



## **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.

**DATED AT HAMILTON** this 22<sup>nd</sup> day of February, 2023.

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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.