



**PUBLIC MINUTES
PROPERTY MAINTENANCE APPEALS BOARD**

**Wednesday, June 6, 2018, 3:00 p.m.
Committee Room B, City Hall**

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

ABSENT: Mr. Roy Fleming, Member
Mr. Dan Wiks, Member

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

- 1. Property Maintenance Appeal No. 05-2018
Bylaw No. 8175 – The Property Maintenance & Nuisance Abatement Bylaw, 2003
116 112th Street West – 18-ORC-051
Duy Dung Nguyen
(File No. PMAB. 4410-018-005)**

Introductions were held. The Chair commenced the hearing at 3:02 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Mr. Duy Dung Nguyen – Property Owner
Mr. Hai Vu – Translator

APPEARED FOR THE RESPONDENT:

Mr. Russell Scott, Municipal Inspector, Saskatoon Fire Department
Mr. Luc Durand, Fire Marshal and Municipal Inspector, Saskatoon Fire Department

GROUNDS AND ISSUES:

The Appellant, Duy Dung Nguyen, 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-051 for the property at 116 112th Street West. The Order to Remedy outlined the following:

“1. CONTRAVENTION:

The walls of the service room located in the basement has holes, missing sections, exposed studs and fails to provide a fire separation from the adjacent areas of the basement. The service room located in the basement does not have a solid core door complete with a latch and closer.

YOU ARE HEREBY DIRECTED TO:

By no later than June 18, 2018, repair and install wall materials extended to the ceiling in the service room located in the basement to provide a fire-resistance rating of not less than 30 minutes. Install a solid core door to the service room located in the basement complete with a latch and closer. A 45mm thick solid core door and 38mm solid wood casings are acceptable.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3, 4, 12, and 50 (c).

2. CONTRAVENTION:

The means of egress from the basement is without a door and frame that provides a fire separation.

YOU ARE HEREBY DIRECTED TO:

By no later than June 18, 2018, install a door and frame in the means of egress from the basement having a fire-resistance rating of not less than 20 minutes. (A 45mm thick solid core door and 38mm solid wood casings are acceptable). The door shall be equipped with a latch and closer.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3, 4, 12, and 50 (e).

3. CONTRAVENTION:

Smoke alarms in the dwelling unit are not installed by permanent connection to an electrical circuit.

YOU ARE HEREBY DIRECTED TO:

By no later than June 18, 2018, install smoke alarms in the dwelling unit that have permanent connections to an electrical circuit and located and maintained in accordance with the current National Fire Code of Canada.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3, 4, 12, and 50 (i).

4. CONTRAVENTION:

The service room located in the basement does not have a smoke alarm.

YOU ARE HEREBY DIRECTED TO:

By no later than June 18, 2018, install a smoke alarm in the service room and electrically wired so that the activation of the smoke alarm in the service room will cause the smoke alarm in the first storey dwelling unit to sound.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3, 4, 12, and 50 (j).

5. CONTRAVENTION

The two of the four basement bedrooms have windows with obstructed egress due to the existing opening hardware. Access to inspect the fourth bedroom was not provided.

YOU ARE HEREBY DIRECTED TO:

By no later than June 18, 2018, provide access to inspect the fourth bedroom located in the basement.

By no later than June 18, 2018, alter existing hardware or install basement bedroom windows that are openable from the inside without the use of tools or special knowledge and provide an unobstructed opening with areas not less than 0.35 square meters and with no dimension less than 380mm.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3, 4, 12, and 50 (k).

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:

“In my opinion all those contraventions mentioned in the order dated May 4th, 2018 are not appropriate for my house situation.”

EXHIBITS:

- Exhibit A.1: Notice of Appeal from Duy Dung Nguyen to the Property Maintenance Appeals Board, received in City Clerk’s Office on May 22, 2018.
- Exhibit A.2 Site photographs, submitted by the Appellant, received in City Clerk’s Office on June 5, 2018.

- Exhibit B.1: Notice of Hearing dated May 22, 2018.
Exhibit B.2: Notice of Rescheduled Hearing dated May 31, 2018.
- Exhibit R.1: Order to Remedy Contravention 18-ORC-051 for the property at 116 112th Street West, dated and received in City Clerk's Office on dated May 8, 2018.
Exhibit R.2: Site photographs, submitted by the Municipal Inspector, dated May 4 & 8, 2018, received in the City Clerk's Office on May 23, 2018.
Exhibit R.3: Complaint PM-17-02384, submitted by the Municipal Inspector, dated October 4, 2017, received in the City Clerk's Office on May 23, 2018.
Exhibit R.4: Inspection Report, submitted by the Municipal Inspector dated May 4, 2018, received in the City Clerk's Office on May 23, 2018.

SUPPLEMENTARY NOTATIONS:

The Respondent, Mr. Russell Scott, Municipal Inspector; the Appellant, Mr. Duy Dung Nguyen; and Mr. Hai Vu, Translator for the Appellant, all 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 June 15, 2018.

The hearing concluded at 4:11 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated June 15, 2018, the Board determined that the requirements of the Order to Remedy Contravention 18-ORC-051, dated May 8, 2018, with respect to the property at 116 112th Street West be **EXTENDED** to **July 31, 2018**.

2. ADOPTION OF MINUTES

Moved By: M. Brockbank

That the minutes of meeting held on April 9, 2018, be adopted.

CARRIED

The meeting adjourned at 4:25 p.m.

Mr. Ian Oliver, Chair

Ms. Debby Sackmann, Secretary