



## **THE CORPORATION OF THE CITY OF STRATFORD**

### **Property Standards Committee Appeal Hearing**

#### **Agenda**

A meeting of the **Property Standards Committee** will be held on **Thursday, January 23, 2025 at 4:30 p.m.** in the Council Chamber, City Hall, 1 Wellington Street, Stratford.

To watch the meeting live, please click the following link:

<https://video.isilive.ca/stratford/live.html>

#### **1.0 Call to Order**

Land Acknowledgment

Respectful Conduct Statement

#### **2.0 Appointment of Chair**

#### **3.0 Disclosure of Pecuniary Interest and the General Nature Thereof**

#### **4.0 Hearing of Appeals**

4.1 Appeal Hearing for WO-1387, 114 Erie Street

Attachments:

- Report of the Municipal Law Enforcement Officer dated January 23, 2025
- Property Standards Order WO-1387
- Copy of the Property Standards Order Appeal from Owner
- Notice of Hearing

**Staff Recommendation: THAT the appeal by the subject property owners of 114 Erie Street Inc. (Wendy and Shawn BENNEWIES), be heard by the Property Standards Committee;**

**AND THAT the Property Standards Order No. WO#1387 be reviewed by the Property Standards Committee as needed and provide the property owner a reasonable Compliance Date for all remedial work to be completed as outlined in the issued Property Standards Order.**

#### 4.2 Appeal Hearing for WO-1431, 121 St. David Street

Attachments:

- Report of the Municipal Law Enforcement Officer dated January 23, 2025
- Property Standards Order WO-1431
- Copy of the Property Standards Order Appeal from Owner
- Notice of Hearing

**Staff Recommendation: THAT the appeal by the subject property owner of 121 St. David St. (Tanya MALLOT), be heard by the Property Standards Committee;**

**AND THAT the Property Standards Order No. WO#1431 be reviewed by the Property Standards Committee as needed and provide the property owner a reasonable Compliance Date for all remedial work to be completed as outlined in the issued Property Standards Order.**

#### 5.0 Adjournment



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## MANAGEMENT REPORT

**Date:** January 23, 2025  
**To:** Members of the Property Standards Committee  
**From:** Kamil Wierzbicki, City of Stratford Municipal Law Enforcement Officer  
**Report#:** PSC25-01  
**Attachments:** Property Standards Order WO#1387  
Copy of the Property Standards Order Appeal from Owner

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**Title:** Property Standards Appeal for 114 Erie St., WO #1387

**Objective:** To consider an appeal by the Property Owner of 114 Erie St., for a Property Standards Order that was issued against the Property on March 19, 2024.

Section 15 of the Building Code Act, 1992, S.O. 1992, c. 23, governs Property Standards Orders and Appeals.

**Section 15.2(1)** states, where a by-law under section 15.1 is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an order made under subsection (2) has been complied with. 1997, c. 24, s. 224 (8).

**Section 15.2(2)** states, an officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

- (a) stating the municipal address or the legal description of the property;
- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time,

the municipality may carry out the repair or clearance at the owner's expense;  
and

(d) indicating the final date for giving notice of appeal from the order. 1997, c. 24, s. 224 (8).

**Section 15.2(3)** states, the order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property in a location visible to the public. 1997, c. 24, s. 224 (8); 2017, c. 34, Sched. 2, s. 9.

**Section 15.3(1)** states, an owner or occupant who has been served with an order made under subsection 15.2 (2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order. 1997, c. 24, s. 224 (8).

**Section 15.3(2)** states, an order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed. 1997, c. 24, s. 224 (8).

**Section 15.3(3)** states, the committee shall hear the appeal. 2002, c. 9, s. 24.

**Section 15.3(3.1)** states, on an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c. 9, s. 24.

**Section 15.3(4)** states, the municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c. 9, s. 24.

### **Background:**

On March 6, 2024, Municipal Law Enforcement Officer (MLEO) Kamil WIERZBICKI received an email from City of Stratford Municipal Building Official (MBO) Trevor SCHON, regarding the subject property 114, Erie St. The email was regarding a complaint the subject property owner, 114 Erie Street Inc. (Wendy and Shawn BENNEWIES), had regarding their current occupant at the said property, and the owner was requesting for an inspection to be conducted of the building/premise due to alleged neglect of the property by the occupant.

An inspection of the building was set for 15 Mar 24 at 1100 hrs. City of Stratford Director of Fire Prevention (FPO) Scott PETRIE, MBO SCHON, Huron Perth Public Health (HPPH) Inspector Dana MERRIFIELD, and MLEO WIERZBICKI were to attend the property for the inspection.

On 15 Mar 24, FPO PETRIE, MBO SCHON, HPPH MERRIFIELD, and MLEO WIERZBICKI attended the subject property, 114 Erie St to conduct an inspection.

During the inspection MBO SCHON notified MLEO WIERZBICKI there was no violations observed regarding the Ontario Building Code and no further action would be taken regarding the property.

During the inspection of the interior of the property, MLEO WIERZBICKI observed water damaged area located in the office areas due to a past leak. Due to the officer being notified by the occupant that there was no longer a leak and remedial work was being conducted to fix the damaged drywall/ceiling, no further actions were to be taken at this time regarding the water damaged areas.

