



City of Hamilton
PROPERTY STANDARDS COMMITTEE
AGENDA

**Established under the Building Code Act, 1996 and the Property Standards
By-law No. 10.221**

Meeting #: 23-002
Date: February 28, 2023
Time: 9:30 a.m.
Location: Room 264, 2nd Floor, City Hall (in-person)
71 Main Street West

Lisa Kelsey, Committee Secretary (905) 546-2424 ext. 4605

	Pages
1. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
2. CONFLICTS OF INTEREST	
3. APPROVAL OF PREVIOUS MINUTES	
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4. CONSENT	
5. HEARINGS	
5.1 18 and 20 Begue Street, Hamilton (Ward 13)	7
6. TRIBUNAL BUSINESS	
7. ADJOURNMENT	



Hamilton

MINUTES

PROPERTY STANDARDS COMMITTEE

February 21, 2023

9:30 a.m.

Room 264, Hamilton City Hall

71 Main Street West

Hamilton, Ontario

Present: Thomas Lofchik, Chair,
Frank Perri, James Summers

Absent with Regrets: Ernest Eberhard, Joe Gerrior

Also Present: Sheena Watts, Project and Policy Assistant
Stephen Chisholm, Solicitor for the Committee
Lisa Kelsey, Legislative Coordinator, City Clerk's Office

The meeting was called to order.

(a) BROADCASTING/RECORDING POLICY

The Chair asked the Parties and public audience if anyone wished to record and/or broadcast the meeting, as required by the Property Standards Committee's Broadcasting Policy.

A member of the public audience requested to record the meeting.

(Perri/Summers)

That the Property Standards Committee allow a member of the public audience to record the February 21, 2023 meeting.

CARRIED

(b) CHANGES TO THE AGENDA (Item 1)

The Legislative Coordinator advised that there were no additions to the agenda.

(Summers/Perri)

That the February 21, 2023 Property Standards Committee agenda be approved, as presented.

CARRIED

**Property Standards Committee
Minutes**

**February 21, 2023
Page 2 of 2**

(c) DECLARATIONS OF INTEREST (Item 2)

None declared.

(d) APPROVAL OF PREVIOUS MINUTES (Item 3)

(i) February 11, 2020 (Item 3.1)

(Summers/Perri)

That the Minutes of the Property Standards Committee dated February 11, 2020, be approved, as presented.

CARRIED

(e) HEARINGS (Item 5)

**(i) 1276-1286 King Street East (also known as 1083 Main Street East
(Ward 3) (Item 5.1)**

(Summers/Perri)

That the Committee retire to Deliberate at 9:47 a.m.

CARRIED

(Summers/Perri)

That the Committee reconvene in Open Session at 10:10 a.m.

CARRIED

For the outcome of this matter, refer to the Notice of Decision, attached hereto as Appendix "A".

(f) ADJOURNMENT

(Summers/Perri)

That the Property Standards Committee meeting be adjourned at 10:13 a.m.

CARRIED

Lisa Kelsey
Legislative Coordinator,
Property Standards Committee
City Clerk's Office



CITY OF HAMILTON

INTERIM DECISION

of the

PROPERTY STANDARDS COMMITTEE

established under the *Building Code Act, 1996* and the Property Standards By-law No. 10-221

APPEAL OF PROPERTY STANDARDS ORDER No. 23-100294-00 MLE

ISSUED FOR: 1276-1286 King Street East

(Also Known as 1083 Main Street East)

TO PROPERTY OWNER: 1083 Main Street Inc.

APPEAL HEARD ON: February 21, 2023

Appearances

Sheena Watts, Project and Policy Analyst, and Hearing Prosecutor, on behalf of the City of Hamilton; and, Angela Smith, with Caveat LLP, on behalf of the Appellant 1083 Main Street Inc.

Sheena Watts advised the Committee that this was a hearing in respect of two Inspection Orders that were mistakenly issued with the same Order Number, being 23-100294, but were issued as follows:

- Section 31 of the Property Standards By-law – Inspection Officer may require the production for inspection of documents.
- Section 14 of the Property Standards By-law – The plumbing system and every plumbing fixture in a building shall be maintained so as to properly perform its intended function.

