



**PUBLIC MINUTES
PROPERTY MAINTENANCE APPEALS BOARD**

**Wednesday, July 4, 2018, 3:25 p.m.
Committee Room B, City Hall**

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

ABSENT: Mr. Roy Fleming, Member

ALSO PRESENT: Mr. Braden Gartner, Municipal Inspector
Mr. Trent Lee, Municipal Inspector
Mr. Dave Faulkner, A/Fire Marshal and Municipal Inspector
Secretary, Ms. Debby Sackmann

- 1. Property Maintenance Appeal No. 08-2018
Bylaw No. 8175 – The Property Maintenance & Nuisance Abatement Bylaw, 2003
1017 23rd Street West – 18-ORC-101
Hortense and Fernando Pereira
(File No. PMAB. 4410-018-008)**

Introductions were held. The Chair commenced the hearing at 3:25 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Mr. Fernando Pereira
Mrs. Hortense Pereira

APPEARED FOR THE RESPONDENT:

Mr. Trent Lee, Municipal Inspector, Saskatoon Fire Department
Mr. Dave Faulkner, A/Fire Marshal and Municipal Inspector, Saskatoon Fire Department

GROUNDS AND ISSUES:

The Appellants, Hortense and Fernando Pereira, 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 18-ORC-101 for the property at 1017 23rd Street West. The Order to Remedy outlined the following:

“1. The fence on 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 June 30, 2018, 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.

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 fence does not belong to us. The fence is on the neighbours property, it’s not even a good neighbours fence – boards face their yard. We offered to help put up a new fence but had no response.”

EXHIBITS:

Exhibit A.1: Notice of Appeal from Hortense and Fernando Pereira to the Property Maintenance Appeals Board, received in City Clerk’s Office on June 5, 2018.

Exhibit B.1: Notice of Hearing dated June 14, 2018.

Exhibit R.1: Order to Remedy Contravention 18-ORC-101 for the property at 1017 23rd Street West, dated and received in City Clerk’s Office on May 22, 2018.

Exhibit R.2: Site photographs, submitted by the Municipal Inspector, received in the City Clerk’s Office on June 12, 2018.

Exhibit R.3: Site photographs, submitted by the Municipal Inspector at the hearing, dated July 4, 2018.

SUPPLEMENTARY NOTATIONS:

The Respondent, Mr. Trent Lee, Municipal Inspector, and the Appellant, Mr. Fernando Pereira, 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 July 10, 2018.

The hearing concluded at 3:55 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated July 10, 2018, the Board determined that the requirements of the Order to Remedy Contravention 18-ORC-101, dated May 22, 2018, with respect to the property at 1017 23rd Street West be **UPHELD** and **EXTENDED** to **August 31, 2018**.

2. **Property Maintenance Appeal No. 09-2018**
Bylaw No. 8175 – The Property Maintenance & Nuisance Abatement Bylaw, 2003
317 Birch Crescent – 18-ORC-170
Frank Gamble
(File No. PMAB. 4410-018-009)

Introductions were held. The Chair commenced the hearing at 4:05 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Mr. Frank Gamble

APPEARED FOR THE RESPONDENT:

Mr. Braden Gartner, Municipal Inspector, Saskatoon Fire Department
Mr. Dave Faulkner, A/Fire Marshal and Municipal Inspector, Saskatoon Fire Department

GROUNDS AND ISSUES:

The Appellant, Frank Gamble, 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 18-ORC-170 for the property at 317 Birch Crescent. The Order to Remedy outlined the following:

- “1. CONTRAVENTION:

An accumulation of used lumber, branches, automotive tires, barrels, bicycles, door frames, concrete pads, plywood, flower pots, cardboard, children's pool, tables, children's swing set, plastic chairs, appliances, cans, scrap metal, newspaper 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 neighborhood.

YOU ARE HEREBY DIRECTED TO:

By no later than June 30, 2018, remove the accumulation of used lumber, branches, automotive tires, barrels, bicycles, door frames, concrete pads, plywood, flower pots, cardboard, children's pool, tables, children's swing set, plastic chairs, appliances, cans, scrap metal, newspaper and other junk and debris stored on the property.

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

2. CONTRAVENTION:

There is an overgrowth of grass and weeds exceeding 20cm in height on the front and rear property.

YOU ARE HEREBY DIRECTED TO:

By no later than June 30, 2018, cut down the grass and weeds and remove all the clipping from this property.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3(h), 5, 8 and 14.”

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:

“For starters: On humanitarian grounds we both are on wrong side of 75 yrs of age. I go to hospital for follow up treatment. My wife is on waiting List for heart surgery & requires much of my time. Her sister died recently of cancer in Palliative Care. Dads Estate still not finished. Other relatives same thing! Not much gets done.

We want also to clean up. We put compost on ground next to back door and I watch for tracks of vermin in snow. We trap if need be. Try to keep things off ground as much as possible.

I went in back yard could not see neighbors. Until the leaves fall where is the visual problem? Winter-problem should be fixed better then pushing the 'problem' without a more permanent solution.

Need More Time

Thank You

Concrete blocks turned to dig raspberries for transplanting. They are placed not to injure myself or anyone. Pragmatic & safety come before visual appeal a very variable thing.

Kids in school are taught Reduce. Reuse. Recycle. Why did RETHINK come last & for a while not at all?

We all need more time to rethink!"

EXHIBITS:

- Exhibit A.1: Notice of Appeal from Frank Gamble to the Property Maintenance Appeals Board, received in City Clerk's Office on June 14, 2018.
- Exhibit B.1: Notice of Hearing dated June 19, 2018.
- Exhibit R.1: Order to Remedy Contravention 18-ORC-170 for the property at 317 Birch Crescent, dated and received in City Clerk's Office on June 1, 2018.
- Exhibit R.2: Site photographs, submitted by the Municipal Inspector, dated May 30 & June 1, 2018, received in the City Clerk's Office on June 19, 2018.
- Exhibit R.3: Site photographs, submitted by the Municipal Inspector, dated and received in City Clerk's Office on June 19, 2018.

SUPPLEMENTARY NOTATIONS:

The Respondent, Mr. Braden Gartner, Municipal Inspector, and the Appellant, Mr. Frank Gamble, 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 July 10, 2018.

The hearing concluded at 4:28 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated July 10, 2018, the Board determined that the requirements of the Order to Remedy Contravention 18-ORC-170, dated June 1, 2018, with respect to the property at 317 Birch Crescent be **UPHELD** and **EXTENDED** to **August 31, 2018**.

3. ADOPTION OF MINUTES

Moved By: M. Brockbank

That the minutes of meeting held on June 20, 2018, be adopted.

CARRIED

The meeting adjourned at 4:36 p.m.

Mr. Ian Oliver, Chair

Ms. Debby Sackmann, Secretary