



**PUBLIC MINUTES
PROPERTY MAINTENANCE APPEALS BOARD**

**Tuesday, December 13, 2016, 3:29 p.m.
Committee Room B, City Hall**

PRESENT: Mr. Ian Oliver, Chair
Mr. Roy Fleming, Member
Mr. Donald Stiller, Member
Mr. Dan Wiks, Member

ABSENT: Mr. Michael Brockbank, Vice-Chair

ALSO PRESENT: Mr. Trent Lee, Municipal Inspector
Mr. Wayne Rodger, Fire Marshal and Municipal Inspector
Ms. Maria Sampson, Royal Reporting Services Ltd.
Secretary, Ms. Debby Sackmann

- 1. PROPERTY MAINTENANCE APPEAL NO. 15-2016
BYLAW NO. 8175 – THE PROPERTY MAINTENANCE & NUISANCE
ABATEMENT BYLAW, 2003
SHERMAN BUHL
836 AVENUE L NORTH – 16-ORC-182
(FILE NO. PMAB. 4410-016-015)**

Introductions were held. The Chair commenced the hearing at 3:29 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Mr. Sherman Buhl
Mr. Merv Buhl

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, Sherman Buhl, 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 16-ORC-182 for the property at 836 Avenue L North. The Order to Remedy outlined the following:

“1. CONTRAVENTION:

A junked vehicle is located on the property. An Orange Ford truck SK plate 647 DZN in the driveway. The vehicle is sitting in an abandoned condition and being used for storage. It appears to not have been operated this season. This situation creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, contact and provide verification to the Inspector by operating the vehicle in the presence of the Inspector that the Orange Ford truck SK plate 647 DZN 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.

2. CONTRAVENTION:

A junked vehicle is located on the property. A white ford LTD SK plate NNY 591 is sitting in an abandoned condition in front of the garage. The tires are chocked and the driver's side rear window is missing. The car appears to be used for storage. It does not appear to be operated this season. This situation creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, contact and provide verification to the Inspector by operating the vehicle in the presence of the Inspector that the white ford LTD SK plate NNY 591, 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 brown Chrysler SK plate 160 FZY is sitting in an abandoned condition in front of the garage. The tires are chocked. It does not appear to be operated this season. This situation creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, contact and provide verification to the Inspector by operating the vehicle in the presence of the Inspector that the brown Chrysler SK plate 160 FZY, 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:

There is an excessive accumulation of tree limbs, black tarps, green tarps, brown tarps, lumber, lattice metal appliance frames, plastic chairs, flower pots, bricks, logs, lawn chairs, kitchen chairs, green plastic container, grey plastic container, blue plastic container, automotive tires, metal shelving, plywood, wood, lumber, boards, tires, black plastic tubs, bike rims, card board boxes, lawn mowers, tree branches, garden hose, garden tools, hand tools, items covered by large black tarp, plastic pails, containers, abandoned propane tanks, fencing, white hose, blue hose, scrap metal, metal stand, table, scrap lumber, wood furniture, cardboard, branches, plastic garbage cans full of junk and garbage, plastic totes, pallets, lawn mowers, bicycle parts, bicycle tires, scrap wood pieces, glass, table, shelving constructed of metal and wood, wheels, metal tool box, cardboard box, abandoned tools, sections of garden hose, tarp, items covered under blue tarps, items covers under white tarps, items covered under black tarps, chicken wire, ladder, and other junk and garbage. The yard is very untidy and unsightly. This situation is affecting the health and safety of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016 remove the excessive accumulation of tree limbs, black tarps, green tarps, brown tarps, lumber, lattice metal appliance frames, plastic chairs, flower pots, bricks, logs, lawn chairs, kitchen chairs, green plastic container, grey plastic container, blue plastic container, automotive tires, metal shelving, plywood, wood, lumber, boards, tires, black plastic tubs, bike rims, card board boxes, lawn mowers, tree branches, garden hose, garden tools, hand tools, items covered by large black tarp, plastic pails, containers, abandoned propane tanks, fencing, white hose, blue hose, scrap metal, metal stand, table, scrap lumber, wood furniture, cardboard, branches, plastic garbage cans full of junk and garbage, plastic totes, pallets, lawn mowers, bicycle parts, bicycle tires, scrap wood pieces, glass, table, shelving constructed of metal and wood, wheels, metal tool box, cardboard box, abandoned tools, sections of garden hose, tarp, items covered under blue tarps, items covers under white tarps, items covered under black tarps,

chicken wire, ladder, and 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), 5, 9, 12 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:

