

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. 23-311639 00 MLE

Order issued to:
 BROWN'S WHARF DEVELOPMENT CORP
 34 HESS ST. S
 HAMILTON, ON, L8P 3N1

Municipal Address to which Order applies:
 54 HESS STREET SOUTH
 HAMILTON, ONTARIO

Property Identification Number
 17136-0006 (LT)

An inspection on or about **October 24, 2023** of your property, **54 HESS STREET SOUTH HAMILTON, 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	12(1) All exterior surfaces of a building, structure, fence or retaining wall, including a mobile structure or building, shall be of materials which resist deterioration by the weather or have resistant coatings applied to them, except that a farm building may have unprotected wood surfaces.	<p>Coating on window frames found on east side of building is deteriorated.</p> <p>Remedy: Ensure exterior surfaces of building have resistant coatings applied to them. Attention to east window frame.</p>
2	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.	<p>Parts of mansard roof observed to be loose or insufficiently secured and warped or rotten particular on west and north areas of the building. Cladding connecting the east bay window and stone façade observed to be in state of deterioration. Attention to areas where mansard roof comes in contact with the eavestrough and areas of the mansard roof surrounding the east chimney found on the north side.</p> <p>Remedy: Ensure mansard roof is in a condition free from loose or insufficiently secured, rotten, warped, or broken materials and</p>

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		<p>objects. Such objects shall be repaired or replaced. Attention to areas of mansard roof where roof meets the eavestrough on west and north side and parts of roof around the east chimney on the north wall.</p> <p>Repair or replace cladding connecting the east bay window and stone façade.</p> <p>Note: Application for a Heritage Permit must be issued with City of Hamilton before implementing any work impacting identified Heritage attributes.</p> <p>Application for a Building Permit must be issued with the City of Hamilton if applicable.</p>
3	<p>12(4) An exterior wall and its components and attachments shall be:</p> <p>(a) maintained to prevent their deterioration by painting, restoring or repairing the walls, coping or flashing or by waterproofing the wall itself;</p>	<p>Mortar bonding between stones on north exterior wall observed to be unbonded. Moisture staining evident on north elevation of east chimney.</p> <p>East blue awning observed to be in state of deterioration.</p> <p>Remedy: Ensure exterior walls of building are maintained to prevent deterioration. Restore or repair north exterior wall to prevent further deterioration; coping or flashing or by waterproofing the walls itself. Attention to, but not limited to, exterior wall by north elevation of east chimney</p> <p>Repair, remove or replace blue awning found on east side of building.</p>

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		<p>Note: Application for a Heritage Permit must be issued with the City of Hamilton before implementing any work impacting identified Heritage attributes.</p> <p>Application for a Building Permit must be issued with the City of Hamilton if applicable.</p>
4	12(5) A roof and its components and attachments including the fascia board, soffit, cornice and flashing shall be maintained to properly perform their intended functions including but not limited to being in a weather-tight condition able to prevent the leakage of water into the building;	<p>Mansard roof and chimney removal areas found to be a primary source of water infiltration into the building.</p> <p>Remedy: Ensure the roof, chimneys and all of its components and attachments are in a weather-tight condition to prevent leakage of water into the building.</p> <p>Note: Application for a Heritage Permit must be issued with the City of Hamilton before implementing any work impacting identified Heritage attributes.</p> <p>Application for a Building Permit must be issued with the City of Hamilton if applicable.</p>

You are ordered, no later than December 13, 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 \$19.79 hst for a total fee of \$172.00 via cheque payable to the City of

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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: **November 10, 2023**

Signature: _____



Andy Tran
Municipal Law Enforcement Officer
905-546-2424 Ext. 1328

For office use only

Order drafted by: J. Reeves

Order served:

November 10, 2023

Serving officer's initials: AT

by:

_____ electronic service

AT

_____ personal service

_____ registered mail