



City of Hamilton
PROPERTY STANDARDS COMMITTEE
AGENDA

**Established under the Building Code Act, 1996 and the Property Standards
By-law No. 23-162**

Date: July 3, 2024

Time: 9:30 a.m.

Location: Room 264, 2nd Floor, City Hall (hybrid) (RM)
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 June 5, 2024 | 2 |
| 4. CONSENT | |
| 5. HEARINGS | |
| 5.1 16 Wilson Street East | 6 |
| (Adjourned at the June 5, 2024 meeting, to today's meeting) | |
| 6. TRIBUNAL BUSINESS | |
| 7. ADJOURNMENT | |



Hamilton

MINUTES

24-004

PROPERTY STANDARDS COMMITTEE

June 5, 2024

9:30 a.m.

Room 192, Hamilton City Hall

71 Main Street West

Hamilton, Ontario

Present: Thomas Lofchik, Chair,
Ernest Eberhard, Janek Kuchmistrz, Amy Neal

Absent with Regrets: Marvin Largo

Also Present: Brandon Blackmore, Solicitor/Hearing Prosecutor
Jessica Harrison, Solicitor/Hearing Prosecutor
Stephen Chisholm, Solicitor
Jean Ramsey, Project and Policy Assistant
Lisa Kelsey, Legislative Coordinator, City Clerk's Office

The meeting was called to order.

(a) APPOINTMENT OF CHAIR

(Kuchmistrz/Eberhard)

That Thomas Lofchik be appointed Chair of the Property Standards Committee for 2024.

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 of the following changes to the Agenda:

5.1 9 Ridgewood Boulevard – being moved to Consent Items (4.1)

5.2 16 Wilson Street East - being moved to Consent Items (4.2)

(Eberhard/Kuchmistrz)

That the June 5, 2024 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) May 1, 2024 (Item 3.1)

(Eberhard/Kuchmistrz)

That the Property Standards Committee Minutes dated May 1, 2024, be approved, as presented.

CARRIED

(f) CONSENT ITEMS (Item 4)

(i) 9 Ridgewood Boulevard (Item 4.1 (previously Item 5.1))

Jessica Harrison advised that the Appellant submitted documentation that he cannot attend a hearing until after July 15, 2024.

(Kuchmistrz/Eberhard)

That the Hearing for 9 Ridgewood Boulevard be adjourned on consent to the September 4, 2024 meeting.

CARRIED

(iii) 16 Wilson Street East (Item 4.2 (previously Item 5.2))

Jessica Harrison advised that the Appellant is in the process of acquiring legal representation.

(Kurchmistrz/Eberhard)

That the Hearing for 16 Wilson Street East be adjourned on consent to the July 3, 2024 meeting, with the condition that no further adjournments will be granted.

CARRIED

(g) HEARINGS (Item 5)

(i) 312 Aberdeen Avenue (Item 5.3)

Brandon Blackmore advised that the owner had to wait for the unit to be vacated before completing the repairs. Once the unit was empty, the repairs were completed. By-law Enforcement Officers inspected the unit and all the Order had been complied with. Brandon Blackmore requested that the Order be Rescinded.

(Neal/Eberhard)

That the Order for 312 Aberdeen Avenue be Rescinded.

CARRIED

(ii) 367 Hwy 5 West (Item 5.4)

Brandon Blackmore advised that an Agreed Statement of Facts was being presented. The owner agreed to remove three trees. Two trees have been removed and a contractor has been hired to remove the third tree. The fourth tree listed on the Order is the responsibility of Ontario Hydro.

(Neal/Kuchmistrz)

That the Compliance date for the Order on 367 Hwy 5 West, be extended to June 14, 2024.

CARRIED

(iii) 68 Campbell Avenue (Item 5.5)

Brandon Blackmore advised the that an Agreed Statement of Facts was being presented. The owner has agreed to make the repairs once the unit is vacated, and requires some time to process the eviction. Brandon Blackmore requested the Compliance date be extended to August 30, 2024 to allow time for the eviction process and the repairs to be completed.

