



**PUBLIC MINUTES
PROPERTY MAINTENANCE APPEALS BOARD**

**Wednesday, December 9, 2015, 3:24 p.m.
Committee Room B, City Hall**

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

- 1. PROPERTY MAINTENANCE APPEAL NO. 14-2015
BYLAW NO. 8175 – THE PROPERTY MAINTENANCE &
NUISANCE ABATEMENT BYLAW, 2003
DONALD SATHER
61 CLARK CRESCENT
(FILE NO. PMAB. 4410-015-014)**

Introductions were held. The Chair commenced the hearing at 3:24 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Mr. Donald Sather
Ms. Luella Sather

APPEARED FOR THE RESPONDENT:

Mr. Russell Scott, Municipal Inspector, Saskatoon Fire Department
Mr. Wayne Rodger, Fire Marshal and Municipal Inspector, Saskatoon Fire Department

GROUND AND ISSUES:

The Appellant, Donald Sather, 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 at 61 Clark Crescent. The Order to Remedy outlined the following:

“1. CONTRAVENTION:

The yard is unsightly and untidy due to the accumulation on the property of cardboard, paper, plastic, rubber, food containers, glass and plastic jars, cans, pails, containers and baskets, furniture, appliances, cooking pots and utensils, coffee pots, picnic cooler, BBQ's, propane tanks, cloth materials, barrels, boxes, metal racks, shelving and baskets, kitchen sinks, bed frames, plastic trays, plastic tote containers, planters, electronics, bicycles and bicycle parts and tires and rims, car parts, hub caps, tires and rims, batteries and batteries chargers, gas cans, motors, car mats, plastic and rubber mats, road signs, hot water tanks, ladders, plastic fluid containers, wood, metal, plastic shelving, sheeting and framing, wooden posts and lumber, vent piping, styrofoam, garden tools, clothes dryer, rototillers, helmets, vacuum cleaners, exercise equipment, wheels, paint cans, TV's, windows, glass, racks and shelving materials, electrical cords, conduit, wire, garbage cans and garbage bags, household items, sheeting, hoses, poles, rugs, pellets, bricks, steel, metal, metal framing, tin, aluminum, plumbing materials, tarps, canvass, pipes, wheel chair, tools, collected leaves, and other garbage, junk and debris.

Let it be known that not all garbage, junk and debris could be viewed and listed due to the excessive amounts piled and covered that have been hoarded on this property.

YOU ARE HEREBY DIRECTED TO:

By no later than December 1, 2015, remove the accumulation of all cardboard, paper, plastic, rubber, food containers, glass and plastic jars, cans, pails, containers and baskets, furniture, appliances, cooking pots and utensils, coffee pots, picnic cooler, BBQ's, propane tanks, cloth materials, barrels, boxes, metal racks, shelving and baskets, kitchen sinks, bed frames, plastic trays, plastic tote containers, planters, electronics, bicycles and bicycle parts and tires and rims, car parts, hub caps, tires and rims, batteries and batteries chargers, gas cans, motors, car mats, plastic and rubber mats, road signs, hot water tanks, ladders, plastic fluid containers, wood, metal, plastic shelving, sheeting and framing, wooden posts and lumber, vent piping, styrofoam, garden tools, clothes dryer, rototillers, helmets, vacuum cleaners, exercise equipment, wheels, paint cans, TV's, windows, glass, racks and shelving materials, electrical cords, conduit, wire, garbage cans and garbage bags, household items, sheeting, hoses, poles, rugs, pellets, bricks, steel, metal, metal framing, tin, aluminum, plumbing materials, tarps, canvass, pipes, wheel chair, tools, collected leaves and all other garbage, junk and debris from the yard.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3(h), 4, 5, 9, 12, and 14.

2. CONTRAVENTION:

A junked vehicle is located on the property. A brown and white Royal Sierra GMC truck with attached Saskatchewan licence plate 310 ELR is on the property in a state of abandonment. The vehicle is full of garbage, junk and debris. This creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than December 1, 2015, contact and provide verification to the municipal Inspector by operating the vehicle in the presence of the municipal Inspector, that the vehicle, the brown and white Royal Sierra GMC truck, 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.

3. CONTRAVENTION:

A junked vehicle is located on the property. A light blue two door Mercury car attached Saskatchewan licence plate MTC 911 is on the property in a state of abandonment. The vehicle is surrounded by and full of garbage, junk and debris. This creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than December 1, 2015, contact and provide verification to the municipal Inspector by operating the vehicle in the presence of the municipal Inspector, that the vehicle, the light blue two door Mercury car, 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.

4. CONTRAVENTION:

A junked vehicle is located on the property. A dark blue/black two door Oldsmobile Cutlass car attached Saskatchewan licence plate 147 AXJ is on the property in a state of abandonment. The vehicle is surrounded by and full of garbage, junk and debris. This creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than December 1, 2015, contact and provide verification to the municipal Inspector by operating the vehicle in the presence of the municipal Inspector, that the vehicle, a dark blue / black two door Oldsmobile Cutlass car, 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.

5. CONTRAVENTION:

A junked vehicle is located on the property. A two wheeled utility trailer with a wooden cargo box, located adjacent to the vehicle door to the garage, has no legible attached licence and is in a state of abandonment. The vehicle is surrounded by rebar, cement blocks, garbage, junk and debris has a wooden box full of scrap material. This creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than December 1, 2015, contact and provide verification to the municipal Inspector by operating the vehicle in the presence of the municipal Inspector, that the vehicle, the two wheeled utility trailer with a wooden cargo box, 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.