“Appears to be vendetta complaint. Property is not accessible to public as yard is totally enclosed and fenced and signs posted re: no entry or trespassing. Items necessary for use as required for use and enjoyment and to maintain as necessary. Without these it would cripple and make impossible to function and create monetary hardship. Gardening and landscaping necessities, food production would be affected. It would deny me the use of my property for which I pay taxes. It would be impossible to do City mandated snow clearing or lawn cutting, etc. This Order could bring on health concerns for me. As time is insufficient to supply with this appeal due to voluminous data needed, will have to present at appeal, as I endeavor to address items.”

EXHIBITS:

- Exhibit A.1: Notice of Appeal from Sherman Buhl to the Property Maintenance Appeals Board, received in City Clerk’s Office on November 10, 2016.
- Exhibit A.2: Request for Court Reporter from Sherman Buhl to the Property Maintenance Appeals Board, received in City Clerk’s Office on December 9, 2016.
- Exhibit B.1: Notice of Hearing dated November 23, 2016.
- Exhibit R.1: Order to Remedy Contravention 16-ORC-182 dated November 3, 2016, for the property at 836 Avenue L North, received in City Clerk’s Office on November 3, 2016.
- Exhibit R.2: Site photographs, submitted by the Municipal Inspector, received in the City Clerk’s Office on December 5, 2016.
- Exhibit R.3: Site photographs, submitted by the Municipal Inspector at the hearing, dated December 13, 2016.

SUPPLEMENTARY NOTATIONS:

The Respondent, Mr. Trent Lee, Municipal Inspector; along with Mr. Wayne Rodger, Fire Marshal and Municipal Inspector; and the Appellant, Mr. Sherman Buhl; along with Mr. Merv Buhl, 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 January 4, 2017.

The hearing concluded at 4:16 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated January 4, 2017, the Board determined that the requirements of the Order to Remedy Contravention 16-ORC-182, dated November 3, 2016, with respect to the property at 836 Avenue L North be **UPHELD** and **EXTENDED** to **June 1, 2017**.

**2. PROPERTY MAINTENANCE APPEAL NO. 16-2016
BYLAW NO. 8175 – THE PROPERTY MAINTENANCE & NUISANCE
ABATEMENT BYLAW, 2003
SHERMAN BUHL
1038 AVENUE L NORTH – 16-ORC-183
(FILE NO. PMAB. 4410-016-016)**

Introductions were held. The Chair commenced the hearing at 4:17 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Mr. Sherman Buhl
Mr. Merv Buhl

APPEARED FOR THE RESPONDENT:

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

GROUNDS AND ISSUES:

The Appellant, Sherman Buhl, 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 16-ORC-183 for the property at 1038 Avenue L North. The Order to Remedy outlined the following:

“1. CONTRAVENTION:

A junked vehicle is located on the property. An orange, 4-door Ford 250 truck, it is being used for storage purposes as its interior is full of junk and garbage. The vehicle is sitting in an abandoned condition on the grass at the front of this property and appears to not have been operated this season as the vehicle is surrounded by saplings making it impossible to get into the vehicle and operate it. This situation creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, contact and provide verification to the Inspector by operating the vehicle in the presence of the Inspector that the orange 4-door Ford 250 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.