Once MLEO WIERZBICKI left the interior of the building, an exterior inspection of the building was conducted. During the inspection, the following observations were made (photos taken):

- a) the Northeast exterior brick wall was observed to have minor brick deterioration. There were no safety concerns observed and no action would be taken regarding this matter at this time.
- b) the Southwest exterior brick wall was observed to have minor brick deterioration. There were no safety concerns observed and no action would be taken regarding this matter at this time.
- c) the Northwest (rear) exterior wall was observed to have the following deficiencies:
  - top right window was not enclosed properly and needed to have proper flashing installed.
  - the exterior screen to the ventilation fan was pried open on the top left corner and needed to be fixed to prevent vermin access.
  - the gray cinderblocks located at the left bottom enclosed area had holes which needed to be filled to prevent vermin access.
  - the rear wall had missing/uninstalled flashing which possible needed to be finished/installed. This matter would be discussed further to see if a permit would be issued to do the work as it was a Heritage property.

- the Southwest and Southeast (front) of the building had missing/rotten wood located at the top of the building, along the roof, which needed to be replaced/fixed.
- the front wall area around the front window and entrance had deteriorated wood which needed to be fixed/replaced and flashing installed to prevent water entering the building.
- the concrete/masonry work located at the front entrance needed to be fixed/replaced as it was deteriorating and crumbling on the sidewalk and front entrance area.

Due the deficiencies observed on the exterior of the building, an Order was to be issued to the property owner.

On 19 March 24, MLEO Kamil Wierzbicki sent a Property Standards Order (PSO) to the subject property, 114 Erie St, owner 114 Erie St Inc. Notably, the PSO was sent regular and registered mail.

The issued PSO was regarding the deteriorated plywood located round the front windows and front entrance; the deteriorated/missing wooden fascia on the building; and deteriorated concrete/brick located as the front entrance area.

The Compliance Date was set for 1 June 24, and the Appeal Deadline was set for 10 April 24.

**Photos taken during inspection:**



- **Deteriorated plywood around windows/front entrance and missing/deteriorated fascia.**





- **Deteriorated plywood around front entrance.**



- **Deteriorated/missing concrete/brick at the front entrance.**





- **Deteriorated wood around front entrance.**



- **Deteriorated/missing fascia.**





- **Missing window frame components, sashes and casing, and/or weather-stripping.**

**Analysis:**

Standards operating procedures for enforcement of the City of Stratford Maintenance and Occupancy By-law - 141-2002 (Property Standards By-Law) is reactive to complaints as they are received. However, if an officer attended a property and observed violations that were not reported, but are in the scope of the said By-law, the Municipal Law Enforcement Officer (MLEO) may issue an Order, as needed, regarding the observed violations, even if the violations were not reported by the public.

Upon attendance of the subject property, 114 Erie St, the MLEO assessed the exterior of the building on the property and observed deteriorated of such building. Due to the observed violation of the said By-law, the investigating MLEO issued an Order to the subject property owner, 114 Erie Street Inc. (Wendy and Shawn BENNEWIES), to gain compliance by having the owner take actions needed to the building to gain compliance of the said By-law.

Upon receiving the said Order, the owner decided to appeal the Order as they believe the issued compliance date of June 1, 2024, would not provide enough of a time frame to complete the work needed to be conducted as per the issued Order.

Prior to the owners appealing the issued Order, the owners had spoken to the MLEO who issued the Order, and were notified by the Officer, that an extension of the compliance date by the officer could not be provided, however, the officer was willing to postpone the compliance inspection to a later date, to provide the owners extra time to conduct the remedial work. In response to the offer, the owner notified the officer they would pursue the Appeal Hearing due to getting all necessary permits for the remedial work would take a long time.

**Financial Implications:**

There are no known financial implications to be reported as a result of this report.

**Staff Recommendation: THAT the appeal by the subject property owners of 114 Erie Street Inc. (Wendy and Shawn BENNEWIES), be heard by the Property Standards Committee;**

**AND THAT the Property Standards Order No. WO#1387 be reviewed by the Property Standards Committee as needed and provide the property owner a reasonable Compliance Date for all remedial work to be completed as outlined in the issued Property Standards Order.**

**Recommended by:** Kamil Wierzbicki, Municipal Law Enforcement Officer  
**Reviewed by:** Adam Betteridge, Director of Building and Planning  
**Approved by:** Adam Betteridge, Director of Building and Planning



Building and Planning Services Department  
Building Services  
82 Erie Street, 3<sup>rd</sup> Floor  
Stratford Ontario N5A 2M4  
(519) 271-0250 Ext. 345  
bylaw@stratford.ca  
www.stratford.ca

**PROPERTY STANDARDS  
ORDER  
(City of Stratford Maintenance & Occupancy Standards By-law)  
Issued pursuant to section 15.2(2) of  
The Building Code Act, S.O. 1992, Chapter C23, as amended**

**March 19, 2024**

**ORDER #WO-1387**

**To: 114 ERIE STREET INC  
Address: 65 VICTORIA ST, SS 1  
MITCHELL ONTARIO N0K 1N0**

**Order Address: 114 ERIE ST, STRATFORD,  
ONTARIO  
Legal Description: PLAN 20 LOT 165 S PT LOT  
166  
Roll # 311103001002000**

**Whereas 114 Erie St, Stratford, Ontario** is owned by you and in which you have an interest, was inspected by a Property Standards Officer on March 15, 2024.

**And whereas** the inspection revealed that in some respect the property does not conform with the standards prescribed by the City of Stratford Maintenance & Occupancy Bylaw 141-2002.

