as the owner has the property up for sale.

Mr. Schryer stated that the building is being sold as is.

Councillor Cormier asked how the owner is advising potential buyers of any issues with the building, since nothing would be registered on title and the listing for the property does not specify any issues that exist.

Mr. Schryer advised that the property is listed with Royal LePage and schedule B, which is attached to the listing, outlines any issues.

By-law officer Craig Moxam stated that the Order to Remedy is listed on the title for the property.

Councillor Cormier advised that the building needs to be inspected immediately and followed up with an engineer's report.

Mr. Schryer stated that the building was bought in this shape. He does not know the cost to repair it and feels the engineers report will only to tell them to go ahead and fix the issues.

Councillor Cormier stated that it does not matter when an issue comes to light regarding safety, and buyers need to be aware. Issues have now been discovered and an engineer's report would still be required to go through the permit process for any type of structural repair.

Councillor Signoretti stated that he also has rental properties and the number one concern is safety. Even home inspections do not always turn up issues and the responsibility lies upon the owner of the property.

Andre Guillot, Manager of Building Inspection Services, stated an engineer's report may not be required, it depends on the size of the structure. He advised that the floor system is leaning and the siding is buckling and he is not sure if the building is safe for occupancy.

Brendan Adair, Manager of Security and By-law, stated that sometimes complaints are made in bad faith. In August 2016 they had the same issues with this property. The tenant who had made the complaint had left before they could inspect the unit, however two other tenants let them into their units and we were able to inspect other aspects of the property. The By-law department is always willing to work with property owners and extend timelines for compliance in order to avoid coming to the Hearing Committee. This property owner did not make any requests to extend the deadlines and it was challenging to even locate who the proper owner was. If some of the items have been completed as Mr. Schryer has indicated, by-law will re-inspect and check them off.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Hearing Committee resumed in order to discuss and vote on the application.

Recess

At 7:15 p.m. the Hearing Committee recessed.

Reconvene

At 7:24 p.m. the Hearing Committee reconvened.

The following amended resolution was presented:

HC2018-03 Cormier/Sizer: THAT the City of Greater Sudbury extend the time for compliance with the Property Standards Order to Remedy issued to the owner of 1710 Bancroft Drive with two (2) weeks to allow for an engineer to attend on site together with a representative of Building Services to ascertain the safety of the building. If deemed required, a full written report shall be provided to the City of Greater Sudbury within six (6) weeks from the date of inspection.

YEAS: Councillors Signoretti, Sizer, Cormier

CARRIED

2 Order to Remedy Appeal - ACR 763501 (2501 Blyth Road, Sudbury)

The Hearing Committee was adjourned and the Public Hearing was opened to deal with the following application:

Report dated June 4, 2018 from the General Manager of Corporate Services regarding Order to Remedy Appeal - ACR 763501 (2501 Blyth Road, Sudbury).

Robbie and Laura-Lee Sabovitch, the appellants were present.

Brendan Adair, Manager of Security and By-law, outlined the report.

By-law officer Tina Whittaker, stated that they received a complaint for roof downspouts and surface water draining onto a neighbouring property. The matter appeared to be corrected during re-inspection in July of 2017. She attended the property in November 2017 after receiving a complaint that the draining and pooling issues were reoccurring. Significant evidence was provided by the owner of the adjacent property showing water flowing like a river onto their property. As per the by-law, water must be kept on residents' own properties. The water is entering onto 2501 Blyth Road through a vacant property and that was flowing to the complainants property. She spoke with Mr. Sabovitch and he advised her he would try and correct the problem. He had Canada Paving working on the problem and they discussed timelines. Mr. Sabovitch did not want the work done during the winter so that the heavy equipment did not cause damage of the property. An extension was granted until June 1, 2018 to complete the repairs outlined in the order. Paul Javor, Drainage Engineer, has advised that the vacant land is undeveloped and they are not responsible for water control until a building is erected, at which time there would be grading plans and building permits.

Councillor Cormier stated that the water from the undeveloped land to the west causes water to go directly into their lot and he is unsure how mitigation will solve the problem.

By-law officer Tina Whittaker, stated that a swale is required. They have a grate where the accumulated water would go, however, it is not functioning properly.

