

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

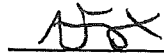
Hamilton) by registered mail or personally to the Secretary of the Property Standards Committee, City Hall, 71 Main St. W., 1st Floor, Hamilton, ON L8P 4Y5. The Notice of Appeal form can be found at <http://www.hamilton.ca/propertystandards> or picked up from the Secretary of the Property Standards Committee.

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