



**PUBLIC MINUTES
PROPERTY MAINTENANCE APPEALS BOARD**

**Wednesday, March 2, 2016, 3:30 p.m.
Committee Room B, City Hall**

PRESENT: Mr. Ian Oliver, Chair
Mr. Michael Brockbank, Vice-Chair
Mr. Roy Fleming, Member
Secretary, Ms. Debby Sackmann

- 1. PROPERTY MAINTENANCE APPEAL NO. 01-2016
BYLAW NO. 8175 – THE PROPERTY MAINTENANCE &
NUISANCE ABATEMENT BYLAW, 2003
DAVID BERNES
305 ISABELLA STREET EAST
(FILE NO. PMAB. 4410-016-001)**

Introductions were held. The Chair commenced the hearing at 3:32 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Mr. David Bernes
Mr. Nick Nimmema (neighbour)

APPEARED FOR THE RESPONDENT:

Ms. Trudy Bartel, Municipal Inspector, Saskatoon Fire Department
Mr. Wayne Rodger, Fire Marshal and Municipal Inspector, Saskatoon Fire Department

GROUND AND ISSUES:

The Appellant, David Bernes, 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 15-ORC-216 for the property at 305 Isabella Street East. The Order to Remedy outlined the following:

“1. CONTRAVENTION:

This attached garage is not being maintained in a safe condition and does not meet minimum standards set out in the Property Maintenance and Nuisance Abatement Bylaw 8175 due to a number of deficiencies found in and on the property.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, conduct the necessary work in order to return the building components back to a safe condition and capable of performing the function they were designed to perform.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, 22, 24, 26 and 30.

2. CONTRAVENTION:

The roof of the attached garage is not being maintained. Paint is peeling off the wooden soffit and fascia boards; fascia boards are rotting and soffit boards are partially detached allowing moisture, vermin and insects to enter the interior. Shingles are warped and showing signs of deterioration; there is evidence of water damage on the interior ceiling and walls. The north facing roof area shows deflection.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, replace or replace all defective structural components. Replace all damaged shingles. Repair or replace all other damaged roof components and apply a protective covering on all wooden roof materials.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3(h), 12, 22 and 24.

3. CONTRAVENTION:

Doors on the attached garage are not being maintained so as to perform their intended function. The metal overhead door is in a semi-closed position that leaves gaps large enough for moisture, vermin and insects to enter. The hardware on the man door does not allow the door to latch; there is not means of locking the man door.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, repair or replace the overhead door, the man door and door hardware so that they can be fully closed, latched and locked.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3(h), 12, 22 and 26.

4. CONTRAVENTION:

Walls and ceilings within the building are not being maintained in good condition.

Several sheets of dry wall have been removed from the ceiling exposing the structural supports. Insulation and vapour barrier are hanging down from the roof supports. Water damage is evident on the walls and ceiling.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, remove and replace all water damaged wall and ceiling components, replace all missing wall and ceiling components. Clean all wall and ceiling surfaces so as to be maintained in a sanitary condition.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, 22 and 30.

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:

“Painting not possible in freezing weather.

- neither is roofing viable during same.
- financing has to be arranged – mortgage.
- dealing with serious health issues.

I hereby request a stay until a more favourable and reasonable date for completion of required work.”

EXHIBITS:

Exhibit A.1: Notice of Appeal from David Bernes to the Property Maintenance Appeals Board, received in City Clerk’s Office on November 3, 2015.

Exhibit B.1: Notice of Hearing dated February 23, 2016.

Exhibit R.1: Order to Remedy Contravention 15-ORC-216 dated October 20, 2015, for the property at 305 Isabella Street East, received in City Clerk’s Office on October 20, 2015.

Exhibit R.2: Site photographs, submitted by the Municipal Inspector, dated October 13 and 15, 2015, received in City Clerk’s Office on November 10, 2015.

Exhibit R.3: Site photographs, submitted by the Municipal Inspector, dated and received in City Clerk’s Office on November 25, 2015.

Exhibit R.4: Site photographs, submitted by the Municipal Inspector at the hearing, dated March 2, 2016.

SUPPLEMENTARY NOTATIONS:

The Respondents, Ms. Trudy Bartel, Municipal Inspector; and Mr. Wayne Rodger, Fire Marshal and Municipal Inspector; and the Appellant, Mr. David Bernes; and his neighbour, Mr. Nick Nimmema, affirmed that any evidence given in this hearing would be the truth.