2. CONTRAVENTION:

A junked vehicle is located on the property. A green 2-door Pontiac car SK plate 282 255 that is sitting in an abandoned condition on the front driveway of this property. The tires are low and sinking into the ground, there is remains of a car cover on the front of the car and the rear. The car is surrounded by saplings making it impossible to get into the vehicle and operate it. This situation creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, contact and provide verification to the Inspector by operating the vehicle in the presence of the Inspector that the green 2-door Pontiac car SK plate 282 255, 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 grey/brown Chevy Impala, SK plate 161 FZY that is sitting in an abandoned condition on the front lawn of this property. The car does not appear to be have been operated this season. This situation creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, contact and provide verification to the Inspector by operating the vehicle in the presence of the Inspector that the grey/brown Chevy Impala, SK plate 161 FZY, 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 Red 4-door Ford Explorer SK Plate 880 JCX it is left parked in an abandoned condition on the grass at the front of this property. This situation creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, contact and provide verification to the Inspector by operating the vehicle in the presence of the Inspector that the Red 4-door Ford Explorer SK Plate 880 JCX 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 white Ford car under a damaged, ripped weathered green tarp and it is left parked in an abandoned condition on the grass at the front of this property. The car is surrounded by saplings making it impossible to get into the vehicle and operate it. This situation creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, contact and provide verification to the Inspector by operating the vehicle in the presence of the Inspector that the white Ford car under a damaged, ripped weathered green tarp 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:

The fence along the east and north side of the property is not being maintained in a reasonable state of repair. Fence boards are loose, damaged, missing and some of the boards, rails and posts are showing signs of rot.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, repair or replace all rotted and damaged fence boards, gates, rails and posts or remove the fence from the property. If the owner chooses to remove the fence, all components must be removed from the property.

Property Maintenance & Nuisance Abatement Bylaw 8175, Section 3(h), 5, 12 and 20.

7. CONTRAVENTION:

There is an excessive accumulation of plastic chairs, lawn chairs, kitchen chairs, green plastic container, grey plastic container, blue plastic container, plywood, wood, lumber, boards, tires, black plastic tubs, bike rims, cardboard boxes, lawn mowers, snow blowers, logs, tree branches, garden hose, garden tools, hand tools, items covered by large black tarp, plastic pails, containers, abandoned propane tanks, scrap metal, household window screens, multiple black garbage bags (full), metal stand, table, mop head, scrap lumber, wood furniture,

cardboard, branches, plastic garbage cans full of junk and garbage, plastic totes, pallets, Tiki torches, filing cabinet, lawn mowers, snow blowers, multiple abandoned BBQs, bicycle parts, bicycle tires, plastic bin full of ponding dirty water, scrap MDF pieces, glass, wooden chairs, shelving constructed of metal and wood, wheels, metal tool box, cardboard box, broken plastic deck box, abandoned tools, sections of garden hose, tarp, items covered under blue tarps, items covered under black tarps, chicken wire, ladder, and other junk and garbage. The yard is very untidy and unsightly. This situation is affecting the health and safety of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, remove the excessive accumulation of plastic chairs, lawn chairs, kitchen chairs, green plastic container, grey plastic container, blue plastic container, plywood, wood, lumber, tires black plastic tubs, bike rims, cardboard boxes, lawn mowers, snow blowers, logs, tree branches, garden hose, garden tools, hand tools, items covered by large black tarp, plastic pails, containers, abandoned propane tanks, scrap metal, household window screens, multiple black garbage bags (full), metal stand, table, mop head, scrap lumber, wood furniture, cardboard, branches, plastic garbage cans full of junk and garbage, plastic totes, pallets, Tiki torches, filing cabinet, lawn mowers, snow blowers, multiple abandoned BBQs, bicycle parts, bicycle tires, plastic bin full of ponding dirty water, scrap MDF pieces, glass, wooden chairs, shelving constructed of metal and wood, wheels, metal tool box, cardboard box, broken plastic deck box, abandoned tools, sections of garden hose, tarp, items covered under blue tarps, items covered under black tarps, chicken wire, ladder, and 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), 5, 9, 12 and 14.

8. CONTRAVENTION:

There are several trees in the rear yard that appear to be dead in the centre and along the south side fence line. These dead trees pose a hazardous situation to structures, and property.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, cut down and remove the dead trees from the property OR provide a letter of assurance from a licensed arborist indicating the trees are healthy and pose no danger to persons or property.

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

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:

“Appears to be vendetta complaint. Property is not accessible to public as yard is fenced and signs posted re: no entry or trespassing. Items necessary for use as required for enjoyment and use to maintain as required. Without these it would cripple and make impossible to function and create monetary hardship. Gardening and food production would be affected. It would deny me the right to use my property for which I pay taxes. It would be impossible to do City mandated snow clearing or lawn cutting. This Order could bring on health concerns for me. As time is insufficient to supply with this appeal due to voluminous data needed, will have to present at appeal, as I endeavor to address items.”