**And whereas** particulars of non-conformity are set out in Schedule "A" which is attached hereto, and which forms part of this Order.

**IT IS HEREBY ORDERED THAT** violations as set out in Schedule "A" be remedied and the property be brought into a condition of compliance with the prescribed standards as set out in the City of Stratford Maintenance & Occupancy By-law 141-2002 on or before **June 1, 2024 (COMPLIANCE DATE)**.

**TAKE NOTICE** that if such violations are not remedied within the time specified in this order, the municipality may correct such violations at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.



## **APPEAL TO PROPERTY STANDARDS COMMITTEE:**

If you are not satisfied with the terms or conditions of this Order, you may make an appeal to the Property Standards committee by sending a **NOTICE OF APPEAL** along with the required fee of \$75.00 as prescribed in schedule "B" of the by-law by **Registered Mail only** (as per the Ontario Building Code):

**Secretary of the Property Standards Committee  
Building & Planning Department  
82 Erie Street, 3<sup>rd</sup> floor  
Stratford, Ontario N5A 2M4**

on or before **April 10, 2024 (APPEAL DATE DEADLINE)** stating the grounds for an appeal, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

### **SCHEDULE "A "**

An inspection was made to your property known municipally as 114 Erie St, Stratford, Ontario. The following violations were observed by the officer and require attention and repair by you as the registered owner as needed.

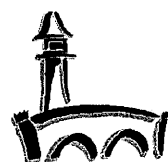
#### **Section 2.7 - EXTERIOR WALLS**

(b) All exterior walls shall have a cladding or covering that is free of holes, cracks or excessively worn surfaces to prevent the entry of moisture into the structure and provide adequate durability.

(c) Without restricting the generality of subsection 2.7(b) above, the maintenance of such walls and coverings includes painting, restoring or repairing of the walls, doors, glazing, copings, flashings and other component parts thereof.

#### **REMEDIAL ACTION:**

- 1. The plywood around the front windows of the building are deteriorated and appears to be missing needed flashing and/or other components.**
  - a. Repair/Replace the plywood around the front windows of the building as needed with good workmanship and maintain such area(s) in good repair by preserving the area(s) with proper and adequate paint and/or other preservative to prevent future deterioration.**
  - b. Install flashing as needed to prevent the entry of any moisture into the building.**



**Section 2.10 - ROOFS, CANOPIES, MARQUEES, AWNINGS AND THEIR DRAINAGE**

(c) The roof, including the fascia board, soffit, cornice and flashing, shall be maintained in good repair, and be in condition so as to prevent leakage of water into the building.

**REMEDIAL ACTION:**

- 1. The fascia boards on the building are deteriorated and/or missing.**
  - a. Repair/Replace the fascia boards as needed with good workmanship and maintain such area(s) in good repair by preserving the area(s) with proper and adequate paint and/or other preservative to prevent future deterioration.**

**Section 2.13 - DOORS AND WINDOWS**

(c) Rotted or damaged doors, door frames, window frames, sashes and casings, weather-stripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

**REMEDIAL ACTION:**

- 1. The door frame of the front entrance has rotten plywood and missing/deteriorated concrete/brick.**
  - a. Repair/Replace the plywood section(s) of the area as needed with good workmanship and maintain such area(s) in good repair by preserving the area(s) with proper and adequate paint and/or other preservative to prevent future deterioration.**
  - b. Repair/Replace the concrete and/or brick section(s) of the front entrance as need with good workmanship and maintain such area(s) in good repair.**
  
- 2. The rear window of the building is missing window frame components, sashes and casings, and/or weather-stripping.**
  - a. Install all exterior window components as needed with good workman ship and maintain the window and all of it s components in good repair, and free of possible vermin access.**



## **RELEVANT SECTIONS:**

**Section 1.22 Good Repair** means that a building, structure or appurtenances thereto, including mechanical & electrical equipment, shall be maintained so as to be:

- ◆ free from injury or health hazard,
- ◆ free from accident or fire hazard,
- ◆ structurally sound,
- ◆ in good working order,
- ◆ not unsightly by reason of deterioration, neglect, damage or defacement,
- ◆ able to perform its intended function, and;
- ◆ protected from freezing

## **NON-COMPLIANCE WITH ORDER:**

- (a) If an order of an officer made under section 15.2 of the Building Code is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Committee or a judge of the Ontario Court (General Division), the City may cause the property to be repaired or demolished accordingly. The City shall have a lien on the land for the amount spent on the repair or demolition and the amount shall be deemed to be municipal real property taxes and may be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

## **PENALTIES – ONTARIO BUILDING CODE ACT:**

- 36** (1) A person is guilty of an offence if the person,  
(b) fails to comply with an order, direction or other requirement made under this Act
- (3) A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. 2005, c. 33, s. 1
- (4) If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence and not as provided in subsection (3). 2005, c. 33, s. 1; 2017, c. 34, Sched. 2, s. 25 (1).
- 





As the owner of the property, it is your responsibility to ensure this violation is rectified and made to meet the standards of the By-Law. We request that you comply by **June 1, 2024 (COMPLINACE DATE)**, to avoid further actions taken.

Your cooperation in this matter would be greatly appreciated by all concerned, should you have any questions or concerns you can reach my office by calling 519-271-0250 ext. 5327.