Councillor Cormier reviewed the by-law from 2011 that required property owners to comply to a drainage plan and be responsible for water containment. The dilemma is that most of the subdivisions and housing are built prior to lot grading plans, 90% of today's properties, subject to inspection, would not comply. The by-law was brought in mostly for people on large rural properties doing lot alterations without a drainage plan.

Brendan Adair, Manager of Security and By-law, advised that most of these cases are complaint driven and in most cases we get compliance and never have the need to have a hearing for a drainage issue. There are resources within the city to provide residents with support. Neighbours generally work together to address the issues. There is a common sense standpoint and they ask that property owners do the best they can to not impact others.

Councillor Sizer advised that he has noticed in some correspondence, 2511 Blyth Road has installed a swimming pool and wondered if this would cause issues.

By-law officer Tina Whitteker stated that she can confirm that the owner of 2511 Blyth Road did get a permit for installing the pool.

Mr. Sabovitch stated that he consulted the City drainage engineers to examine the properties. The by-law enforcement officer admitted to him that she is not a drainage engineer and she is making a determination completely different from the decision made for the same issue in 2015. He is aware the complainant did take out permit for pool; however, after it was installed there was large amount of pooling water in her backyard.

Carole Roy, area resident, stated that she lives next to the Sabovitch's at 2511 Blyth Road. She advised that the Sabovitch's have called by-law on many occasions. The water is entering her property from his garage area. Mr. Sabovitch made a trench and cut the roots of trees to install this. She installed a fence when she built her pool, and applied for permits for both. When it rains or snow melts, it overflows from the manmade trench and enters her yard. The trees that were affected when he installed his trench died and she ended up cutting them down as per the by-law. Mr. Sabovitch built a new garage and in doing so the drainage changed where he piled the excess dirt.

Mr. Sabovitch stated that the garage shown in the pictures replaced an existing structure that was there. The only change he made was to install it ten (10) feet further back, however, the elevation did not change. He had a permit for the new garage and it was inspected and properly closed. He advised that he has tried to contain the water, but the water is coming off the hill behind his property and there is no way to direct it towards the municipal ditch.

Councillor Cormier asked Mr. Sabovitch if they had a willingness to cooperate and comply if given more time.

Mr. Sabovitch stated that they are willing to improve the situation to the best that they can.

Councillor Cormier stated that Mr. Sabovitch should be able to correct the waterflow issues on the property if he was given a reasonable amount of time.

Mr. Sabovitch advised that the day prior to receiving the order to comply, they were dealing with some family issues. He had contacted a contractor, who had some ideas of how to correct the property, but he could not confirm this without surveying the grade elevations and the drainage. Completing the work by June 1st was an impossible task. He further advised that he is willing to work with the City and his neighbour to come up with a solution.

Brendan Adair, Manager of Security and By-law, stated that the by-law department is always willing to work with residents in order to provide more time, however, when they do not see any compliance, they need to take further steps. They provided a deadline of June and there was no willingness to correct the situation. If the property owner provides a professional opinion, they will work with them regarding deadlines.

The Chair asked whether there was anyone in the audience who wished to speak in favour or

against this application and seeing none:

The Public Hearing concerning this matter was closed and the Hearing Committee resumed in order to discuss and vote on the application.

Recess

At 8:40 p.m. the Hearing Committee recessed.

Reconvene

At 8:49 p.m. the Hearing Committee reconvened.

The following amended resolution was presented:

HC2018-04 Cormier/Sizer: THAT the City of Greater Sudbury extend the time for complying with the Property Standards Order to Remedy issued to the owner of 2501 Blyth Road, Sudbury, ON, under section 15.3 (3.1) 2 of the Building Code Act. Provided evidence of compliance with the order have been rendered to the City of Greater Sudbury by September 6, 2018, no further prosecution will be undertaken.

YEAS: Councillors Signoretti, Sizer, Cormier

CARRIED

Civic Petitions

No Civic Petitions were submitted.

Question Period and Announcements

No Questions were asked.

Notices of Motion

No Notices of Motion were submitted.

Adjournment

Sizer/Cormier: THAT this meeting does now adjourn. Time 8:50 p.m.

CARRIED