EXHIBITS:

- Exhibit A.1: Notice of Appeal from Sherman Buhl to the Property Maintenance Appeals Board, received in City Clerk’s Office on November 10, 2016.
- Exhibit A.2: Request for Court Reporter from Sherman Buhl to the Property Maintenance Appeals Board, received in City Clerk’s Office on December 9, 2016.
- Exhibit B.1: Notice of Hearing dated November 23, 2016.
- Exhibit R.1: Order to Remedy Contravention 16-ORC-183 dated November 3, 2016, for the property at 1038 Avenue L North, received in City Clerk’s Office on November 3, 2016.
- Exhibit R.2: Site photographs, submitted by the Municipal Inspector, received in the City Clerk’s Office on December 5, 2016.
- Exhibit R.3: Site photographs, submitted by the Municipal Inspector at the hearing, dated December 13, 2016.

SUPPLEMENTARY NOTATIONS:

The Respondent, Mr. Trent Lee, Municipal Inspector; along with Mr. Wayne Rodger, Fire Marshal and Municipal Inspector; and the Appellant, Mr. Sherman Buhl; along with Mr. Merv Buhl, 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 January 4, 2017.

The hearing concluded at 4:44 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated January 4, 2017, the Board determined that the requirements of the Order to Remedy Contravention 16-ORC-183, dated November 3, 2016, with respect to the property at 1038 Avenue L North be **UPHELD** and **EXTENDED** to **June 1, 2017**.

**3. PROPERTY MAINTENANCE APPEAL NO. 17-2016
BYLAW NO. 8175 – THE PROPERTY MAINTENANCE & NUISANCE
ABATEMENT BYLAW, 2003
SHERMAN BUHL
1040 AVENUE L NORTH – 16-ORC-184
(FILE NO. PMAB. 4410-016-017)**

Introductions were held. The Chair commenced the hearing at 4:44 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Mr. Sherman Buhl
Mr. Merv Buhl

APPEARED FOR THE RESPONDENT:

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

GROUNDS AND ISSUES:

The Appellant, Sherman Buhl, 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 16-ORC-184 for the property at 1040 Avenue L North. The Order to Remedy outlined the following:

“1. CONTRAVENTION:

A junked vehicle is located on the property. A white Chevy Caprice, 4-door car SK plate 447 FZX propped up in the back window. The vehicle is sitting in an abandoned condition on the grass in the back yard and appears to not have been operated this season. This situation creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, contact and provide verification to the Inspector by operating the vehicle in the presence of the Inspector that the white Chevy Caprice, 4-door car SK plate 447 FZX 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.

2. CONTRAVENTION:

A junked vehicle is located on the property. A red Mercury Grand Marquis SK plate 290 HWD that is sitting in an abandoned condition on the front lawn of this property. The tires are up on blocks and is sitting behind a chain link fence portion. This situation creates an unsightly condition and affects the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, contact and provide verification to the Inspector by operating the vehicle in the presence of the Inspector that the red Mercury Grand Marquis SK plate 290 HWD, 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:

The fence along the east and north side of the property is not being maintained in a reasonable state of repair. Fence boards are loose, damaged, missing and some of the boards, rails and posts are showing signs of rot. Gate is being held up in closed position by wire to tree.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, repair or replace all rotted and damaged fence boards, gates, rails and posts or remove the fence from the property. If the owner chooses to remove the fence, all components must be removed from the property.

Property Maintenance & Nuisance Abatement Bylaw 8175, Section 3(h), 5, 12 and 20.

