



**PUBLIC MINUTES
PROPERTY MAINTENANCE APPEALS BOARD**

**Wednesday, September 20, 2017, 3:30 p.m.
Committee Room B, City Hall**

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

ABSENT: Mr. Roy Fleming, Member
Mr. Donald Stiller, Member

ALSO PRESENT: Ms. Yvonne Raymer, Municipal Inspector
Mr. Luc Durand, Fire Marshal and Municipal Inspector
Secretary, Ms. Debby Sackmann

- 1. Property Maintenance Appeal No. 12-2017
Bylaw No. 8175 – The Property Maintenance & Nuisance Abatement Bylaw, 2003
Jack Grover for Grover Holdings Ltd.
326 Avenue F South – 17-ORC-263
(File No. PMAB. 4410-017-012)**

Introductions were held. The Chair commenced the hearing at 3:31 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Mr. Jagdish (Jack) Grover, Grover Holdings Ltd.

APPEARED FOR THE RESPONDENT:

Ms. Yvonne Raymer, Municipal Inspector, Saskatoon Fire Department
Mr. Luc Durand, Fire Marshal and Municipal Inspector, Saskatoon Fire Department

ALSO PRESENT:

Mr. Johnathon McLeod and Mrs. Maryanne McLeod

GROUNDS AND ISSUES:

The Appellant, Jack Grover for Grover Holdings Ltd., 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-263 for the property at 326 Avenue F South. The Order to Remedy outlined the following:

“1. CONTRAVENTION:

There are broken windows in the front and rear dwelling units of the structure.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, replace the broken windows with double-glazed (glass) materials in all window openings that separate the heated space of the dwelling’s interior and the outside area. Windows must have acceptable locks on openable windows within 2m of ground level and acceptable screens on all openable windows. Every sleeping room shall have a least one openable window. Windows serving sleeping rooms shall provide unobstructed opening with areas not less than 0.35 square meters and with no dimension less than the 380mm.

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

2. CONTRAVENTION:

The soffit and fascia are peeling paint and rotting and are no longer able to maintain a watertight condition and prevent deterioration or leakage of water into the building.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, paint or replace the soffit and fascia where required.

Property Maintenance and Nuisance Abatement Bylaw 8175, Sections 12, 22 and 24.

3. CONTRAVENTION:

The eaves trough and downspouts are damaged, plugged and no longer attached to the roof in a tight-fitting manner. Water off the roof is no longer being carried away from the building so as not to cause dampness.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, clean and repair eaves trough and downspouts in order to carry water off the roof away from the building and be maintained in a watertight condition in good repair.

Property Maintenance and Nuisance Abatement Bylaw 8175, Sections 12 and 24.

4. CONTRAVENTION:

The exterior hardy board is peeling and weather worn. The exterior finishing is no longer capable of providing a protective surface from deterioration due to moisture penetration.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, paint or replace the exterior wall covering with an application of stucco, brick, stone facing or other similar protective surface to protect the walls from deterioration due to moisture penetration.

Property Maintenance and Nuisance Abatement Bylaw 8175, Sections 12, 22 and 23.

5. CONTRAVENTION:

The wood decking material of the front dwelling unit's deck is weather worn and no longer able to prevent water penetration and prevent rotting.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, install an application of paint to the decking material of the front dwelling unit's deck OR replace the decking so as to be maintained in good repair and prevent rotting.

Property Maintenance and Nuisance Abatement Bylaw 8175, Sections 12 and 27.

6. CONTRAVENTION:

The metal railing of the front dwelling unit's deck is loose and pulling away from the rotting decking board of the balcony and is no longer securely attached.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, repair and secure the railing so that it is safe and sturdy.

Property Maintenance and Nuisance Abatement Bylaw 8175, Sections 12 and 27.

7. CONTRAVENTION:

The exterior doors and its door frame located at the entrances of this dwelling unit are damaged.

YOU ARE HEREBY DIRECTED TO:

By no later than September 17, 2017, repair the exterior doors and the door frames so that when closed, are reasonably tight-fitting in their frames. All exterior doors shall have an acceptable locking mechanism.

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

8. CONTRAVENTION:

Windows are broken, cracked and missing screens throughout the single-family dwelling unit.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, repair or replace the damaged windows and install double-glazed (glass) materials in all window openings that separate the heated space of the dwelling's interior and the outside area. Windows must have acceptable locks on openable windows within 2m of ground level and acceptable screens on all openable windows. Every sleeping room shall have a least one openable window. Windows serving sleeping rooms shall provide unobstructed opening with areas not less than 0.35 square meters and with no dimension less than the 380mm.