Sheena Watts advised that the City and Appellant have reached an interim resolution respecting each of the Orders and read in an Agreed Statement of Facts. The Joint Recommendation, supported by the Agreed Statement of Facts was:

Jointly, both parties submit to have both Property Standards Orders, No.: 23-100294 00 MLE confirmed by Committee.

The s.31 Order requiring the official report and timeline be fully confirmed as it has been satisfied.

The s.14 Order requiring the work to be done be confirmed, however the parties return to Committee within 45 days of today, in order for the compliance date of this Order to be set. The reason for this request is that the outcome of the pending hearing before the Landlord and Tenant Board will provide a conclusive decision regarding the occupancy of the remaining tenanted units during the proposed repairs.

The City is satisfied that resolution on these terms maintains the general intent and purpose of the By-law and is agreeable to the appellant's request for an extension of time for determining compliance with the order, pending the conclusion of the Landlord and Tenant Board hearing.

Additionally, to date the City of Hamilton has been providing water to the remaining tenants. The parties agree that moving forward the Appellant will provide all potable water to the remaining tenants.

INTERIM DECISION:

The Property Standards Committee **confirms** both Orders 23-100294-00 MLE on the following terms

The matter under Section 31 of the Property Standards By-law has been satisfied and this Order is confirmed in full.

The matter under Section 14 of the Property Standards By-law is confirmed but the date for compliance with that Order is reserved.

The Committee orders that the matter under Section 14 return to the Property Standards Committee for a Hearing, to hear the evidence and set a date of compliance, as soon as possible after the March 8, 2023 Landlord and Tenant Board hearing, and that Hearing Date will not be more than 45 days after February 21, 2023.

THE REASONS FOR THE COMMITTEE'S DECISION:

In arriving at this Decision, the Committee finds that:

- The Committee accepts the submissions and joint recommendation of the parties as set forth in the Agreed Statement of Facts and finds it reasonable and prudent to reserve the setting of a compliance date until after the Landlord and Tenant Board hearing is concluded. That hearing will determine issues respecting the occupancy of the units that are beyond the authority and jurisdiction of the Property Standards Committee.

**Decision – 1276-1286 King St. E. - 3 -
(also known as 1083 Main St. E.)**

**Property Standards Committee
February 21, 2023**

DATED AT HAMILTON this 22nd day of February, 2023.

Thomas Lofchik, Chair

Members in Attendance:

Thomas Lofchik, Chair
James Summers
Frank Perri

APPEAL OF THE DECISION: The Municipality in which the property is situated or any owner or occupant or person affected by the decision of the Property Standards Committee may appeal to the Superior Court of Justice under Subsection 15.3(4) of the *Building Code Act, 1992* by notifying the Clerk of the City of Hamilton in writing and making application to the Superior Court of Justice within fourteen days after the copy of the decision is sent.

CITY OF HAMILTON
 Municipal Law Enforcement Section, Planning and Economic Development Department
 330 Wentworth St. N, Hamilton, ON L8L 5W3

ORDER

Pursuant to Subsection 15.2(2) of the Ontario Building Code Act, 1992

Property Standards Order No. 22-155670 00 MLE

Order issued to:

MICHAEL ALLAN KIRCHIN
 SHELLEY SMITH
 20 BEGUE STREET
 DUNDAS, ONTARIO
 L9H 2N2

Municipal Address to which Order applies:

20 BEGUE STREET
 HAMILTON, ONTARIO

Property Identification Number

17485-0818(LT)

JONATHON ALLAN TAYLOR
 18 BEGUE STREET
 DUNDAS, ONTARIO
 L9H 2N2

Municipal Address to which Order applies:

18 BEGUE STREET
 HAMILTON, ONTARIO

Property Identification Number

17485-0819 (LT)

