



**PUBLIC MINUTES
PROPERTY MAINTENANCE APPEALS BOARD**

**Wednesday, February 15, 2017, 3:30 p.m.
Committee Room B, City Hall**

PRESENT: Mr. Ian Oliver, Chair
Mr. Michael Brockbank, Vice-Chair
Mr. Donald Stiller, Member
Mr. Dan Wiks, Member

ABSENT: Mr. Roy Fleming, Member

ALSO PRESENT: Mr. Trent Lee, Municipal Inspector
Mr. Wayne Rodger, Fire Marshal and Municipal Inspector
Secretary, Ms. Debby Sackmann

1. Appointment of Chair and Vice-Chair for 2017 (File No. CK. 225-54)

The Secretary reported that City Council, at its Regular Business Meeting held on December 12, 2016 made the following reappointments to the end of 2018:

Property Maintenance Appeals Board, Private Swimming Pools Appeals Board, and Waste Management Appeals Board

- Mr. Roy Fleming
- Mr. Ian Oliver

The Board is requested to appoint a Chair and Vice-Chair for 2017. Mr. Ian Oliver was Chair and Mr. Michael Brockbank was Vice-Chair for 2016.

Mr. Ian Oliver was nominated for Chair and Mr. Michael Brockbank was nominated for Vice-Chair. No other nominations were received.

Moved By: D. Stiller

That Ian Oliver be appointed Chair and Michael Brockbank be appointed Vice-Chair for 2017.

CARRIED

**2. Property Maintenance Appeal No. 01-2017
Bylaw No. 8175 – The Property Maintenance & Nuisance Abatement Bylaw, 2003
Carl Smallboy
617, 619, 621 & 623 Duchess Street (939 7th Avenue North) – 17-ORC-009
(File No. PMAB. 4410-017-001)**

Introductions were held. The Chair commenced the hearing at 3:36 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Mr. Carl Smallboy, absent

APPEARED FOR THE RESPONDENT:

Mr. Trent Lee, Municipal Inspector, Saskatoon Fire Department
Mr. Wayne Rodger, Fire Marshal and Municipal Inspector, Saskatoon Fire Department

GROUND AND ISSUES:

The Appellant, Carl Smallboy, launched an appeal under Section 56(1) of *Bylaw No. 8175 – The Property Maintenance & Nuisance Abatement Bylaw, 2003* and Section 329 of *The Cities Act*, in connection with an Order to Remedy Contravention 17-ORC-009 for the property at 617, 619, 621 & 623 Duchess Street. The Order to Remedy outlined the following:

“1. CONTRAVENTION:

There is an excessive accumulation of garbage bags, pizza boxes, cardboard boxes, rugs, white grocery bags, metal frame, wooden pieces, boots, items covered with green tarp, items covered with brown tarp, kitchen table, automotive tires, bed frames, bikes, bed head boards, wooden panels, red pails, wire frame, household waste, blue chairs, hamper basket, shovel, automotive seat, cement bags, broom, rake, frying pan, electronic keyboard, blue plastic kids' jeep, pink plastic wagon, red bag, hose, wire, tan storage container, items covered with orange tarps, metal filing cabinet, metal garbage can, and other junk and garbage which is affecting the health and safety of the neighbourhood. A portion of this excessive accumulation is being used as a makeshift fence separating the yard and hoarding items in order to evade and hide activities on the property.

YOU ARE HEREBY DIRECTED TO:

By no later than February 14, 2017, remove the excessive accumulation garbage bags, pizza boxes, cardboard boxes, rugs, white grocery bags, metal frame, wooden pieces, boots, items covered with green tarp, items covered with brown tarp, kitchen table, automotive tires, bed frames, bikes, bed head boards, wooden panels, red pails, wire frame, household waste, blue chairs, hamper basket, shovel, automotive seat, cement bags, broom, rake, frying pan, electronic keyboard, blue plastic kids' jeep, pink plastic wagon, red bag, hose, wire, tan storage container, items covered with orange tarps, metal filing cabinet, metal garbage can, and any other junk and garbage from the property in order to reduce the risk of harm or damage to persons and property.

Property Maintenance & Nuisance Abatement Bylaw 8175 Sections 3(h), 4, 9, 12 and 14.

2. CONTRAVENTION:

A junked vehicle is located on the property. A White Dodge Durango VIN# 1D8HB58287F557943 there is no license plate on vehicle. There is a taped up broken window on the right-hand rear of the vehicle. This creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than February 14, 2017, contact and provide verification to the Inspector by operating the vehicle in the presence of the Inspector that the Dodge Durango is in an operable condition with valid registration plates attached -OR- remove the junked vehicle from the property -OR- place the junked vehicle inside a permitted structure.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3(f), 3(h), 5, 10 and 14.

Note: The owner is responsible to comply with all other Acts and Regulations, building permits, electrical and plumbing permits.”

As set out in the Notice of Appeal to the Property Maintenance Appeals Board (Exhibit A.1), the Appellant outlined the reasons for appealing, as follows:

“I Carl Smallboy was away from home the past 2 months from 621 Dutchee Street, when I got this order. I just move here two months ago and didn't have much time to completed put away my stuff propoly. We got our kids bikes and wagon's there toys at the back yard which we want to keep, we payed lot for.”

EXHIBITS:

Exhibit A.1: Notice of Appeal from Carl Smallboy to the Property Maintenance Appeals Board, received in City Clerk's Office on February 6, 2017.

Exhibit B.1: Notice of Hearing dated February 7, 2017.

- Exhibit R.1: Order to Remedy Contravention 17-ORC-009 dated January 31, 2017, for the property at 617, 619, 621 & 623 Duchess Street, received in City Clerk's Office on January 31, 2017.
- Exhibit R.2: Site photographs, submitted by the Municipal Inspector, received in the City Clerk's Office on February 9, 2017.
- Exhibit R.3: Site photographs, submitted by the Municipal Inspector at the hearing, dated February 15, 2017.

SUPPLEMENTARY NOTATIONS:

The Respondent, Mr. Trent Lee, Municipal Inspector, and Ms. Debby Sackmann, Board Secretary, affirmed that any evidence given in this hearing would be the truth.

The Respondent gave evidence and argument and the Board Secretary gave testimony as outlined in the Record of Decision dated February 28, 2017.

The hearing concluded at 3:50 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated February 28, 2017, the Board determined that the requirements of the Order to Remedy Contravention 17-ORC-009, dated January 31, 2017, with respect to the property at 939 7th Avenue North, Unit 621 Duchess Street be **UPHELD** and **EXTENDED** to **March 15, 2017**.

3. ADOPTION OF MINUTES

Moved By: D. Stiller

That the minutes of meetings held on December 7 and 13, 2016, be adopted.

CARRIED

The meeting adjourned at 3:59 p.m.

Mr. Ian Oliver, Chair

Ms. Debby Sackmann, Secretary