



City of Hamilton
PROPERTY STANDARDS COMMITTEE
AGENDA

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

Meeting #: 23-008
Date: December 20, 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	
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4. CONSENT	
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7. ADJOURNMENT	



Hamilton

MINUTES

23-007

PROPERTY STANDARDS COMMITTEE

November 10, 2023

9:30 a.m.

Room 264, Hamilton City Hall

71 Main Street West

Hamilton, Ontario

Present: Thomas Lofchik, Chair,
Ernest Eberhard, Marvin Largo, Amy Neal

Absent with Regrets: Janek Kuchmistrz

Also Present: Brandon Blackmore, Solicitor/Hearing Prosecutor
Stephen Chisholm, Solicitor
Lisa Kelsey, Legislative Coordinator, City Clerk's Office

The meeting was called to order.

(a) APPOINTMENT OF CHAIR

(i) Appointment of Chair for the November 10, 2023 Meeting

(Eberhard/Neal)

That Thomas Lofchik be appointed as Chair for the November 10, 2023 Meeting.

CARRIED

(b) 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.

No one requested permission to record the meeting.

(c) CHANGES TO THE AGENDA (Item 1)

The Legislative Coordinator advised that Item 5.2, Hearing for 150 Rosemary Lane, is being adjourned to a future date at the Appellant's request, and in agreement with the City Solicitor, to allow the Appellant time to retain legal counsel.

(Neal/Largo)

That the November 10, 2023 Property Standards Committee agenda be approved, as amended.

CARRIED

(d) DECLARATIONS OF INTEREST (Item 2)

None declared.

(e) APPROVAL OF PREVIOUS MINUTES (Item 3)

(i) August 30, 2023 (Item 3.1)

(Eberhard/Neal)

That the Minutes of the Property Standards Committee meeting dated August 30, 2023, be approved, as presented.

CARRIED

(f) HEARINGS (Item 5)

(i) 15 Lamoreaux Street, Hamilton (Item 5.1)

The parties presented a Joint Submission to the Committee.

(Eberhard/Neal)

That the Order for 150 Lamoreaux Street (Order #23-128703-00-MLE) be confirmed, that the City of Hamilton will complete the work, and the compliance date is set for December 20, 2023.

CARRIED

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

(g) ADJOURNMENT

(Eberhard/Largo)

That the Property Standards Committee meeting be adjourned at 9:37 a.m.

CARRIED



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 ORDERS
No. 23-128703-00 MLE

ISSUED FOR: 15 Lamoreaux Street, Hamilton
TO PROPERTY OWNER: Lamoreaux Apartments Inc.

APPEAL HEARD ON: November 10, 2023

Brandon Blackmore, Solicitor, on behalf of the City of Hamilton advised the Committee he was presenting a Joint Submission.

Brandon Blackmore advised that the City and Appellant are in agreement that the Orders are to be confirmed with a new compliance date of December 20, 2023.

DECISION:

The Property Standards Committee has decided to **confirm** Order 23-128703-00 MLE, with the compliance date of December 20, 2023.

THE REASONS FOR THE COMMITTEE'S DECISION:

In arriving at this Decision, the Committee finds that:

- The Committee is in agreeance with the Joint Submission to confirm the Order and set a new compliance date of December 20, 2023.

Exhibits:

Exhibit Book (submitted by City Solicitor)

Exhibit “A” – Email dated November 9, 2023 between Brandon Blackmore and Appellant’s representative Linda Angelescu, agreeing to the Compliance Date of December 20, 2023.

DATED AT HAMILTON this 20th day of November, 2023.

Thomas Lofchik, Chair

Members in Attendance:

Thomas Lofchik, Chair
Ernest Eberhard
Marvin Largo
Amy Neal

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 Building Code Act, 1992

Property Standards Order No. 23-125685 00 MLE

Order issued to:

SCOTT DOUGLAS WIMBUSH
150 ROSEMARY LANE.
ANCASTER ON, L9G 2K7

Municipal Address to which Order applies:

150 ROSEMARY LANE
HAMILTON, ONTARIO

Property Identification Number:

17434-0009 (LT)

An inspection on or about **August 21, 2023** of your property, **150 ROSEMARY LANE, HAMILTON (ANCASTER), 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	20(2) A tree that is dead, or part of a tree that is dead, or in a decayed or damaged condition and that may be hazardous to persons or property, shall be removed.	Remove the entire decayed and damaged Black locust and Black cherry trees located in the backyard. Flush cut stumps to grade. Remove damaged limb of Silver maple tree located in your backyard. Diagram attached. Clear the property of all existing and resulting woody debris.

You are ordered, no later than September 17, 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 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 (\$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.

ORDER

150 ROSEMARY LANE, HAMILTON, ONTARIO

Notes:

1. 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.
2. 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: August 24, 2023

Signature: Arben Pustina

Arben Pustina
Municipal Law Enforcement Officer
905-546-2424 Ext. 3716

For office use only	
Order drafted by: JJ	
Order served:	by <u>X</u> electronic service
August <u>24</u> , 20 <u>23</u>	_____ personal service
Serving officer's initials: <u>AP</u>	_____ registered mail