Regards,



Kamil Wierzbicki  
Municipal Law Enforcement Officer  
519-271-0250, Ext. 5327  
[kwierzbicki@stratford.ca](mailto:kwierzbicki@stratford.ca)



Secretary of the property Standards Committee  
Building and Planning Department  
82 Erie Street, 3rd floor  
Stratford Ontario  
N5A 2M4

## Notice if Appeal

The property standards order given by the City of Stratford to 114 Erie Street Inc Received registered mail March 25, 2024 for the property on 114 Erie Street

This is notice to appeal order #wo1387 time  
Line allowing the work to be done  
Is not achievable

With this being a heritage building, and needing heritage approval for any change, architect drawings, permits required; product ordering and work completion this time line does not allow enough time to complete the work required.

The process of a building this old is excessive as one change turns into multiple unexpected changes.

Thanks  
Wendy and Shawn Bennewies  




## **NOTICE OF HEARING**

To: 114 Erie St Inc.  
65 Victoria St SS1  
Mitchell, ON NOK 1N0

**IN THE MATTER** of the *Ontario Building Code Act*, S.O. 1992 as amended,

and

**IN THE MATTER** of an Appeal by 114 Erie St Inc. of Stratford, Ontario to the Secretary of the City of Stratford Property Standards Committee under Section 15.2(2) of the *Building Code Act*, who is not satisfied with the terms or conditions set out in the Order #WO-1387 as per By-law 141-2002 as amended, regarding property located at Plan 20, Lot 165 S PT Lot 166, 114 Erie Street, Stratford Ontario.

**TAKE NOTICE** that a Hearing, open to the public, of the City of Stratford Property Standards Committee in this matter has been scheduled for Thursday, January 23, 2025 at 4:30 pm in the Council Chamber, City Hall, 1 Wellington Street Stratford, Ontario.

**AND FURTHER TAKE NOTICE THAT** if you do not attend at this Hearing, the Property Standards Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.

Tatiana Dafoe, Secretary  
City of Stratford Property Standards Committee  
519-271-0250 extension 5329

Dated at the City of Stratford this 6th day of January, 2025.

Enclosure - Order #WO-1387





Building and Planning Services Department  
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(519) 271-0250 Ext. 345  
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**Whereas 114 Erie St, Stratford, Ontario** is owned by you and in which you have an interest, was inspected by a Property Standards Officer on March 15, 2024.

**And whereas** the inspection revealed that in some respect the property does not conform with the standards prescribed by the City of Stratford Maintenance & Occupancy Bylaw 141-2002.

**And whereas** particulars of non-conformity are set out in Schedule "A" which is attached hereto, and which forms part of this Order.

**IT IS HEREBY ORDERED THAT** violations as set out in Schedule "A" be remedied and the property be brought into a condition of compliance with the prescribed standards as set out in the City of Stratford Maintenance & Occupancy By-law 141-2002 on or before **June 1, 2024 (COMPLIANCE DATE)**.

**TAKE NOTICE** that if such violations are not remedied within the time specified in this order, the municipality may correct such violations at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.

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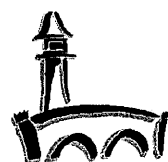
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(b) All exterior walls shall have a cladding or covering that is free of holes, cracks or excessively worn surfaces to prevent the entry of moisture into the structure and provide adequate durability.

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**REMEDIAL ACTION:**

- 1. The door frame of the front entrance has rotten plywood and missing/deteriorated concrete/brick.**
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## **RELEVANT SECTIONS:**

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- ◆ free from injury or health hazard,
- ◆ free from accident or fire hazard,
- ◆ structurally sound,
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- ◆ not unsightly by reason of deterioration, neglect, damage or defacement,
- ◆ able to perform its intended function, and;
- ◆ protected from freezing

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As the owner of the property, it is your responsibility to ensure this violation is rectified and made to meet the standards of the By-Law. We request that you comply by **June 1, 2024 (COMPLINACE DATE)**, to avoid further actions taken.

Your cooperation in this matter would be greatly appreciated by all concerned, should you have any questions or concerns you can reach my office by calling 519-271-0250 ext. 5327.

Regards,



Kamil Wierzbicki  
Municipal Law Enforcement Officer  
519-271-0250, Ext. 5327  
[kwierzbicki@stratford.ca](mailto:kwierzbicki@stratford.ca)







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## MANAGEMENT REPORT

**Date:** January 23, 2025  
**To:** Members of the Property Standards Committee  
**From:** Josh Lee-Him, City of Stratford Municipal Law Enforcement Officer  
**Report#:** PSC25-02  
**Attachments:** Property Standards Order WO#1431  
Copy of the Property Standards Order Appeal from Owner

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**Title:** Property Standards Appeal WO#1431

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**Section 15.2(2)** states, an officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

- (a) stating the municipal address or the legal description of the property;
- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time,

the municipality may carry out the repair or clearance at the owner's expense;  
and

(d) indicating the final date for giving notice of appeal from the order. 1997, c. 24, s. 224 (8).

**Section 15.2(3)** states, the order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property in a location visible to the public. 1997, c. 24, s. 224 (8); 2017, c. 34, Sched. 2, s. 9.

**Section 15.3(1)** states, an owner or occupant who has been served with an order made under subsection 15.2 (2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order. 1997, c. 24, s. 224 (8).

