



**PUBLIC MINUTES
PROPERTY MAINTENANCE APPEALS BOARD**

**Wednesday, March 4, 2015, 3:30 p.m.
Committee Room B, City Hall**

PRESENT: Mr. Ian Oliver, Chair
Mr. Michael Brockbank, Vice-Chair
Mr. Dan Wiks, Member
Secretary, Ms. Debby Sackmann

- 1. PROPERTY MAINTENANCE APPEAL NO. 02-2015
BYLAW NO. 8175 – THE PROPERTY MAINTENANCE & NUISANCE
ABATEMENT BYLAW, 2003
MIN (PHILIP) HU
1004 6TH STREET EAST
(FILE NO. PMAB. 4410-015-002)**

Introductions were held. The Chair commenced the hearing at 3:38 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Mr. Min Hu (absent)

APPEARED FOR THE RESPONDENT:

Ms. Trudy Bartel, Municipal Inspector, Saskatoon Fire Department
Mr. Wayne Rodger, Fire Marshal and Municipal Inspector, Saskatoon Fire Department

GROUND AND ISSUES:

The Appellant, Min (Philip) Hu, 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 for the property located at 1004 6th Street East. The Order to Remedy outlined the following:

“1. CONTRAVENTION:

Smoke alarms have not been installed by permanent connections to an electrical circuit in the basement suite.

YOU ARE HEREBY DIRECTED TO:

By no later than March 16, 2015, install smoke alarms in the basement suite between the bedrooms and the remainder of the dwelling unit by connections to an electrical circuit located and maintained in accordance with the current National Fire Code of Canada.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, 48 and 50 (i).

2. CONTRAVENTION:

Smoke alarms have not been installed by permanent connections to an electrical circuit in the main floor and secondary storey dwelling.

YOU ARE HEREBY DIRECTED TO:

By no later than March 16, 2015, install smoke alarms in the hallways on the main level and on the secondary level between the bedrooms and the remainder of the dwelling unit by connections to an electrical circuit. The smoke alarm shall be located and maintained in accordance with the current National Fire Code of Canada.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, 48 and 51 (b).

3. CONTRAVENTION:

A smoke detector has not been installed by permanent connections to an electrical circuit in service room which will cause the smoke alarms in the dwelling unit on the main level and second storey to sound upon activation.

YOU ARE HEREBY DIRECTED TO:

By no later than March 16, 2015, install a smoke in the service room by connections to an electrical circuit wired so that the activation of the smoke detector will cause the smoke alarms in the dwelling unit located on the main level and secondary storey to sound. The smoke detector shall be located and maintained in accordance with the current National Fire Code of Canada.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, 50 (j) and 51 (c).

4. CONTRAVENTION:

The basement suite is not separated from the main floor by a fire-resistance rating of not less than 30 minutes. Some of the walls are panel board and the ceiling is covered with ceiling tiles that do not meet the minimum requirements

YOU ARE HEREBY DIRECTED TO:

By no later than April 30, 2015, install a minimum 30 minute fire-resistant covering on all walls and ceiling areas within basement suite.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, and 50 (b).

5. CONTRAVENTION:

The service room is not separated from the adjacent areas by a fire-resistance rating of not less than 30 minutes. The bathtub in the basement suite is visible from inside the service room; studs and insulation are visible from inside the furnace room and there is no self-closing device on the service room door.

YOU ARE HEREBY DIRECTED TO:

By no later than April 30, 2015, install a minimum 30 minute fire-resistant covering on all walls inside the furnace room. Ensure the door to the furnace room is a solid core door and install a self-closing device on the furnace room door that will cause the door to automatically close and latch.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, and 50 (c).

6. CONTRAVENTION:

The service rooms have not been provided with a separate source for fresh combustion air.

YOU ARE HEREBY DIRECTED TO:

By no later than April 30, 2015, provide a separate source for fresh combustion air in both service rooms.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, and 50 (l).

7. CONTRAVENTION:

The interior stairway used for the purposes of exiting the basement suite and the main dwelling unit is not separated by a fire-resistance rating of not less than 30 minutes. The walls along the stairway have sliding panels that do not meet the minimum requirements.

YOU ARE HEREBY DIRECTED TO:

By no later than April 30, 2015, install a minimum 30 minute fire-resistant covering on all walls and ceiling area within the stairway continuing throughout the landing area up to the front door.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, and 50 (d).

8. CONTRAVENTION:

The doorway that provides a means of egress from the basement suite to the exit stairway does not provide a minimum fire-resistance rating of not less than 20 minutes. There is no self-closing device on the door.

YOU ARE HEREBY DIRECTED TO:

By no later than April 30, 2015, install a minimum 20 minute fire-resistant door and frame on the doorway to the basement suite. Install a self-closing device on the basement suite door that will cause the door to automatically close and latch.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, and 50 (e).

9. CONTRAVENTION:

The doorways that provide a means of egress from the main floor suite and from the recreation/storage room on the main level to the exit pathway from the basement suite do not provide a minimum fire-resistance rating of not less than 20 minutes. There are no self-closing devices on the doors.

YOU ARE HEREBY DIRECTED TO:

By no later than April 30, 2015, Install a minimum 20 minute fire-resistant door and frame on the doorway to the main floor suite and the doorway to the recreation/storage room on the main level. Install a self-closing device both of these doors that will cause the door to automatically close and latch.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, and 51 (a).

