



City of Hamilton
PROPERTY STANDARDS COMMITTEE
AGENDA

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

Meeting #: 23-003
Date: April 5, 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	
3.1 February 28, 2023	2
4. CONSENT	
5. HEARINGS	
5.1 1276-1286 King Street East (also known as 1083 Main Street East), Hamilton (Ward 3)	6
<u>(Continuation from February 21 Hearing)</u>	
6. TRIBUNAL BUSINESS	
7. ADJOURNMENT	



Hamilton

MINUTES

23-002

PROPERTY STANDARDS COMMITTEE

February 28, 2023

9:30 a.m.

Room 264, Hamilton City Hall

71 Main Street West

Hamilton, Ontario

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

Absent with Regrets: 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.

There were no requests to record the meeting.

(b) CHANGES TO THE AGENDA (Item 1)

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

(Summers/Eberhard)

That the February 28, 2023 Property Standards Committee agenda be approved, as presented.

CARRIED

(c) DECLARATIONS OF INTEREST (Item 2)

None declared.

(d) APPROVAL OF PREVIOUS MINUTES (Item 3)

(i) February 21, 2023 (Item 3.1)

(Summers/Perri)

That the Minutes of the Property Standards Committee meeting dated February 21, 2023, be approved, as presented.

CARRIED

(e) HEARINGS (Item 5)

(i) 18 and 20 Begue Street, Dundas (Ward 13) (Item 5.1)

(Eberhard/Summers)

That the Committee retire to Deliberate at 11:26 a.m.

CARRIED

(Perri/Eberhard)

That the Committee reconvene in Open Session at 12:03 p.m.

CARRIED

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

(f) ADJOURNMENT

(Summers/Eberhard)

That the Property Standards Committee meeting be adjourned at 12:07 p.m.

CARRIED

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



CITY OF HAMILTON

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. 22-155670-00 MLE

ISSUED FOR: 18 and 20 Begue Street, Hamilton

**TO PROPERTY OWNER: John Taylor and April Campbell – 18 Begue Street
Shelley Smith and Michael Kirchin – 20 Begue Street**

APPEAL HEARD ON: February 28, 2023

EVIDENCE

The Committee heard from Jessica Harrison, Solicitor and Hearing Prosecutor, on behalf of the City of Hamilton, their witness, Alexandria (Alex) Fox, By-law Enforcement Officer; and the Appellants John Taylor, Owner of 18 Begue Street, and Shelley Smith and Michael Kirchin, Owners of 20 Begue Street.

Jessica Harrison advised the Committee that this was a hearing in respect of a retaining wall between the properties located at 18 and 20 Begue Street. The Order was issued for violations of Sections 8(2), 22(1), 29(4) of the Property Standards By-law.

First Witness: Alex Fox, By-law Enforcement Officer, City of Hamilton

Officer Fox testified about the Order issued to the Appellants. The testimony included, but was not limited to:

- On July 13, 2022, Officer Fox attended at 18 Begue Street, Hamilton

DECISION:

The Property Standards Committee **confirms** Order 22-155670-00 MLE on the following terms

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.

DATED AT HAMILTON this 15th day of March, 2023.

Thomas Lofchik, Chair

Members in Attendance:

Thomas Lofchik, Chair
James Summers
Frank Perri
Ernest Eberhard

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. 23-100294 00 MLE

Order issued to:

1083 MAIN STREET INC.
 245 WYECROFT RD. UNIT 4
 OAKVILLE, ON, L6K 3Y6

Municipal Address to which Order applies:

1276-1286 KING STREET EAST (ALSO KNOWN
 AS 1083 MAIN STREET EAST)
 HAMILTON, ONTARIO

Property Identifier Number:

17227-0123 (LT)

An inspection on or about December 28, 2022 of your property, **1083 MAIN STREET EAST, HAMILTON, ONTARIO** found that the property does 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	<p>14(1) The plumbing system and every plumbing fixture in a building shall be maintained so as to properly perform its intended function and free from leaks and defects.</p> <p>14(2) All piping used to supply or drain water and all appurtenances thereto shall be protected from freezing.</p> <p>14(5) A building to which water is available under pressure through piping shall be provided with: (a) piping for hot water, at a temperature of not less than 43° C, and cold water connected to every kitchen, bath or shower room, or laundry room plumbing fixture; and (b) piping for cold water connected to every toilet and hose bib.</p>	<p>Repair or replace the broken plumbing system pipes in the building, so that they properly perform their intended function and are free from leaks, protected from freezing, and other defects. Piping for hot water shall be provided at a temperature of not less than 43 C and cold water connected to every kitchen, bath or shower room, or laundry room plumbing fixture, and piping for cold water connected to every toilet, and bib.</p>

You are ordered, no later than January 24, 2023:

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.

ORDER

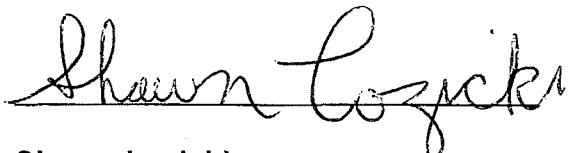
1276-1286 KING STREET EAST, HAMILTON, ONTARIO

You may appeal this Order within 14 days of service of this order by delivering a Notice of Appeal together with the appeal fee (\$152.21 plus HST of \$19.79 for a total of \$172 via cheque payable to the City of 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: **January 05, 2023**

Signature: 

Shawn Lozicki
Municipal Law Enforcement Officer
905-546-2424 Ext. 5415

For office use only	
Order drafted by: <u>JJ</u>	
Order served:	by: _____ electronic service
_____ , 20_____	_____ personal service
<u>Serving officer's initials:</u> _____	_____ registered mail

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

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ITEM #	STANDARD (Property Standards By-law Provision)	REQUIRED WORK
1	<p>31(3) An officer acting under this By-law may, at any reasonable time and upon producing proper identification, enter upon a property without a warrant for the purpose of inspecting the property to determine: (a) whether the property conforms with the standards prescribed in this By-law, or (b) whether a property standards order has been complied with</p> <p>31(5) For the purposes of an inspection under subsection 31(3), an officer may, (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof; (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts; (c) require information from any person concerning a matter related to a property or part thereof; (d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof; (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and (f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order.</p>	<p>Provide a detailed written inspection report outlining the repairs/tests required to restore water service to the nine (9) tenanted units by a Licensed Plumber, or similar expert to the satisfaction of the City.</p> <p>Provide a detailed weekly timeline of the repairs required to the satisfaction of the City.</p>

ORDER

1276-1286 KING STREET EAST, HAMILTON, ON

ITEM #	STANDARD (Property Standards By-law Provision)	REQUIRED WORK
	31(6) Any cost incurred by the City in exercising its authority to inspect under paragraph 31(5) including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the owner or occupant of the property where the inspection takes place.	

You are ordered, no later than January 24, 2023:

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.

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Issued on: **January 05, 2023**

ORDER

1276-1286 KING STREET EAST, HAMILTON, ON

Signature:

Shawn Lozicki

Shawn Lozicki
Municipal Law Enforcement Officer
905-546-2424 Ext. 5415

For office use only

Order drafted by: JJ

Order served:

by: _____ electronic service

_____, 20____

_____ personal service

Serving officer's initials: _____

_____ registered mail