Committee Members Present

Councillor Hutchison, Chair (departed the meeting at 1:03 p.m.)
Councillor Holland
Ms. Diak
Ms. Ng (departed the meeting at 12:34 p.m.)
Ms. Wollis

Regrets

Staff Members Present

Mr. Ochej, Committee Clerk
Ms. Shultz, Property Standards Officer
Mr. Tobin, Property Standards Officer

Members of the public were present

Meeting to Order

Councillor Hutchison, Chair, called the meeting to order at 12:01 p.m.

Approval of the Agenda

Moved by Councillor Holland
Seconded by Ms. Diak

That the agenda be approved. Carried
Confirmation of Minutes

Moved by Councillor Holland
Seconded by Ms. Ng

That the Minutes of Appeals Committee Meeting Number 04-2017 held Monday October 16, 2017 be approved.

Carried

Disclosure of Pecuniary Interest

Ms. Ng declared a pecuniary interest for New Appeals 614 Victoria Street as the owner of the property is a client of her employer.

Ms. Ng declared a pecuniary interest for New Appeals 97 Grenadier Street as the owner of the property is engaged in litigation with her employer.

Delegations

There were none.

Briefings

There were none.

Business

Moved by Councillor Holland
Seconded by Ms. Diak

That the Committee waive section 2.13 of Committee By-Law 2010-205 and give consideration to Business Items b) i. & ii. in advance of Business Items a) i. & ii.

Carried

a) New Appeals

Note: Consideration of Business Items a) i. & ii. occurred after consideration of Business Items b) i. & ii.

i. 614 Victoria Street

Ms. Ng left the meeting.
Ms. Shultz advised the Committee that all items contained in the Order to Remedy had been completed with the exception of Item 1. She added that a window capable of providing ventilation or a fan and ductwork would need to be installed in the bathroom in order for property to be in compliance. Ms. Shultz provided the Committee with pictures of the bathroom, which were received as Exhibit A to the file.

Ms. Wollis inquired if the building has multiple dwelling units. Ms. Shultz confirmed the building has multiple dwelling units.

Ms. Diak sought further details on the window that is currently situated in the bathroom. Ms. Shultz stated that the building's fire escape is located just outside the current window, which is a fire-rated fixed glass wire window, which is not capable of opening for ventilation. She added that options exist for a window that is capable of opening for ventilation and that would be in compliance with the Fire Code.

Mr. Jay Patry, property owner, stated that the building was constructed prior to the requirements for bathroom ventilation and that the Ontario Building Code does not contain any requirements for bathroom ventilation. He described the work that would be required to place a fan and ductwork in the bathroom, which would also require significant electrical upgrades. He stated that the installation of window capable of opening for ventilation would be cost prohibitive as it would require fire shutters. Mr. Patry stated that he wishes to keep the rent for the building affordable and that if he were required to install the upgrades necessary for bathroom ventilation he may have to raise rent to offset costs. He stated that he has attempted to find solutions in order for the property to be in compliance, but that the solutions found have been cost prohibitive.

Councillor Hutchison sought further details on the installation of a window capable of providing ventilation. Mr. Patry stated that a fire shutter would need to be installed, which would encroach onto the fire escape and may require upgrades to the fire escape.

Ms. Diak sought further information regarding the unit in which the bathroom was located. Mr. Patry confirmed it is a one-bedroom unit, with a toilet and shower in the bathroom, which measured approximately five feet by seven feet.

Councillor Holland asked if the tenants access the unit via the fire escape. Mr. Patry clarified that the tenants access the unit via an interior hallway.

Ms. Diak sought further details on the options for window installation. Ms. Shultz responded that a fire shutter window was recommended by Luis Talledo, Property Standards Officer, and Delbert Blakney, Fire Inspector. She added that there are other options available with equal effectiveness.
Ms. Diak inquired about the cost of a fire shutter window. Mr. Patry responded that in his experience fire shutter windows cost $3,500 to $4,000.

Ms. Wollis asked if there were similar situations in other units in the building. Mr. Patry stated there are similar situations in other units in the building. Mr. Shultz clarified that the Order to Remedy applies to only the unit in question and not the entire building.

Ms. Wollis asked if an arc fault circuit breaker was included in the quote Mr. Patry provided in his correspondence to the Committee. Mr. Patry indicated that an arc fault circuit breaker was not included in the quote provided to the Committee.

Ms. Diak inquired if there were any other solutions that would allow for the property to be in compliance. Ms. Shultz stated that the property standards by-law requires a toilet room or bathroom to have ventilation, either via a window capable of opening or a fan and ductwork.

Ms. Diak stated that this was the first instance that she had seen where a window opened onto a fire escape, adding that this provides fewer options to a property owner seeking to be in compliance with the by-law.

Ms. Wollis inquired if an exemption to the property standards by-law could be sought, noting that granting such an exemption was not within the purview of the Committee.

Mr. Patry inquired if the property standards by-law applies retroactively. Ms. Shultz stated that the ventilation requirements are consistent with other property standards by-laws and that the requirements of the property standards by-law come into force the day of the by-law’s passing.

Councillor Hutchison left the meeting. Ms. Diak assumed the role of Chair.

Ms. Shultz provided the Committee with additional information regarding the Fire Code.

Moved by Ms. Wollis
Seconded by Councillor Holland

That the Appeals Committee agrees to extend the time for compliance for Order to Remedy CEPS201704367 located at 614 Victoria St to January 15, 2018, to allow the appellant the opportunity to examine the possibility of receiving an exemption with respect to compliance with Section 5.74 of the Property Standards By-Law (By-Law 2005-100). Carried
ii. 97 Grenadier Drive

Mr. Ochej informed the Committee that the appellant for 97 Grenadier Drive had not paid the fee for the hearing and that the application was rendered null and void.

b) Property Updates

i. 797 Somerset Crescent

Ms. Shultz provided the Committee with an update on the property, advising that she had not had any correspondence with Ms. Todish and that to the best of her knowledge all of the Items in the Order to Remedy remained outstanding. She added that Stephen Chew, Senior Planner, had confirmed with Ms. Todish that all of the provisions for compliance with respect to the secondary suite at the property were correct.