**Section 15.3(2)** states, an order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed. 1997, c. 24, s. 224 (8).

**Section 15.3(3)** states, the committee shall hear the appeal. 2002, c. 9, s. 24.

**Section 15.3(3.1)** states, on an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c. 9, s. 24.

**Section 15.3(4)** states, the municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c. 9, s. 24.

## **Background:**

On May 1, 2024 at approximately 1225hrs, MLEO (Municipal Law Enforcement Officer) J.LEE-HIM received a voicemail from the complainant stating that the property at 121 St. David St is deteriorating and needs repair.

On May 6, 2024, at approximately 1048hrs, MLEO J.LEE-HIM attended the property (121 St David St) to complete the preliminary investigation. The doorbell was rung at the driveway entrance of the home with no answer. The investigation that followed found the following:

- Long grass and weeds,
- Brush waste found in the front yard,
- Roof in disrepair,
- Soffit and fascia in disrepair,
- Windows at the front sunroom in disrepair,
- Waste in the driveway,
- Driveway-side exterior surfaces in disrepair, and
- Waste in the backyard.

Photos of the violations were taken at the time of the investigation and have been attached to this report.

On May 6, 2024, at approximately 1611hrs, MLEO J.LEE-HIM created and mailed two (2) copies of the order to the owner. One (1) copy of the order was sent via standard post and one (1) copy of the order was sent via registered mail.

On May 17, 2024, at approximately 1554hrs, MLEO J.LEE-HIM received a Notice of Appeal from the property owner (attached to this management report). On May 22, 2024, the Appeal was sent to the Secretary of the Property Standards Committee.

**Photos taken during inspection:**



Long grass and weeds on St.David St side of the property.





Long grass and weeds at the corner of the property



Brush found at steps of property on St. David St side of the home.





May 6, 2024 10:51:03

Stratford

Josh Lee-Him, Bylaw Enforcement Officer

City of Stratford

Front of property showing long grass, weed, roof in disrepair.



May 6, 2024 10:51:17

Stratford

Josh Lee-Him, Bylaw Enforcement Officer

City of Stratford

Windows in disrepair.



May 6, 2024 10:51:55  
Stratford  
Josh Lee-Him, Bylaw Enforcement Officer  
City of Stratford



Roof, soffit and fascia in disrepair.

May 6, 2024 10:51:51  
Stratford  
Josh Lee-Him, Bylaw Enforcement Officer  
City of Stratford



Roof in disrepair and further damage to soffit and fascia.



Derelict trailer and waste both inside and outside of it.





Hole in the side of the exterior wall, as well as soffit/fascia in disrepair.



Waste present behind the trailer.





Waste present in backyard portion of driveway.



Brush and assorted wood materials in backyard.

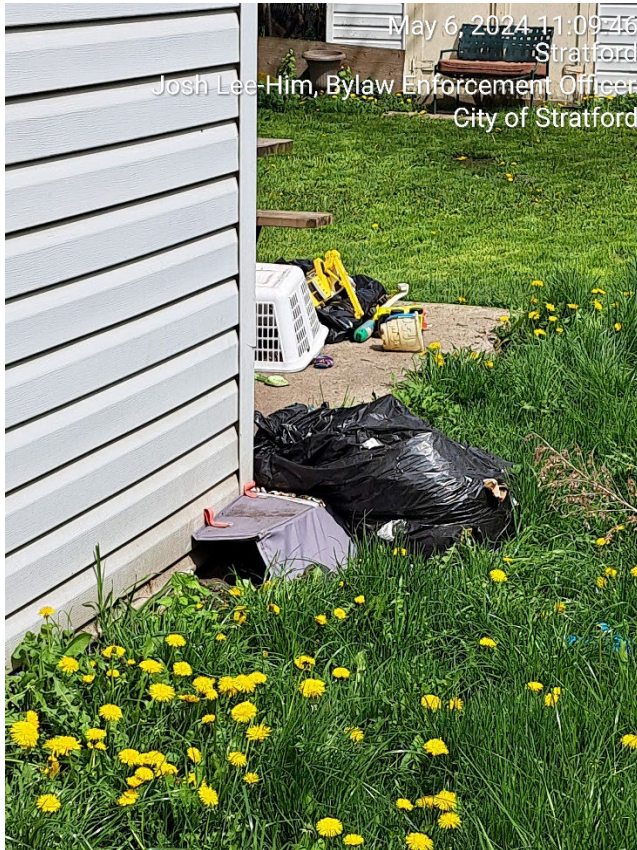




Long grass and weeds shown on boulevard of the property.



Long grass, weeds, and discarded waste in backyard.



Waste left in the backyard.

**Analysis:**

Standards operating procedures for enforcement of the City of Stratford Maintenance and Occupancy By-law - 141-2002 (Property Standards By-Law) is reactive to complaints as they are received. However, if an officer attended a property and observed violations that were not reported, but are in the scope of the said By-law, the Municipal Law Enforcement Officer (MLEO) may issue an Order, as needed, regarding the observed violations, even if the violations were not reported by the public.

Upon arriving at the subject property, 121 St. David St, MLEO J.LEE-HIM attempted to make contact with a resident/property owner via ringing the doorbell at the front of the property's sunroom. With no answer, MLEO J.LEE-HIM used the Right to Entry via the Municipal Act to enter the backyard and assess the exterior of the property.