10. CONTRAVENTION:

There are several broken windows and openable windows that do not lock. There are openable windows that have missing or damaged screens.

YOU ARE HEREBY DIRECTED TO:

By no later than April 30, 2015, replace all the broken windows on the property ensuring they are double glazed (glass) materials. Install locks on all windows that do not have working locks. Install screens on all openable windows that are missing them or have damaged screens. Replace the basement suite bedroom windows with windows that provide unobstructed openings with areas not less than 0.35 square metres and with no dimension less than 380 mm.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 6, 12, 26 and 50.

11. CONTRAVENTION:

Electrical services are currently not being adequately maintained safely. There are duplex receptacles that are missing cover plates; several duplex receptacles will spark when a cord is being plugged into them. There are duplex receptacles that do not provide a secure fitting for cords plugged into them. The ceiling light fixture in the basement service room is hanging by wires.

YOU ARE HEREBY DIRECTED TO:

By no later than April 30, 2015, repair all deficient electrical services and have a licensed journeyman electrician provide verification that the electrical services are being maintained as per applicable code standards. Provide written confirmation from the journeyman electrician that the building's electrical components have been repaired in conformance with all applicable code standards. Install missing cover plates on electrical duplex receptacles.

Property Maintenance & Nuisance Abatement Bylaw 8175 Section 36.

12. CONTRAVENTION:

The basement suite bathtub is in disrepair, metal components of the bathtub are corroded; the water tight finish on the bathtub is damaged. The bathtub is not draining. The main water shut-off tap inside the basement suite is corroded and very difficult to turn off in an emergency. Water and sewer lines show signs of deterioration.

YOU ARE HEREBY DIRECTED TO:

By no later than April 30, 2015, repair or replace the basement suite bathtub, the main water shut-off tap inside the basement suite and all defective or deteriorating water and sewer lines throughout the entire building. Have a licensed journeyman plumber provide written verification that building water and sewer fixtures, drains and pipes are being maintained as per applicable code standards.

Property Maintenance and Nuisance Abatement Bylaw 8175, Section 12 and 32.

13. CONTRAVENTION:

The basement suite has no ventilation in the bathroom.

YOU ARE HEREBY DIRECTED TO:

By no later than April 30, 2015, install natural or mechanical ventilation in the basement suite bathroom.

Property Maintenance and Nuisance Abatement Bylaw 8175, Section 12 and 44.

14. CONTRAVENTION:

The means of egress from this building are unsafe. There are no railings on the stairway from the basement suite to ground level and there are no railings on the stairway leading from the second level bedroom area to the main level.

YOU ARE HEREBY DIRECTED TO:

By no later than April 30, 2015, install a continuous handrail on at least one side of each of the stairways.

Property Maintenance and Nuisance Abatement Bylaw 8175, Section 12 and 38.

15. CONTRAVENTION:

The heating facilities are not being maintained in a safe or sound working condition so as to provide adequate heat to all occupied rooms. The vents and vent covers are damaged which prevents warm air from being circulated to occupied rooms.

YOU ARE HEREBY DIRECTED TO:

By no later than April 30, 2015, repair or replace damaged vents and vent coverings.

Property Maintenance and Nuisance Abatement Bylaw 8175, Section 12 and 43.

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:

Min Hu:

“The time of renovation is not enough for job to be completed.

1. Jobs related to Item 4, 5, 7, 8, 9, 10, 12 is not able to be completed due to the following reason:
 - a) The tenant is living in the place. The work will involve some dust, so we need 1-2 months to allow them to move if they don't agree to stay while working is processing.
 - b) The window size is customized, so the order will take 2-3 months to come.
 - c) Weather/temperature does not allow window replacement before winter is finished.

We expect to finish the following items as Item 1-3, 11 finished by April 30, 2015 if no exceptional situation happen. Item 4, 5, 7, 8, 9, 10, 12 will be finished by June 30, 2015 if no exceptional situation happen.

*Exceptional situation will be communicated to Fire Department of Saskatoon. Item 6, 13 are fixed or not applicable as per reinspection.”

EXHIBITS:

- Exhibit A.1: Notice of Appeal to the Property Maintenance Appeals Board, dated February 6, 2015.
- Exhibit B.1: Notice of Hearing, dated February 11, 2015.
- Exhibit R.1: Order to Remedy Contravention for the property located at 1004 6th Street East, dated January 20, 2015.
- Exhibit R.2: Site photographs, submitted by the Municipal Inspector, dated December 30, 2014, and received March 3, 2015.

SUPPLEMENTARY NOTATIONS:

The Respondents, Ms. Trudy Bartel, Municipal Inspector, and Mr. Wayne Rodger, Fire Marshal and Municipal Inspector, affirmed that any evidence given in this hearing would be the truth.

The Respondents gave evidence and argument as outlined in the Record of Decision dated March 13, 2015.

The hearing concluded at 3:58 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated March 13, 2015, the Board determined that the requirements of the Order to Remedy Contravention, dated January 20, 2015, with respect to the property located at 1004 6th Street East be **UPHELD** and that the date for compliance only for Contraventions 1, 2, and 3 be **EXTENDED** to **MARCH 30, 2015**.

2. ADOPTION OF MINUTES

Moved By: Mr. Wiks

That the minutes of meeting held on February 20, 2015, be adopted.

CARRIED

The meeting adjourned at 4:10 p.m.

Mr. Ian Oliver, Chair