



**City Of Kingston
Appeals Committee
Meeting Number 04-2017
Confirmed Minutes
Monday October 16, 2017 at 12:00 p.m.
Loyalist Room, City Hall**

Committee Members Present

Councillor Hutchison; Chair
Councillor Holland
Ms. Diak
Ms. Wollis

Regrets

Ms. Ng

Staff Members Present

Mr. Ochej, Committee Clerk
Ms. Shultz, Property Standards Officer
Mr. Talledo, Property Standards Officer

Members of the public were present

Meeting to Order

The Chair, called the meeting to order at 12:07 p.m.

Approval of the Agenda

Moved by Ms. Diak
Seconded by Councillor Holland

That the agenda be approved.

Carried

Confirmation of Minutes

Moved by Ms. Wollis
Seconded by Ms. Diak

That the Minutes of Appeals Committee Meeting Number 03-2017 held Monday July 17, 2017 be approved.

Carried

Disclosure of Pecuniary Interest

There were none.

Delegations

There were none.

Briefings

There were none.

Business

a) New Appeals

i. 1585 Bullen Road

Ms. Shultz provided the Committee with an overview of the Order to Remedy for 1585 Bullen Road. She stated that the Order to Remedy was re-issued in August 2017 due to an error in the original Order to Remedy.

Councillor Hutchison inquired as to the status of repairs for the property. Ms. Shultz stated she had been unable to reach the tenant to complete a follow up inspection and as a result she could not comment on the status of repairs inside the building.

At the request of Ms. Diak, Ms. Shultz provided an overview of each item contained in the Order to Remedy.

Councillor Hutchison sought further details regarding the front porch repairs. Ms. Shultz stated that the landing and support had been repaired and that a building official attended the inspection and confirmed a building permit would be required. She added that the repair to the handrail was still outstanding.

Ms. Wollis inquired if any of the items in the Order to Remedy represented a life safety issue. Ms. Shultz stated none of the items in the Order to Remedy represented a life safety issue.

Councillor Hutchison inquired about the electrical service mast. Ms. Shultz responded that the mast is not secured properly to the building, and that the owner could likely complete the repairs without requiring the services of an electrician.

Councillor Hutchison sought clarity regarding the location of the damaged screen doors. Ms. Shultz clarified the damaged screen doors are at the side entrance to the building.

Mr. Collins, property owner, described the work that has been completed on the building since he purchased it. He stated that issues with the current tenant have made it difficult for him to gain access to the building and complete the repairs, adding that he is undertaking efforts to evict the current tenant.

Councillor Hutchison inquired as to the purpose of the appeal. Mr. Collins stated he wishes to move into the property and complete the work to bring the building into compliance.

Councillor Hutchison asked how long the eviction process for the current tenant would take. Mr. Collins advised that a court date has been set and that he will move into the property as soon as the eviction is completed.

Ms. Diak expressed doubt regarding Mr. Collins' claim that he cannot access the interior of the building to complete repairs, stating that landlords can legally access their property by providing 24 hours written notice. Mr. Collins responded that he has never provided written notice to gain access, and that he has concerns for his personal safety given the nature of the current tenant.

Ms. Diak stated she does not support an extension on the grounds of allowing the eviction, and that she would like Mr. Collins to provide a timeframe for the completion of the repairs.

Councillor Hutchison stated that Mr. Collins should have provided written notice to his tenant to gain access to the property to complete the repairs.

Ms. Diak stated she would be amenable to an extension if Mr. Collins could provide proof that more time is needed to complete the repairs.

Ms. Wollis expressed concern regarding the electrical service mast, and stated she would like to see a building permit obtained for the front porch as soon as possible.

Ms. Diak inquired about the ability for the property standards officer to enter and re-inspect the property. Ms. Shultz confirmed she could make arrangements with Mr. Collins to re-inspect the property.

Moved by Ms. Diak
Seconded by Ms. Wollis

That the Appeals Committee agrees to extend the time for compliance for Order to Remedy CEPS201603253 located at 1585 Bullen Road, until November 20, 2017, it being understood that an inspection will occur on the property beforehand.

Carried

b) Property Updates

i. 797 Somerset Crescent

Ms. Shultz provided the Committee with an overview of the Order to Remedy. She stated that the secondary suite would need to be removed, or the appropriate repairs made and zoning acquired in order to legalize the secondary suite. She advised that the tenants had moved out of the secondary suite and that the space was no longer occupied. Ms. Shultz added that the owner is not actively seeking to rent out the secondary suite.