Due to the observed violations of the Maintenance and Occupancy bylaw, MLEO J.LEE-HIM collected photo evidence and issued an Order to the subject property owner, MALOTT, Tanya of 121 St David St., to gain compliance by having the owner take actions needed to remedy the violations of the City of Stratford's Maintenance and Occupancy Bylaw.

Upon receiving the said Order, the owner decided to appeal the Order as they believe the issued compliance date of May 27, 2024, would not provide enough of a time frame to complete the work needed to be conducted as per the issued Order.

**Financial Implications:**

There are no known financial implications to be reported as a result of this report.

**Staff Recommendation: THAT the appeal by the subject property owner of 121 St. David St. (Tanya MALLOT), be heard by the Property Standards Committee;**

**AND THAT the Property Standards Order No. WO#1431 be reviewed by the Property Standards Committee as needed and provide the property owner a reasonable Compliance Date for all remedial work to be completed as outlined in the issued Property Standards Order.**

**Recommended by:** Josh LEE-HIM, City of Stratford Municipal Law Enforcement Officer

**Reviewed by:** Adam Betteridge, Director of Building and Planning

**Approved by:** Adam Betteridge, Director of Building and Planning





**Building and Planning Services Department**  
**By-law Enforcement**  
82 Erie Street, 3<sup>rd</sup> Floor  
Stratford ON N5A 2M4  
(519) 271-0250 Ext. 345  
bylaw@stratford.ca  
www.stratford.ca

**May 6, 2024**

Tanya Lynn Malott  
121 St David St  
Stratford, Ontario  
N5A 1C3

**RE: Order # WO-1431**

**City of Stratford By-Law 141-2002, Maintenance & Occupancy Standards**

**Whereas 121 St. David St**, Stratford, Ontario is owned by you and in which you have an interest, was inspected by a Property Standards Officer on **May 6, 2024**.

**And whereas** the inspection revealed that in some respect the property does not conform with the standards prescribed by the City of Stratford Maintenance & Occupancy Bylaw 141-2002.

**And whereas** particulars of non-conformity are set out in Schedule "A" which is attached hereto and which forms part of this Order.

**IT IS HEREBY ORDERED THAT** violations as set out in Schedule "A" be remedied and the property be brought into a condition of compliance with the prescribed standards as set out in the Maintenance & Occupancy By-law 141-2002 on or before **May 27, 2024**.

**TAKE NOTICE** that if such violations are not remedied within the time specified in this order, the municipality may correct such violations at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.

#### **APPEAL TO PROPERTY STANDARDS COMMITTEE**

If you are not satisfied with the terms or conditions of this Order, you may make an appeal to the Property Standards committee by sending a NOTICE OF APPEAL along with the required fee of \$75.00 as prescribed in schedule "B" of the by-law by registered mail to the Secretary of the Property Standards Committee at the Building & Planning Department, 82 Erie Street, 3<sup>rd</sup> floor, Stratford, Ontario N5A 2M4, on or before **May 27, 2024** stating the grounds for an appeal, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

## SCHEDULE "A "

An inspection was made to your property known municipally as 121 St. David St. The following violations were observed by the office and require attention and repair by you as the registered owner.

- 1) **VIOLATION:** Long grass and weeds on the property.  
**SECTION:** 2.0 (g) No owner or occupant of property shall allow the growth of turf grass or weeds on his or her property to exceed twenty 20 centimeters (8 inches) in height.
- 2) **VIOLATION:** Brush found in the front yard.  
**SECTION:** 2.0 (a) Yards shall be kept free from rubbish, garbage, brush or other debris as well as nests of bees, wasps, hornets, termites, rodents, or other vermin.
- 3) **VIOLATION:** Roof in disrepair.  
**SECTION:** 2.10 (b) All roof construction components shall be maintained in good repair, and provide, adequate support for all loads, and form a suitable base for the roof covering.
- 4) **VIOLATION:** Soffit and Facia in disrepair  
**SECTION:** 2.10 (c) The roof, including the facia board, soffit, cornice and flashing, shall be maintained in good repair, and be in condition so as to prevent leakage of water into the building.
- 5) **VIOLATION:** Window(s) on the front sunroom in disrepair  
**SECTION:** 2.13 (b) Windows, exterior doors and basement hatchways shall be maintained in good repair.
- 6) **VIOLATION:** Waste in the driveway, including derelict vehicle  
**SECTION:** 2.0 (i) No wrecked, dismantled, inoperative, discarded, unused or unlicensed vehicles, trailers, machinery or objects or parts thereof shall be placed, stored or left on land.
- 7) **VIOLATION:** Exterior surface on driveway side of property in disrepair  
**SECTION:** 2.7 (b) All exterior walls shall have a cladding or covering that is free of holes, cracks or excessively worn surfaces to prevent the entry of moisture into the structure and provide adequate durability.
- 8) **VIOLATION:** Waste in backyard  
**SECTION:** 2.0 (a) Yards shall be kept free from rubbish, garbage, brush or other debris as well as nests of bees, wasps, hornets, termites, rodents, or other vermin.

### REMEDIAL ACTION:

- 1) Remove waste from the property (Violations 2,6 and 8).
- 2) Remove long grass and weeds from the property (Violation 1).
- 3) Repair or replace roof, soffit and facia to be in good working condition.
- 4) Repair or replace window(s) on the sunroom at the front of the property.
- 5) Repair or replace the exterior surface of the property on the driveway side.