Ms. Shirley Nicholls, attending on the behalf of Ms. Todish, stated that her daughter is only in Kingston one day a week due to work, which does not leave sufficient time for the work to be completed. Ms. Nicholls advised the Committee that she is currently living at the property and that the secondary suite is no longer being rented or occupied as the unit is being used for storage for her personal belongings.

Ms. Shultz provided the Committee with a history of the Order to Remedy and previous extensions granted and described the work to be completed for the property to be in compliance with the property standards by-law. She added that a follow up inspection is required.

Ms. Nicholls indicated that a contractor had been contacted to complete work with respect to the closing in of the furnace, but that it had been difficult to find someone to complete the work. She stated that the basement door is now accessible.

Ms. Wollis advised Ms. Nicholls that at the Committee meeting on October 16, 2017, Ms. Todish agreed that the basement would no longer be used as a secondary suite and provided an overview of the requirements to bring the basement into compliance.

Councillor Hutchison questioned if the Committee should be speaking with Ms. Todish directly on the matter. Ms. Nicholls stated that Ms. Todish was unable to attend the meeting due to work commitments and that she is willing to do the work necessary to comply with the Order to Remedy.

Ms. Diak inquired of Ms. Nicholls if Ms. Todish had provided her with any direction for the meeting. Ms. Nicholls stated that she was told that an electrical line would need to
be removed as well as the sink and counter, which she did not believe should be required as the secondary suite is no longer being rented.

Moved by Ms. Diak  
Seconded by Ms. Wollis

**That** the Appeals Committee agrees to confirm sections 5.4, 5.41.1, 5.4.3, 5.4.4, 5.49, 5.49.1, 5.49.3, 5.10, 5.50, 5.41, 5.44 and 5.45 of the Order to Remedy CEPS201700383 and time for compliance therewith.  

**Carried**

**ii. 1585 Bullen Road**

Ms. Shultz provided the Committee with an update on the property, advising that Items 1, 2, and 3 were not complete, and that Items 5 and 6 had been completed. She further advised that some repairs had been made on Item 4, but that a building permit had not been obtained, as required.

Mr. Collins stated that he had completed work on the porch, handrail and electrical mast, as well as purchased windows to be installed shortly. He discussed the eviction of the current tenant, which was scheduled to take place on November 3 but has since been appealed by the tenant. Mr. Collins stated he would have been able to complete the work in the Order to Remedy if the tenant had been evicted as originally scheduled.

Councillor Hutchison inquired if Ms. Shultz had been informed about the eviction appeal. Mr. Collins stated he had not informed Ms. Shultz of this fact.

Ms. Diak stated that the mandate of the Committee should not allow for an extension to be granted based on the eviction process, adding that the tenant could remain at the property indefinitely. She advised Mr. Collins that he is legally allowed to enter the property if he provides the tenant with 24 hours advance notice.

Councillor Hutchison inquired as to grounds on which the tenant won the appeal for the eviction. Mr. Collins stated that the tenant claims he did not receive the notice to appear in court.

Ms. Diak stated that if Mr. Collins is in breach of the duty to upkeep under the Residential Tenancy Act, the tenant cannot be evicted.

Ms. Wollis sought further details as to how the inspection that took place on November 17, 2017 was arranged. Ms. Shultz responded that she arranged the inspection with the
tenant as she did not hear back from Mr. Collins. Ms. Wollis encouraged Mr. Collins to communicate more readily with Ms. Shultz.

Ms. Wollis inquired if the number of windows that required repair was greater than the number ordered by Mr. Collins. Ms. Shultz clarified that several windows require repair, greater than the three windows ordered by Mr. Collins.

Ms. Wollis inquired if a building permit is required for the repairs to the porch. Ms. Shultz confirmed a building permit is required for the repairs to the porch.

Ms. Diak stated that Mr. Collins has shown good faith in completing some repairs and that she is willing to move a further extension.

Councillor Hutchison stressed to Mr. Collins the importance of communicating with property standards staff and the need to complete the work in the Order to Remedy in spite of the eviction process.

Moved by Ms. Diak
Seconded by Councillor Holland

That the Appeals Committee agrees to extend the time for compliance for Order to Remedy CEPS201603253 located at 1585 Bullen Road to December 18, 2017, with an inspection to take place beforehand.

Carried

Motions
There were none.

Notices Of Motion
There were none.

Other Business
There was none.

Correspondence
See addendum.
Date and time of Next Meeting

The next meeting of the Appeals Committee is scheduled for December 18, 2017 at 12 p.m.

Adjournment

Moved by Ms. Wollis
Seconded by Councillor Holland

That the meeting of the Appeals Committee adjourn at 1:08 p.m.

Carried
## Abeyance Items

<table>
<thead>
<tr>
<th>Date Item Placed in Abeyance</th>
<th>Description of Item</th>
<th>Who Is To Respond</th>
<th>Deadline For Response</th>
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<tbody>
<tr>
<td>November 20, 2017</td>
<td>1585 Bullen Road</td>
<td>Ms. Shultz</td>
<td>December 18, 2017</td>
</tr>
<tr>
<td>November 20, 2017</td>
<td>614 Victoria Street</td>
<td>Mr. Talledo</td>
<td>January 15, 2018</td>
</tr>
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