An inspection on or about **OCTOBER 23, 2022** of properties **18 BEGUE STREET AND 20 BEGUE STREET DUNDAS, ONTARIO**, found that the properties do not comply with the standards prescribed by the City of Hamilton's Property Standards By-law #10-221, specifically:

ITEM #	STANDARD (Property Standards By-law Provision)	REQUIRED WORK
1	8(2) A retaining wall shall be free from loose or insufficiently secured, rotten, warped or broken materials and objects and such material and objects shall be removed, repaired or replaced.	Repair/replace the retaining wall located between the adjoining properties.
	22(1) A fence, barrier, including a visual barrier, or retaining wall shall be maintained so as to properly perform its intended function.	
	29(4) (a) For the purposes of this By-law, where any portion of a fence or retaining wall:	

ORDER

18 BEGUE STREET AND 20 BEGUE STREET, DUNDAS, ONTARIO

ITEM #	STANDARD (Property Standards By-law Provision)	REQUIRED WORK
	<p>(i) does not conform to the standards under this By-law; and</p> <p>(ii) is located touching or on the property line between adjoining properties at the adjacent finished ground level, that portion of the fence or retaining wall is deemed to be owned in equal shares by the owners of the adjoining properties</p> <p>(b) Where available, the most recent survey obtained under subsection 31(5) in accordance with the Surveys Act showing a fence or retaining wall shall be deemed to be conclusive evidence of the location of the fence or retaining wall.</p> <p>(c) Despite paragraphs 29(4)(a) and (b), where provision is made for ownership of or responsibility for a fence or retaining wall that touches or is on the property line between adjoining properties under a City by-law other than this By-law or under any other City Council approved document, then that provision applies for the purposes of this By-law.</p> <p>(d) In this subsection, "for the purposes of this By-law" includes but is not limited to for the purposes of a hearing before and decision of the Committee under section 29 and for the purposes of a determination of the amount of a lien under subsection 30(8)</p>	

As co-owners of this retaining wall, located between the adjoining properties of 18 Begue Street and 20 Begue Street, you are ordered, no later than JANUARY 26, 2023 to carry out the required work and to clear the property of any resulting debris.

The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures or debris and shall leave the property in a graded and levelled condition. However no building or structure on a Part IV or Part V heritage property shall be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the Ontario Heritage Act.

The City of Hamilton may carry out the work or clear the property at your expense if you do not comply with this Order.

You may appeal this Order within 14 days of service of this order by delivering a Notice of Appeal together with the appeal fee (\$146.90 plus HST of \$19.10 for a total fee of \$166.00 via cheque payable to the City of

ORDER

18 BEGUE STREET AND 20 BEGUE STREET, DUNDAS, ONTARIO

Hamilton) by registered mail or personally to the Secretary of the Property Standards Committee, City Hall, 71 Main St. W., 1st Floor, Hamilton, ON L8P 4Y5. The Notice of Appeal form can be found at <http://www.hamilton.ca/propertystandards> or picked up from the Secretary of the Property Standards Committee.

Notes:

1. A Building Permit is required before any material alteration or repair to a building or system or before any demolition.
1. If the building is used as rental residential property, you must comply with any applicable requirements under the Residential Tenancies Act, 2006.
2. Failure to comply with this Order is an offence pursuant to paragraph 36(1)(b) of the Building Code Act, 1992 which could result in a fine of up to \$50,000 for a first offence and \$100,000 for a subsequent offence for an individual and \$500,000 for a first offence and \$1,500,000 for a subsequent offence for a corporation.
3. If such repairs are not completed within the time specified herein, the City of Hamilton may register this order on title with the Land Registry Office. Upon discharge of the order, the property owner shall be responsible to pay the fee for discharge of an order as set out in the City's *User Fees and Charges* by-law. Failure to obtain payment will result in the fee being added to municipal property taxes.

Issued on: **December 16, 2022**

Signature:

 _____

Alex Fox
Municipal Law Enforcement Officer
905-977-1634

For office use only/gc			
Order served:	_____	by:	_____ electronic service
	_____, 20____		_____ personal service
Serving officer's initials:	_____		_____ registered mail