



**PUBLIC MINUTES
PROPERTY MAINTENANCE APPEALS BOARD**

**Wednesday, October 19, 2016, 3:30 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. 08-2016
BYLAW NO. 8175 – THE PROPERTY MAINTENANCE & NUISANCE
ABATEMENT BYLAW, 2003
KENDRA SMITH
1225 AVENUE G NORTH
(FILE NO. PMAB. 4410-016-008)**

Introductions were held. The Chair commenced the hearing at 3:30 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Ms. Kendra Smith

APPEARED FOR THE RESPONDENT:

Mr. Trent Lee, Municipal Inspector, Saskatoon Fire Department
Mr. Luc Durand, Deputy Fire Marshal and Municipal Inspector, Saskatoon Fire Department

GROUND AND ISSUES:

The Appellant, Kendra Smith, 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 1225 Avenue G North. The Order to Remedy outlined the following:

- “1. CONTRAVENTION:

In the basement, on the north wall there are numerous large cracks in the foundation that have been filled with an expanding foam-type product. The concrete header above the window is cracked both in the basement and outside. Outside has been filled with a silicone-type product. Behind all the shelving in the basement there are numerous cracks filled with foam. There is staining on both the wall and the floor from moisture. On the east facing concrete wall there is staining and spalling of the concrete. The south facing concrete wall has cracks filled with foam where the foundation meets the floor slab. The south west corner is cracked vertically and diagonally up the west wall. There is numerous vertical and horizontal cracking on the west wall including a large crack above the electrical panel, and a large hole filled with expanding foam.

The floor joists are running north and south with support beams running east and west. On the west side of the brick chimney in the basement there is a 4x4" pressure treated post holding up the main beam, this post is cracked vertically on both sides, and does not support the whole width of the main beam. On the opposite side there is a metal tele post installed, the top plate is on an angle against the floor joist and does not appear to be secured to the joists. The main beam appears to have been recently modified beside the furnace as it appears it has been cut back.

The floor joists have wooden shims inserted between them and the beams in the centre section of the house and are not meeting up flush with the next length in the centre to the south east side of the furnace.

The main beam besides the access stairs to the basement appears to be cut back from the foundation. There is a 4x4" post installed with a wooden shim between the post and the main beam. A 2x4" stud is installed besides the 4x4" acting like a jack stud from the beam to the stairway.

A small room in the north east corner of the house has drywall installed and will have to be removed for inspection should the inspector deem necessary for his inspection. There are also numerous cracks in the foundation visible from the outside of the house.

YOU ARE HEREBY DIRECTED TO:

By no later than October 12, 2016, provide a structural engineer's letter of assurance that the building's structural components are in conformance with good engineering practice and which has been signed and sealed by an engineer licensed to practice in the Province of Saskatchewan.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, 22, and 39.

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:

“At the time of the inspection I was not residing in my home. My tenant had become verbally abusive and I was in the process of evicting her. I believe she made contact with your office out of spite. All home/construction worker I have had through my home informed me that all cracks are aesthetic.”

EXHIBITS:

- Exhibit A.1: Notice of Appeal from Kendra Smith to the Property Maintenance Appeals Board, received in City Clerk’s Office on October 3, 2016.
- Exhibit B.1: Notice of Hearing dated October 12, 2016.
- Exhibit R.1: Order to Remedy Contravention dated September 27, 2016, for the property at 1225 Avenue G North, received in City Clerk’s Office on September 28, 2016.
- Exhibit R.2: Site photographs, submitted by the Municipal Inspector, dated September 23, 2016, received in the City Clerk’s Office on October 12, 2016.
- Exhibit R.3: Complaint log for 1225 Avenue G North, submitted by the Municipal Inspector, received in the City Clerk’s Office on October 18, 2016.
- Exhibit R.4: Home Inspection Report for 1225 Avenue G North, submitted by the Municipal Inspector, received in the City Clerk’s Office on October 18, 2016.
- Exhibit R.5: Email communication between the Appellant and the Municipal Inspector, received in the City Clerk’s Office on October 18, 2016.

SUPPLEMENTARY NOTATIONS:

The Respondents, Mr. Trent Lee, Municipal Inspector; and Mr. Luc Durand, Deputy Fire Marshal and Municipal Inspector, both with the Saskatoon Fire Department; and the Appellant, Ms. Kendra Smith, affirmed that any evidence given in this hearing would be the truth.

The Respondents and Appellant gave evidence and arguments as outlined in the Record of Decision dated October 26, 2016.

The hearing concluded at 3:51 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated October 26, 2016, the Board determined that the requirements of the Order to Remedy Contravention, dated September 27, 2016, with respect to the property at 1225 Avenue G North be **UPHELD** and that the date for compliance be **EXTENDED** to December 19, 2016.

2. ADOPTION OF MINUTES

Moved By: D. Stiller

That the minutes of meeting held on September 21, 2016, be adopted.

CARRIED

The meeting adjourned at 4:03 p.m.

Mr. Ian Oliver, Chair

Ms. Debby Sackmann, Secretary