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

9. CONTRAVENTION:

Interior doors in the front and rear dwelling unit have holes, are covered in dirt and filth and their latching hardware is no longer able to perform its function. Most of the interior doors and their latching hardware have sustained damage throughout this single-family dwelling unit.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, clean, repair or replace the damaged interior doors and their latching hardware where required throughout the dwelling unit. Interior finishing shall be maintained in a reasonably clean and sanitary condition and painted or finished in a suitable manner.

Property Maintenance and Nuisance Abatement Bylaw 8175, Sections 12 and 30.

10. CONTRAVENTION:

Interior walls in both front and rear dwelling units are dirty, have holes and are covered in dirt and nicotine stains.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, repair or replace the holes in the interior walls so that they are free of holes, finished and painted in a suitable manner and maintained in a reasonably clean and sanitary condition.

Property Maintenance and Nuisance Abatement Bylaw 8175, Sections 12 and 30.

11. CONTRAVENTION:

The rear dwelling unit's bath tub cannot fill the tub in a reasonable amount of time due to lack of pressure and water trickling out of the tap.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, repair or replace the faucet serving the rear dwelling unit's bath tub so that it performs the function it is designed to perform in a reasonable amount of time. All plumbing facilities in a building shall be maintained in good working order and be free from leaks or other defects.

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

12. CONTRAVENTION:

The tub surround serving the front dwelling unit's bath tub is peeling away from the wall and no longer providing a water tight environment.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, repair or replace the tub surround serving the bath tub in the front dwelling unit's bath tub.

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

13. CONTRAVENTION:

The mechanical ventilation fan in the front dwelling unit's bathroom is missing its cover, in disrepair, does not perform its function and is very dirty.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, repair and clean or replace the mechanical ventilation fan so that it will perform the function it is designed to perform.

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

14. CONTRAVENTION:

The flooring is ripped or broken and missing pieces in places in the front and rear dwelling units whether its linoleum, tile or laminate flooring.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, repair or replace the flooring where it is broken, missing or ripped in order to maintain the flooring in a reasonable state of repair.

Property Maintenance and Nuisance Abatement Bylaw 8175, Sections 12 and 29.

15. CONTRAVENTION:

There are light fixtures hanging by their wires, junction boxes not properly closed and receptacles not covered with plates. The service coming into the electrical panel has been chewed by mice and there are indicators that the panel has had a minor fire.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, repair the electrical services in order to safely meet the electrical needs of the building. Ensure a qualified electrician is performing the repairs.

Property Maintenance and Nuisance Abatement Bylaw 8175, Sections 12 and 36.

16. CONTRAVENTION:

The single-family dwelling unit is not being maintained in a safe and sanitary condition. The walls, floors, doors and other surfaces are filthy from an accumulation of years of lack of cleaning, previous tenants and multiple occupants.

YOU ARE HEREBY DIRECTED TO:

By no later than September 30, 2017, clean the walls, floors, doors and other surfaces in order to provide a safe and sanitary environment for the occupants.

Property Maintenance and Nuisance Abatement Bylaw 8175, Sections 12 and 41.

17. CONTRAVENTION:

An accumulation of garbage bags, truck cap (ponding water), fridge, fridge door and other junk and debris stored on the property creates an unsightly condition and provides a home for rodents and insects. This situation is also creating a nuisance and is affecting the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than September 5, 2017, remove the accumulation of garbage bags, truck cap (ponding water), fridge, fridge door and other junk and debris from the property.

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

18. CONTRAVENTION:

There is an overgrowth of grass and weeds in excess of 20cm. This situation is unsightly, creating a nuisance and is affecting the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than September 5, 2017, cut down the overgrowth of grass and weeds from the property and properly dispose of the clippings.

Property Maintenance and 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:

“The Inspector delivered the order after 9 days when it was written, dated Aug 9/17. So, I need more time to do 18 items in the order till Oct 30/17 as it is almost a complete renovation as it is 2 unit Bldg. 4, It is old solid exterior siding and in good shape.”

