

**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. 21-117943 00 MLE

**Order issued to:**  
DZINTARS CERS  
368 MAGNOLIA DRIVE  
HAMILTON, ONTARIO  
L9C 6N7

**Municipal Address to which Order applies:**  
368 MAGNOLIA DRIVE  
HAMILTON, ONTARIO

**Property Identification Number**  
16955-0090 (LT)

**Order issued to:**  
JAMES FRANCIS DEANE  
MARY EMILY DEANE  
364 MAGNOLIA DRIVE  
HAMILTON, ONTARIO  
L9C 6N7

**Municipal Address to which Order applies:**  
364 MAGNOLIA DRIVE  
HAMILTON, ONTARIO

**Property Identification Number**  
16955-0089 (LT)

An inspection on or about MARCH 16, 2022 of your property, 368 MAGNOLIA DRIVE, HAMILTON, 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 <small>(Property Standards By-law Provision)</small>	REQUIRED WORK
1	31(5) or the purposes of an inspection under subsection 31(3), an officer may, (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof; (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts; (c) require information from any person concerning a	Submit a survey, to the satisfaction of the City of Hamilton by a licensed land surveyor, licensed under the Surveyors act. The survey must be inclusive of buildings, showing the location of the retaining the wall in relation to the two properties (364/ 368 Magnolia Dr.) Along with a written report

Received  
Jan 27/23

# ORDER

368 MAGNOLIA DRIVE, HAMILTON, ONTARIO

ITEM #	STANDARD (Property Standards By-law Provision)	REQUIRED WORK
	matter related to a property or part thereof (f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order	describing and detailing elements on the survey; the location of the retaining wall and the location of the wall as to where it currently resides on each individual property.

You are ordered, no later than FEBRUARY 24, 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 fee of \$172.00 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., 1<sup>st</sup> 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.

# ORDER

368 MAGNOLIA DRIVE, HAMILTON, ONTARIO

Issued on: January 25, 2023

Signature:



**Sharla Armstrong**  
**Municipal Law Enforcement Officer**  
**905-546-2424 Ext. 5414**

\*  
Received  
Jan 27/  
2023  
LC

For office use only/gc	
Order served: _____, 20____	by: _____ electronic service
	_____ personal service
Serving officer's initials: _____	_____ registered mail