## **RELEVANT SECTIONS:**

1.22 Good Repair means that a building, structure or appurtenances thereto, including mechanical & electrical equipment, shall be maintained so as to be:

- ◆ free from injury or health hazard,
- ◆ free from accident or fire hazard,
- ◆ structurally sound,
- ◆ in good working order,
- ◆ not unsightly by reason of deterioration, neglect, damage or defacement,
- ◆ able to perform its intended function, and;
- ◆ protected from freezing

2.0 (i) No wrecked, dismantled, inoperative, discarded, unused or unlicensed vehicles, trailers, machinery or objects or parts thereof shall be placed, stored or left on land, except:

- (i) where the occupant of the premise is actively carrying on the repair of one vehicle for his own use and not for commercial purpose.
- (ii) where such articles are required and used for business purposes permitted under the City's land use by-laws and where such articles are placed, stored or left in a manner which avoids an unsafe or unsightly condition deleterious to the neighbouring or,
- (iii) where a recreational vehicle and/or its trailer, tent-trailer or a travel-trailer is being stored, it shall be in a manner so as to not create a health or safety problem.

## **NON-COMPLIANCE WITH ORDER:**

(a) If an order of an officer made under section 15.2 of the Building Code is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Committee or a judge of the Ontario Court (General Division), the City may cause the property to be repaired or demolished accordingly. The City shall have a lien on the land for the amount spent on the repair or demolition and the amount shall be deemed to be municipal real property taxes and may be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

## **PENALTIES – ONTARIO BUILDING CODE ACT:**

**36** (1) A person is guilty of an offence if the person,

(b) fails to comply with an order, direction or other requirement made under this Act

(3) A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. 2005, c. 33, s. 1

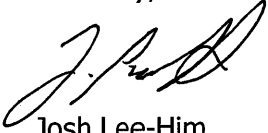
(4) If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence and not as provided in subsection (3). 2005, c. 33, s. 1; 2017, c. 34, Sched. 2, s. 25 (1).



As the owner of the property, it is your responsibility to ensure this violation is rectified and made to meet the standards of the By-Law. We request that you comply by **May 27, 2024**, to avoid further actions taken.

Your cooperation in this matter would be greatly appreciated by all concerned, should you have any questions or concerns you can reach my office by calling 519-271-0250 ext. 328.

Sincerely,



Josh Lee-Him  
By-Law Enforcement Officer  
519-271-0250, Ext. 328  
jleehim@stratford.ca



## Notice of Appeal.

May 16, 2024

My name is Tanya Mabitt. I reside at 121 St. David St. Stratford, ON N5A 1C3.

I received your letter yesterday to fix ~~so~~ the house up to by law standards. I am writing this letter of appeal to request an extension on time from to complete these repairs. I will not be able to complete by the 27<sup>th</sup> of this month given it is already May 16<sup>th</sup> today.

I just got off assistance in March as I moved from part-time to full time in April of last year. I have been trying to save for my roof. I was researching a company at the home show this year. I had planned on completing this this summer.

Everytime I get some money saved up and get ready to complete another major expense kept setting me back. After the sewage was fixed on this street, the basement flooded and I needed a furnace and water heater. Before the construction was completed my car was totaled because I had to park on the road instead of in

my driveway. A truck with a trailer attached was not attached properly and came unhitched from said truck and my car was a write off. With the pandemic finding a vehicle was very hard and stressful. I am not young so I do what I can. I suffer from depression, anxiety and physical limitations but function to make it to work everyday.

I am asking for an extension to complete these items re: my letter.

I ~~can~~ can not just let you<sup>(city)</sup> fix and then add to my taxes. I have credit that never was the problem, it is having the money to pay the payments every month on my tight budget.

- I will rent a dumpster bin first to complete the rubbish from property by the end of June.
- I will in the meantime get estimates + company ~~to~~ to fix the roof. I will at least have the date this will be completed by the end of June
- window fixed
- + a plan for the part in the siding



I think that if I say by the end of Summer to have that list completed, that it is a little bit of a more reasonable timeline then a couple of weeks. An October, November timeline would be ideal, ~~to~~ for the bigger jobs.

I did have a plan that I had presented to the city before now and was refused. So not like I have not been trying.

I had a builder that would have built a triplex on the property. This would have worked out for all parties involved. I would have got 1 section, the builder would have rented the 2 other sections and the whole neighbour hood would have been better for it. Not my fault that did not work out.

- Please be reasonable of my request to work together to fix the problem.
  - Adding undue stress to our lives with all that is going on in the world is unfair + unjust.
  - No wonder the homeless numbers are on the rise, if you force me to have this done by the 27<sup>th</sup> of May, then I will be sure to lose the house and not be able to afford the rent of the market today.
- Sincerely Tanya Malott



## NOTICE OF HEARING

To: Tanya Lynn Malott  
121 St David St  
Stratford, Ontario  
N5A 1C3

**IN THE MATTER** of the *Ontario Building Code Act*, S.O. 1992 as amended,

and

**IN THE MATTER** of an Appeal by Tanya Lynn Malott of Stratford, Ontario to the Secretary of the City of Stratford Property Standards Committee under Sections 15.2(1), (2) and (3), 15.3(1), (2), (3), (3.1), and (4), of the *Building Code Act*, who is not satisfied with the terms or conditions set out in the Order #WO-1431 as per By-law 141-2002 as amended, regarding property located at Plan 20, Lot 165 S PT Lot 166, 121 St David St Stratford, Ontario N5A 1C3.