EXHIBITS:

- Exhibit A.1: Notice of Appeal from Jack Grover for Grover Holdings Ltd. to the Property Maintenance Appeals Board, received in City Clerk’s Office on August 30, 2017.
- Exhibit B.1: Notice of Hearing dated September 11, 2017.
- Exhibit R.1: Order to Remedy Contravention 17-ORC-263 dated August 18, 2017, for the property at 326 Avenue F South, received in City Clerk’s Office on August 18, 2017.
- Exhibit R.2: Site photographs, submitted by the Municipal Inspector, dated August 9, 2017, received in the City Clerk’s Office on September 12, 2017.
- Exhibit R.3: Site photographs, submitted by the Municipal Inspector at the hearing, dated September 18, 2017.

SUPPLEMENTARY NOTATIONS:

The Respondent, Ms. Yvonne Raymer, Municipal Inspector; the Appellant, Mr. Jack Grover; and the Tenant, Mr. Johnathon McLeod, affirmed that any evidence given in this hearing would be the truth.

The Respondent, Appellant, and Tenant gave evidence and arguments as outlined in the Record of Decision dated October 2, 2017.

The hearing concluded at 3:57 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated October 2, 2017, the Board determined that the requirements of the Order to Remedy Contravention 17-ORC-263, dated August 18, 2017, with respect to the property at 326 Avenue F South be **UPHELD** and **EXTENDED** to **October 30, 2017**.

2. **Property Maintenance Appeal No. 13-2017**
Bylaw No. 8175 – The Property Maintenance & Nuisance Abatement Bylaw, 2003
Randall Johnston
515 Avenue E South – 17-ORC-267
(File No. PMAB. 4410-017-013)

Introductions were held. The Chair commenced the hearing at 4:04 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Mr. Randy Johnston

APPEARED FOR THE RESPONDENT:

Ms. Yvonne Raymer, Municipal Inspector, Saskatoon Fire Department
Mr. Luc Durand, Fire Marshal and Municipal Inspector, Saskatoon Fire Department

GROUND AND ISSUES:

The Appellant, Randall Johnston, 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-267 for the property at 515 Avenue E South. The Order to Remedy outlined the following:

“1. CONTRAVENTION:

There is an excessive accumulation of urinals, tractor, trailer, scrap metal, scrap lumber, scrap plywood, metal rods, tires, metal pipes, chain link, metal barrels, plastic containers, tarps, dismantled sections of wrought iron, 4x4 posts, metal buckets, wash tub, 6x6 posts, saw blade, vinyl siding, metal bathtub, rusted bikes, metal bed frame, dismantled metal railing, sheets of OSB, plastic crates, metal bell, fire hydrants, cast iron bathtub, plastic barrels, rusted cart, dismantled sections of down spouts, plastic garbage cans, rusted shovels, rusted pitch fork (tines out of the grass), scrap and rusty metal and iron as well as other items lying in the overgrowth of grass and weeds and other junk and garbage which is affecting the health and safety of the neighbourhood. This situation is unsightly and affecting the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than, September 15, 2017 remove the excessive accumulation of urinals, tractor, trailer, scrap metal, scrap lumber, scrap plywood, metal rods, tires, metal pipes, chain link, metal barrels, plastic containers, tarps, dismantled sections of wrought iron, 4x4 posts, metal buckets, wash tub, 6x6 posts, saw blade, vinyl siding, metal bathtub, rusted bikes, metal bed frame, dismantled metal railing, sheets of OSB, plastic crates, metal bell, fire hydrants, cast iron bathtub, plastic barrels, rusted cart, dismantled sections of down spouts, plastic garbage cans, rusted shovels, rusted pitch fork (tines out of the grass), scrap and rusty metal and iron as well as other items lying in the overgrowth of grass and weeds and other junk and garbage from the property in order to reduce the risk of harm or damage to persons and property. This situation affects the amenity of the neighbourhood.

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

2. CONTRAVENTION:

The fence is not being maintained in a reasonable state of repair whose pickets and frame work are showing signs of rot and deterioration. Sections of scrap metal and iron are also being used as bracing to hold the fence in an upright manner. This situation affects the health and safety as well as the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than, September 15, 2017, remove or replace the fence so that it is erected in a reasonable state of repair.

Property Maintenance & Nuisance Abatement Bylaw 8175 Sections 3(h), 4, 12, 14 and 20.

3. CONTRAVENTION:

There is an overgrowth of grass and weeds in excess of 20cm on the property. This situation is unsightly, creating a nuisance and is affecting the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than September 10, 2017, cut down the overgrowth of grass and weeds from the property and properly dispose of the clippings.

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

4. CONTRAVENTION:

The eaves troughs serving the single-family dwelling unit of this property are plugged with dirt and have vegetation growing out of them. This situation prohibits water running from the roof to be carried away from the foundation.