6. CONTRAVENTION:

A junked vehicle is located on the property. A blue snowmobile is on the property in a state of abandonment. The vehicle is surrounded by garbage, junk and debris. This creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than December 1, 2015, contact and provide verification to the municipal Inspector by operating the vehicle in the presence of the municipal Inspector, that the vehicle, a blue snowmobile, is in an operable condition -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.

7. CONTRAVENTION:

A junked vehicle is located on the property. An orange snowmobile is on the property in a state of abandonment. The vehicle is surrounded by garbage, junk and debris. This creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than December 1, 2015, contact and provide verification to the municipal Inspector by operating the vehicle in the presence of the municipal Inspector, that the vehicle, an orange snowmobile, is in an operable condition -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.

8. CONTRAVENTION:

A junked vehicle is located on the property. A orange and black snowmobile is on the property in a state of abandonment. The vehicle is surrounded by garbage, junk and debris. This creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than December 1, 2015, contact and provide verification to the municipal Inspector by operating the vehicle in the presence of the municipal Inspector, that the vehicle, an orange and black snowmobile, is in an operable condition -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.

9. CONTRAVENTION:

A junked vehicle is located on the property. A brown and yellow Skidoo snowmobile is on the property in a state of abandonment. The vehicle is surrounded by garbage, junk and debris. This creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than December 1, 2015, contact and provide verification to the municipal Inspector by operating the vehicle in the presence of the municipal Inspector, that the vehicle, a brown and yellow Skidoo snowmobile, is in an operable condition -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.

10. CONTRAVENTION:

Construction of the shelter structure adjacent to the east side of the single family dwelling is incomplete with only a skeletal frame work in place and is not maintained in a safe condition in accordance with minimum standards set out in the Property Maintenance & Nuisance Abatement Bylaw 8175. The structural components including roof, joists, beams, foundation and plastic material used for walls is not constructed, completed and maintained in a safe condition, is unsightly and is not capable of performing the function they are intended to perform. The shelter structure is unsafe and unfit for occupancy due to the lack of structural building components, assemblies and exposed framing throughout the entire structure.

YOU ARE HEREBY DIRECTED TO:

By no later than December 1, 2015, demolish and remove the shelter structure adjacent to the east side of the single family dwelling and remove all building materials and debris from this demolition off the property.

You are also required to remove all garbage, junk debris and all other contents stored within the shelter structure adjacent to the east side of the single family dwelling.

Property Maintenance & Nuisance Abatement Bylaw 8175, Section 12 (1) and 22.

11. CONTRAVENTION:

Construction of the shelter structure adjacent to the south of the single family dwelling is unsightly and is not constructed and maintained in a safe condition in accordance with minimum standards set out in the Property Maintenance & Nuisance Abatement Bylaw 8175. The structural components including roof, joists, beams, foundation, walls and ceiling is not constructed and maintained in a safe condition and is not capable of performing the function they are intended to perform. The shelter structure is unsafe and unfit for occupancy due to the lack of

structural building components, assemblies and exposed framing throughout the entire structure.

YOU ARE HEREBY DIRECTED TO:

By no later than December 1, 2015, demolish and remove the shelter structure adjacent to the south of the single family dwelling and remove all building materials and debris from this demolition off the property.

You are also required to remove all garbage, junk debris and all other contents stored within the shelter structure adjacent to the south of the single family dwelling.

Property Maintenance & Nuisance Abatement Bylaw 8175, Section 12 (1) and 22.”

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:

- Contravention #10 – was under construction. Should be allowed to complete.
- The time allowed is too short. Requesting extension.
- As of 18 Nov. winter is here. – extending the time to complete projects.”

EXHIBITS:

- Exhibit A.1: Notice of Appeal from Donald Sather to the Property Maintenance Appeals Board, received in City Clerk’s Office on November 20, 2015.
- Exhibit A.2 Letter submitted by the Appellant, dated November 26, 2015, requesting a stay of the Order and received in City Clerk’s Office on November 26, 2015.
- Exhibit B.1: Notice of Hearing dated November 24, 2015.
- Exhibit R.1: Order to Remedy Contravention dated November 9, 2015, for the property at 61 Clark Crescent, received in City Clerk’s Office on November 10, 2015.
- Exhibit R.2: Site photographs submitted by the Municipal Inspector, dated November 6, 2015, received in City Clerk’s Office on November 27, 2015.
- Exhibit R.3: SGI AutoFund reports submitted by the Municipal Inspector, dated November 16, 2015, received in City Clerk’s Office on November 27, 2015.
- Exhibit R.4: Site photographs, submitted by the Municipal Inspector, dated and received in the City Clerk’s Office on December 9, 2015.

SUPPLEMENTARY NOTATIONS:

The Respondent, Mr. Russell Scott, Municipal Inspector, and the Appellant, Mr. Donald Sather, affirmed that any evidence given in this hearing would be the truth.

The Respondent and Appellant gave evidence and argument as outlined in the Record of Decision dated December 22, 2015.

The hearing concluded at 4:00 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated December 22, 2015, the Board determined that the requirements of the Order to Remedy Contravention, dated November 9, 2015, with respect to the property at 61 Clark Crescent be **UPHELD**.

2. **ADOPTION OF MINUTES**

Moved By: M. Brockbank

That the minutes of meeting held on November 25, 2015, be adopted.

CARRIED

The meeting adjourned at 4:16 p.m.

Mr. Ian Oliver, Chair

Ms. Debby Sackmann, Secretary