**TAKE NOTICE** that a Hearing, open to the public, of the City of Stratford Property Standards Committee in this matter has been scheduled for Thursday, January 23, 2025 at 4:30 pm in the Council Chamber, City Hall, 1 Wellington Street Stratford, Ontario.

**AND FURTHER TAKE NOTICE THAT** if you do not attend at this Hearing, the Property Standards Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.

Tatiana Dafoe, Secretary  
City of Stratford Property Standards Committee  
519-271-0250 extension 5329

Dated at the City of Stratford this 6<sup>th</sup> day of January, 2025.

Enclosure - Order #WO-1431



**Building and Planning Services Department**  
**By-law Enforcement**  
82 Erie Street, 3<sup>rd</sup> Floor  
Stratford ON N5A 2M4  
(519) 271-0250 Ext. 345  
bylaw@stratford.ca  
www.stratford.ca

**May 6, 2024**

Tanya Lynn Malott  
121 St David St  
Stratford, Ontario  
N5A 1C3

**RE: Order # WO-1431**

**City of Stratford By-Law 141-2002, Maintenance & Occupancy Standards**

**Whereas 121 St. David St**, Stratford, Ontario is owned by you and in which you have an interest, was inspected by a Property Standards Officer on **May 6, 2024**.

**And whereas** the inspection revealed that in some respect the property does not conform with the standards prescribed by the City of Stratford Maintenance & Occupancy Bylaw 141-2002.

**And whereas** particulars of non-conformity are set out in Schedule "A" which is attached hereto and which forms part of this Order.

**IT IS HEREBY ORDERED THAT** violations as set out in Schedule "A" be remedied and the property be brought into a condition of compliance with the prescribed standards as set out in the Maintenance & Occupancy By-law 141-2002 on or before **May 27, 2024**.

**TAKE NOTICE** that if such violations are not remedied within the time specified in this order, the municipality may correct such violations at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.

#### **APPEAL TO PROPERTY STANDARDS COMMITTEE**

If you are not satisfied with the terms or conditions of this Order, you may make an appeal to the Property Standards committee by sending a NOTICE OF APPEAL along with the required fee of \$75.00 as prescribed in schedule "B" of the by-law by registered mail to the Secretary of the Property Standards Committee at the Building & Planning Department, 82 Erie Street, 3rd floor, Stratford, Ontario N5A 2M4, on or before **May 27, 2024** stating the grounds for an appeal, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

## SCHEDULE "A "

An inspection was made to your property known municipally as 121 St. David St. The following violations were observed by the office and require attention and repair by you as the registered owner.

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**SECTION:** 2.0 (a) Yards shall be kept free from rubbish, garbage, brush or other debris as well as nests of bees, wasps, hornets, termites, rodents, or other vermin.
- 3) **VIOLATION:** Roof in disrepair.  
**SECTION:** 2.10 (b) All roof construction components shall be maintained in good repair, and provide, adequate support for all loads, and form a suitable base for the roof covering.
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**SECTION:** 2.10 (c) The roof, including the facia board, soffit, cornice and flashing, shall be maintained in good repair, and be in condition so as to prevent leakage of water into the building.
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**SECTION:** 2.0 (i) No wrecked, dismantled, inoperative, discarded, unused or unlicensed vehicles, trailers, machinery or objects or parts thereof shall be placed, stored or left on land.
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**SECTION:** 2.7 (b) All exterior walls shall have a cladding or covering that is free of holes, cracks or excessively worn surfaces to prevent the entry of moisture into the structure and provide adequate durability.
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### REMEDIAL ACTION:

- 1) Remove waste from the property (Violations 2,6 and 8).
- 2) Remove long grass and weeds from the property (Violation 1).
- 3) Repair or replace roof, soffit and facia to be in good working condition.
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## **RELEVANT SECTIONS:**

1.22 Good Repair means that a building, structure or appurtenances thereto, including mechanical & electrical equipment, shall be maintained so as to be:

- ◆ free from injury or health hazard,
- ◆ free from accident or fire hazard,
- ◆ structurally sound,
- ◆ in good working order,
- ◆ not unsightly by reason of deterioration, neglect, damage or defacement,
- ◆ able to perform its intended function, and;
- ◆ protected from freezing

2.0 (i) No wrecked, dismantled, inoperative, discarded, unused or unlicensed vehicles, trailers, machinery or objects or parts thereof shall be placed, stored or left on land, except:

- (i) where the occupant of the premise is actively carrying on the repair of one vehicle for his own use and not for commercial purpose.
- (ii) where such articles are required and used for business purposes permitted under the City's land use by-laws and where such articles are placed, stored or left in a manner which avoids an unsafe or unsightly condition deleterious to the neighbouring or,
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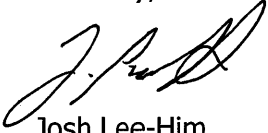
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As the owner of the property, it is your responsibility to ensure this violation is rectified and made to meet the standards of the By-Law. We request that you comply by **May 27, 2024**, to avoid further actions taken.

Your cooperation in this matter would be greatly appreciated by all concerned, should you have any questions or concerns you can reach my office by calling 519-271-0250 ext. 328.

Sincerely,



Josh Lee-Him  
By-Law Enforcement Officer  
519-271-0250, Ext. 328  
jleehim@stratford.ca