4. CONTRAVENTION:

There is an excessive accumulation of tree limbs, black tarps, green tarps, brown tarps, lumber, plastic chairs, lawn chairs, kitchen chairs, green plastic container, grey plastic container, blue plastic container, automotive tires, metal shelving, plywood, wood, lumber, boards, tires, black plastic tubs, bike rims, cardboard boxes, lawn mowers, snow blowers, logs, tree branches, garden hose, garden tools, hand tools, items covered by large black tarp, plastic pails, containers, abandoned propane tanks, fencing, white hose, blue hose, scrap metal, household window screens, multiple black garbage bags (full), metal stand, table, mop head, scrap lumber, wood furniture, cardboard, branches, plastic garbage cans full of junk and garbage, plastic totes, pallets, filing cabinet, lawn mowers, snow blowers, abandoned BBQs, bicycle parts, bicycle tires, plastic bin full of ponding dirty water, scrap MDF pieces, glass, wooden chairs, shelving constructed of metal and wood, wheels, metal tool box, cardboard box, broken plastic deck box, abandoned tools, sections of garden hose, tarp, items covered under blue tarps, items covered under black tarps, chicken wire, ladder, and other junk and garbage. The yard is very untidy and unsightly. This situation is affecting the health and safety of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 18, 2016, remove the excessive accumulation of plastic chairs, lawn chairs, kitchen chairs, green plastic container, grey plastic container, blue plastic container, plywood, wood, lumber, tires black plastic tubs, bike rims, cardboard boxes, lawn mowers, snow blowers, logs, tree branches, garden hose, garden tools, hand tools, items covered by large black tarp, plastic pails, containers, abandoned propane tanks, scrap metal, household window screens, multiple black garbage bags (full), metal stand, table, mop head, scrap lumber, wood furniture, cardboard, branches, plastic garbage cans full of junk and garbage, plastic totes, pallets, Tiki torches, filing cabinet, lawn mowers, snow blowers, multiple abandoned BBQs, bicycle parts, bicycle tires, plastic bin full of ponding dirty water, scrap MDF pieces, glass, wooden chairs, shelving constructed of metal and wood, wheels, metal tool box, cardboard box, broken

plastic deck box, abandoned tools, sections of garden hose, tarp, items covered under blue tarps, items covered under black tarps, chicken wire, ladder, and 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), 5, 9, 12 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:

“Appears to be vendetta complaint. Property is not accessible to public. Yard is totally enclosed and fenced and signs posted re: no entry or trespassing. Items necessary for use as required for enjoyment and to maintain as required as necessary. Without these it would cripple and make impossible to function and create monetary hardship. Gardening and landscaping necessities, food production would be affected. It would deny me the right to use my property for which I pay taxes. It would be impossible to do City mandated snow clearing or lawn cutting, etc. This Order could bring on health concerns for me. As time is insufficient to supply with this appeal due to voluminous data needed, will have to present at appeal, as I endeavor to address items.”

EXHIBITS:

- Exhibit A.1: Notice of Appeal from Sherman Buhl to the Property Maintenance Appeals Board, received in City Clerk’s Office on November 10, 2016.
- Exhibit A.2: Request for Court Reporter from Sherman Buhl to the Property Maintenance Appeals Board, received in City Clerk’s Office on December 9, 2016.
- Exhibit B.1: Notice of Hearing dated November 23, 2016.
- Exhibit R.1: Order to Remedy Contravention 16-ORC-184 dated November 3, 2016, for the property at 1040 Avenue L North, received in City Clerk’s Office on November 3, 2016.
- Exhibit R.2: Site photographs, submitted by the Municipal Inspector, received in the City Clerk’s Office on December 5, 2016.
- Exhibit R.3: Site photographs, submitted by the Municipal Inspector at the hearing, dated December 13, 2016.

SUPPLEMENTARY NOTATIONS:

The Respondent, Mr. Trent Lee, Municipal Inspector; along with Mr. Wayne Rodger, Fire Marshal and Municipal Inspector; and the Appellant, Mr. Sherman Buhl; along with Mr. Merv Buhl, 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 January 4, 2017.

The hearing concluded at 5:17 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated January 4, 2017, the Board determined that the requirements of the Order to Remedy Contravention 16-ORC-184, dated November 3, 2016, with respect to the property at 1040 Avenue L North be **UPHELD** and **EXTENDED** to **JUNE 1, 2017**.

4. ADOPTION OF MINUTES

Moved By: D. Stiller

That the minutes of meeting held on November 30, 2016, be adopted.

CARRIED

The meeting adjourned at 5:52 p.m.

Mr. Ian Oliver, Chair

Ms. Debby Sackmann, Secretary