(Kuchmistrz/Neal)

That the Compliance date for the Order on 68 Campbell Avenue, be extended to August 30, 2024.

CARRIED

(h) ADJOURNMENT

(Neal/Kuchmistrz)

That the Property Standards Committee meeting be adjourned at 9:50 a.m.

CARRIED

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

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. 23-136383 00 MLE

Order issued to:

DR N S FAHMY MEDICINE
PROFESSIONAL CORPORATION
100 – 81 WILSON ST W
ANCASTER, ON, L9G 1N1

Municipal Address to which Order applies:

16 WILSON STREET EAST
ANCASTER, ONTARIO

Property Identification Number

17435-0030 (LT)

An inspection on or about **August 14, 2023** of your property, **16 WILSON STREET EAST ANCASTER, ONTARIO** found that the property does not comply with the standards prescribed by the City of Hamilton's Property Standards By-law #23-162, specifically:

| ITEM # | STANDARD (Property Standards By-law Provision) | REQUIRED WORK |
|--------|--|--|
| 1 | 13(2) A foundation wall or a basement or crawl space floor shall be maintained so as to properly perform its intended function. | Repair hole in basement floor |
| 2 | 16(7) A wall or ceiling shall be maintained in a condition free from holes, open cracks, loose coverings or other substantial defects. | Repair hole in ceiling of bedroom; Repair peeling ceiling in kitchen |
| 3 | 14(5) A window in a dwelling or a dwelling unit designed to be open shall be fitted with screens so as to prevent the entrance of insects and rodents and such screens shall be maintained so as to properly perform their intended function. | Install screens on all windows capable of being opened on property |
| 4 | 22(7) Appliances supplied by the landlord of a rental unit shall be maintained in a good state of repair and in a safe operable condition. | Repair/Replace dishwasher to perform intended function |
| 5 | 12(2) An exterior wall, chimney, roof or other parts of a building, structure, fence or retaining wall, including a mobile structure or building, 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 chimney and associated exterior parts of chimney in disrepair |
| 6 | 10(3) An eavestrough or downspout shall be maintained: (b) free from any obstructions; (c) in a stable condition, securely fastened to the building or structure it drains (d)so as to properly perform its | Repair/Replace eavestroughs/downspouts in disrepair & remove all debris from eavestroughs |

ORDER

16 WILSON STREET EAST ANCASTER, ONTARIO

| ITEM # | STANDARD (Property Standards By-law Provision) | REQUIRED WORK |
|--------|--|--|
| | intended function. | |
| 7 | 21(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. | Repair all plumbing fixtures not operating as intended |
| 8 | 14(1) (a) A door, window, hatch or other opening and its frame shall be maintained to properly perform its intended functions and repaired or replaced if damaged including but not limited to an exterior door, window, hatch or other opening and its frame being constructed to minimize drafts and heat loss through the infiltration of outside cold air. | Repair window frame in rear of property; repair door frame at entrance of property |
| 9 | 15(4) (a) An exterior stairway with more than 3 risers and less than 7 risers or an interior stairway in a dwelling or dwelling unit with more than 2 risers shall have at least one handrail sufficient to prevent an accidental fall and such handrail shall be repaired or replaced if damaged. | Install handrail at basement stairway |

You are ordered, no later than October 11, 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.

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.
2. If the building is used as rental residential property, you must comply with any applicable requirements under the Residential Tenancies Act, 2006.
3. 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.

ORDER

16 WILSON STREET EAST ANCASTER, ONTARIO

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4. 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.
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Issued on: **September 22, 2023**

Signature: 

**Tori Price
Municipal Law Enforcement Officer
905-546-2424 Ext. 2344**

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|---|---|
| For office use only | |
| Order drafted by: J. Reeves | |
| Order served: <u>September 22, 2023</u> | by: <input type="checkbox"/> electronic service |
| | <input type="checkbox"/> personal service |
| Serving officer's initials: <u>TP</u> | <input checked="" type="checkbox"/> registered mail |