



**City Of Kingston
Appeals Committee
Meeting Number 01-2015
Minutes
Monday December 15, 2014 at 12:00 p.m.
Sir John A. Macdonald Room, City Hall**

Members Present

Councillor Hutchison
Councillor Schell
Ms. Diak
Mr. Dowling
Mr. Fudge

Members Absent

None

Staff Members Present

Ms. Lees-Bauml, Property Standards Officer
Ms. Stewart, Property Standards Officer
Ms. Woodland, Committee Clerk

Others Present

Approximately 6 members of the public.

Meeting to Order

Mr. Fudge, Vice Chair, called the meeting to order at 12:00 pm.

Approval of the Agenda

Moved by Councillor Hutchison
Seconded by Mr. Dowling
That the agenda be approved.

Carried

Confirmation of Minutes

Moved by Ms. Diak

Seconded by Mr. Dowling

That the Minutes of Appeals Committee Meeting Number 05-2014 held Monday November 17, 2014 be approved.

Carried

Disclosure of Pecuniary Interest

None.

Delegations

None.

Briefings

None.

Business

a) New Appeals

i. 247 Brock Street

Ms. Stewart provided the background information regarding the Order to Remedy. She explained that staff received a complaint regarding the creeper growth on the wall, and that there was concern that the ivy growth was affecting the masonry.

Mr. Ted Lloyd, owner, was present and spoke to the property details, including past work on the building. He explained that he had been involved in Heritage restoration for 38 years. He stated that he received a letter regarding the ivy, and he expressed concern regarding the complaints procedure. He noted that he consulted with an architect and provided a letter from the architect which contradicts the opinion that the ivy is a concern. He stated that the opinion of architect is that the ivy enhances the building, protects the stone, and keeps the building cool in the summer.

Ms. Diak asked for clarification on the ivy, and inquired if the ivy may cause damage or if it does cause damage. She asked if there was wording in the by-law specifically with regards to ivy.

Ms. Stewart responded that the ivy is a new item that has been added with respect to Heritage properties.

Mr. Fudge explained the property standards process and that the process is complaint driven.

Ms. Stewart added that there are varying opinions regarding ivy growth on buildings.

Moved by Councillor Hutchison

Seconded by Ms. Diak

That the Appeals Committee quash the Order to Remedy Number CEPS201401989.

Carried

ii. 140 Joseph Street

Ms. Lees-Bauml explained that she had met with Mr. Beckwith, and suggested that he is looking for more time to complete the work. She noted a number of items that were upgraded and changed, and went through the list of violations to identify which were complete and which were incomplete. She clarified that the unit was not occupied, and that it would not be occupied until the order is closed.

Mr. Beckwith added that he had a contractor lined up to complete the flooring. He also provided an overview of the timelines for the electrical work, and added that the unit is insured.

In response to Mr. Fudge's inquiry regarding the electrical connections in the rest of the building, Ms. Lees-Bauml responded that the Electrical Safety Authority (ESA) will only be looking at one unit, but if they see other issues with other units, there is an obligation to work with the other units to bring them up to code.

Moved by Councillor Schell

Seconded by Councillor Hutchison

That the Appeals Committee agrees to extend the time for compliance for the Order to Remedy CEPS201401858 for the Property Standards By-Law 2005-100 against the property owned by Mr. Paul Beckwith at 140 Joseph Street to February 16, 2015.

Carried

iii. 33 Rideau Street

Ms. Lees-Bauml explained the Order to Remedy and provided details regarding the property. She stated that there was a lengthy inspection on the property, which had a tenant who had expressed a number of concerns. She noted that she had met with the owner onsite.

Ms. Tycholiz explained that she had an electrician go in to the building regarding section 5.26 of the by-law, and that at the time, the outlet was functioning properly. Regarding section 4.24, she explained that the front porch pot lights were replaced, and suggested that the pot lights provide adequate lighting for the entranceway.

Mr. Fudge expressed the concern that the lights could be controlled by the other tenants which could affect the lighting for the doorway.

Ms. Diak questioned what is meant by adequate lighting, and asked if the porch lights would provide adequate lighting for the entranceway by City staff's standards.

Moved by Ms. Diak
Seconded Councillor Hutchison

That the Order to Remedy Violation of Standards Number CEPS201402020 for 33 Rideau Street be deferred to the January 19, 2015 Appeals Committee meeting, it being understood that staff will reinspect the property prior to the meeting.

Carried

a) Property Updates

i. 12 Holman Drive

The appeal regarding Section 4.41, 4.47, and 4.49 of the Property Standards By-law was heard at the November 17, 2014 meeting. The time for compliance was extended to November 27, 2014.

Ms. Lees-Bauml stated that the fence has been put in place under the direction of the Committee, and that there is ongoing work on the property, but the timeline is unknown due to pending legal circumstances. She added that the Ministry of Labour has been to the property and they have strict regulations regarding construction sites, and the fence has been constructed as per the Committee's direction and compromise with the owner, but that the fence was not required by the Ministry of Labour. She commented that the Committee was in place to be used as a mechanism to negotiate with the owner. She provided the details of the fence that was installed, and concluded that the fence meets the requirements as set by the Committee.

Mr. Jannsen was present and explained that as the next door neighbour, he disagreed with the construction of the fence. He provided pictures taken from his property and the road. He commented that the posts were not placed every four feet as explained at the previous Committee meeting, and advised that the posts are leaning in different directions.

Councillor Hutchison explained that the Committee does not have jurisdiction in this case, and that the Committee negotiated with the owner to erect a fence, and since the owner was not legally obligated to comply, the Committee cannot enforce the issue.

Ms. Diak suggested that the neighbour build a fence to run the length of the driveway.

Councillor Hutchison concurred with Ms. Diak's suggested, and suggested that the neighbour negotiate a common fence or build a fence of their own within the fence regulations. He further suggested that the neighbour contact a lawyer.

The Committee decided that the Order to Remedy CEPS201401857 for 12 Holman Drive is closed.

Motions

There were none.

Notices Of Motion

There were none.

Other Business

There was none.

Correspondence

There was none.

Date and time of Next Meeting

The next meeting of the Appeals Committee is scheduled for January 19, 2015.

Adjournment

Moved by Ms. Diak

Seconded by Councillor Hutchison

That the Appeals Committee meeting adjourn at 1:20pm.

Carried