YOU ARE HEREBY DIRECTED TO:

By no later than, September 15, 2017, clean out the eaves troughs so that they may perform the function they are designed to perform and carry water away from the foundation.

Property Maintenance & Nuisance Abatement Bylaw 8175 Sections 3(h), 4, 12 and 24.

5. CONTRAVENTION:

The shingles lying on the roof of the single-family dwelling unit are shedding their protective layer which is lying on the ground surrounding the structure. They appear to be past their age of effectiveness and are no longer lying flat on the roof sheathing. Shingles are curling, ripping and showing signs of wear. This situation prohibits water running from the roof to be carried away from the roof sheathing.

YOU ARE HEREBY DIRECTED TO:

By no later than, October 15, 2017, remove the weathered shingles and install a roofing material on the roof sheathing that is watertight and prevents deterioration or leakage of water into the building.

Property Maintenance & Nuisance Abatement Bylaw 8175 Sections 3(h), 4, 12 and 24.

6. CONTRAVENTION:

The soffits and fascia board are not being maintained in a watertight condition and are showing signs of rotting.

YOU ARE HEREBY DIRECTED TO:

By no later than, October 15, 2017, repair or replace the soffits and fascia board so that they are maintained in a watertight condition so as to prevent deterioration or leakage of water into the building. Ensure the soffits and fascia are painted so as to prevent water penetration.

Property Maintenance & Nuisance Abatement Bylaw 8175 Sections 3(h), 4, 12 and 24.

7. CONTRAVENTION:

The wood exterior siding and window frames of this single-family dwelling unit are peeling, no longer able to prevent water penetration and are unsightly due to lack of maintenance.

YOU ARE HEREBY DIRECTED TO:

By no later than, October 15, 2017, install an application of paint, stain, stucco, brick, stone facing or other similar protective surface to protect the walls from deterioration due to moisture penetration.

Property Maintenance & Nuisance Abatement Bylaw 8175 Sections 3(h), 4, 12 and 23.

8. CONTRAVENTION:

There are broken windows on the single-family dwelling unit. The basement window is missing and the screening is ripped which allows for the entry of rodents and water into the structure. The main floor window on the south side that is broken has a vine growing from the exterior into the interior of the structure.

YOU ARE HEREBY DIRECTED TO:

By no later than, October 15, 2017, replace the windows with at least double-glazed glass.

Property Maintenance & Nuisance Abatement Bylaw 8175 Sections 3(h), 4, 12 and 26.

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:

“Contravention Order 5, Contravention Order 6, Contravention Order 7 – I am low income just to clean yard and remove fence this year is all I can afford. Would need more time to do some of the repairs noted on this order in the spring or summer of (2018). Thank you.”

EXHIBITS:

- Exhibit A.1: Notice of Appeal from Randall Johnston to the Property Maintenance Appeals Board, received in City Clerk’s Office on August 31, 2017.
- Exhibit B.1: Notice of Hearing dated September 11, 2017.
- Exhibit R.1: Order to Remedy Contravention 17-ORC-267 dated August 18, 2017, for the property at 515 Avenue E South, received in City Clerk’s Office on August 18, 2017.
- Exhibit R.2: Site photographs, submitted by the Municipal Inspector, dated August 16, 2017, received in the City Clerk’s Office on September 12, 2017.
- Exhibit R.3: Site photographs, submitted by the Municipal Inspector at the hearing, dated September 19, 2017.

SUPPLEMENTARY NOTATIONS:

The Respondent, Ms. Yvonne Raymer, Municipal Inspector, and the Appellant, Mr. Randall Johnston, 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 October 2, 2017.

The hearing concluded at 4:23 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated October 2, 2017, the Board determined that the requirements of the Order to Remedy Contravention 17-ORC-267, dated August 18, 2017, with respect to the property at 515 Avenue E South be **UPHELD** and that the date for compliance for *Contravention 4* be **EXTENDED** to **October 15, 2017**; and

That the requirements of the Order to Remedy Contravention 17-ORC-267, dated August 18, 2017, with respect to the property located at 515 Avenue E South be **UPHELD** and that the date for compliance only for *Contraventions 5 and 6* be **EXTENDED** to **JUNE 1, 2018**.

3. ADOPTION OF MINUTES

Moved By: M. Brockbank

That the minutes of meeting held on July 24, 2017, be adopted.

CARRIED

The meeting adjourned at 4:32 p.m.

Mr. Ian Oliver, Chair

Ms. Debby Sackmann, Secretary