Councillor Hutchison sought clarity regarding the windows in the secondary suite. Ms. Shultz stated the windows in the secondary suite bedroom were not large enough and that repairs to the windows require a building permit.

Ms. Wollis inquired about the means of egress for the secondary suite. Ms. Shultz stated the entrance to the suite was through a service room.

Ms. Shultz stated that she had been unable to schedule a follow-up inspection of the property and that no building permits had been issued.

Ms. Todish, property owner, stated that she is currently living in Brampton and that her mother is residing at the property. She added that her mother's belongings are being stored in the basement and that she does not plan to rent out the secondary suite.

Councillor Hutchison inquired about the basement window being screwed shut. Ms. Todish stated that her previous tenants had screwed the window shut. Ms. Wollis inquired if the screws had been removed from the window. Ms. Todish responded that the screws had been removed and locks placed on the windows.

Ms. Diak sought further details regarding the removal of items from the secondary suite in order for the property to be in compliance. Ms. Shultz stated that, per correspondence from Planning Department staff, the kitchen plumbing would need to be capped at the nearest junction, and the cupboards and refrigerator would need to be removed for the property to be in compliance.

Councillor Hutchison inquired about the next steps if the property were not to address the items in the Order to Remedy. Ms. Shultz stated that a pre-summons letter would be provided to the property owner, and that two weeks would be given to complete the smaller items such as removing cupboards and capping the plumbing.

Councillor Holland sought clarity regarding the removal of items in the secondary suite kitchen. Ms. Shultz re-iterated that items comprising the kitchen in the basement will need to be removed in order for the property to be in compliance with the Order to Remedy, as per correspondence from the Planning Department.

Ms. Todish requested to speak with the Planning Department regarding the removal of kitchen items. Councillor Hutchison clarified that the compliance issue is not with the kitchen plumbing, cupboards, and refrigerator on their own, but rather the combination of them in a living space that is not legally recognized as a secondary suite. He added that some items will need to be removed in order for the property to be in compliance.

Ms. Todish expressed concern regarding possible damage to her property due to the removal of the kitchen items and potential stress placed on her mother.

Ms. Wollis stated that the conditions established at the previous Committee meeting required the removal of the screws from the window and to eliminate the kitchen items. She explained to Ms. Todish the different requirements dependent on whether or not Ms. Todish sought to legalize her secondary suite, or to convert back to a single-family dwelling.

Moved by Councillor Holland
Seconded by Ms. Wollis

That the Appeals Committee agrees to extend the time for compliance for Order to Remedy CEPS201700383 located at 797 Somerset Crescent, until November 20, 2017, it being understood that an inspection will occur on the property beforehand.

Carried

ii. 773 Portsmouth Avenue

Mr. Talledo provided an update on the Order to Remedy. He stated that the walls, ceiling and floor of the first floor had been removed, rendering all outstanding items on the Order to Remedy no longer applicable. He added that similar work will be done on the second floor and that the property owner's contractor is in the process of obtaining building permits for interior work. Mr. Talledo stated that all exterior items on the Order to Remedy have been completed.

Moved by Ms. Diak
Seconded by Ms. Wollis

That the Order to Remedy (CEPS201700700) located at 773 Portsmouth Avenue is closed as the work has been completed and is in compliance.

Carried

Motions

There were none.

Notices Of Motion

There were none.

Other Business

Mr. Ochej provided the Committee with an update on the abeyance list.

Correspondence

There was none.

Date and time of Next Meeting

The next meeting of the Appeals Committee is scheduled for November 20, 2017 at 12 p.m.

Adjournment

Moved by Councillor Holland

Seconded by Ms. Diak

That the meeting of the Appeals Committee adjourn at 1:05 p.m.

Carried

Abeyance Items

| Date Item Placed in Abeyance | Description of Item | Who Is To Respond | Deadline For Response |
|-------------------------------------|----------------------------|--------------------------|------------------------------|
| October 16, 2017 | 797 Somerset Crescent | Ms. Shultz | November 20, 2017 |
| October 16, 2017 | 1585 Bullen Road | Ms. Shultz | November 20, 2017 |