The Respondents and Appellant gave evidence and argument as outlined in the Record of Decision dated March 10, 2016.

RESOLVED: That for the reasons outlined in the Record of Decision dated March 10, 2016, the Board determined that the requirements of the Order to Remedy Contravention 15-ORC-216, dated October 20, 2015, with respect to the property at 305 Isabella Street East be **UPHELD** and **EXTENDED** to **APRIL 1, 2016**.

**2. PROPERTY MAINTENANCE APPEAL NO. 02-2016
BYLAW NO. 8175 – THE PROPERTY MAINTENANCE &
NUISANCE ABATEMENT BYLAW, 2003
DAVID BERNES
305 ISABELLA STREET EAST
(FILE NO. PMAB. 4410-016-002)**

APPEARED FOR THE APPELLANT:

Mr. David Bernes
Mr. Nick Nimmema (neighbour)

APPEARED FOR THE RESPONDENT:

Ms. Trudy Bartel, Municipal Inspector, Saskatoon Fire Department
Mr. Wayne Rodger, Fire Marshal and Municipal Inspector, Saskatoon Fire Department

GROUND AND ISSUES:

The Appellant, David Bernes, 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 15-ORC-213 for the property at 305 Isabella Street East. The Order to Remedy outlined the following:

“1. CONTRAVENTION:

The accessory building is in a state of disrepair. Soffit and fascia boards are missing, hanging out of place and the boards that remain show signs of rot. Roof sheathing boards are water damaged and showing signs of rot; there are holes in the north facing roof. Exterior walls are deteriorating.

This allows moisture, birds, rodents, vermin and insects access into the building and constitutes a nuisance that affects or may affect the amenity of the neighbourhood.

YOU ARE HEREBY DIRECTED TO:

By no later than November 10, 2015, repair or replace all damaged and missing building components on the accessory building so as to be maintained in good repair.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3(h), 12 and 19.

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:

“Temporary measure available until better weather.

- bad time of year for type of work “WINTER”.
- serious health issues.

I hereby request a stay to finish work when weather is more reasonable and financing is available.”

EXHIBITS:

Exhibit A.1: Notice of Appeal from David Bernes to the Property Maintenance Appeals Board, received in City Clerk’s Office on November 3, 2015.

Exhibit B.1: Notice of Hearing dated February 23, 2016.

Exhibit R.1: Order to Remedy Contravention 15-ORC-216 dated October 20, 2015, for the property at 305 Isabella Street East, received in City Clerk’s Office on October 20, 2015.

Exhibit R.2: Site photographs, submitted by the Municipal Inspector, dated October 13 and 15, 2015, received in City Clerk’s Office on November 10, 2015.

Exhibit R.3: Site photographs, submitted by the Municipal Inspector, dated and received in City Clerk's Office on November 25, 2015.

Exhibit R.4: Site photographs, submitted by the Municipal Inspector at the hearing, dated March 2, 2016.

SUPPLEMENTARY NOTATIONS:

The Respondents, Ms. Trudy Bartel, Municipal Inspector; and Mr. Wayne Rodger, Fire Marshal and Municipal Inspector; and the Appellant, Mr. David Bernes; and his neighbour, Mr. Nick Nimmema, affirmed that any evidence given in this hearing would be the truth.

The Respondents and Appellant gave evidence and argument as outlined in the Record of Decision dated March 10, 2016.

RESOLVED: That for the reasons outlined in the Record of Decision dated March 10, 2016, the Board determined that the requirements of the Order to Remedy Contravention 15-ORC-213, dated October 20, 2015, with respect to the property at 305 Isabella Street East be **UPHELD** and that the date for compliance be **EXTENDED** to **APRIL 1, 2016**.

**3. PROPERTY MAINTENANCE APPEAL NO. 03-2016
BYLAW NO. 8175 – THE PROPERTY MAINTENANCE &
NUISANCE ABATEMENT BYLAW, 2003
DAVID BERNES
305 ISABELLA STREET EAST
(FILE NO. PMAB. 4410-016-003)**

APPEARED FOR THE APPELLANT:

Mr. David Bernes
Mr. Nick Nimmema (neighbour)

APPEARED FOR THE RESPONDENT:

Ms. Trudy Bartel, Municipal Inspector, Saskatoon Fire Department
Mr. Wayne Rodger, Fire Marshal and Municipal Inspector, Saskatoon Fire Department

GROUNDS AND ISSUES:

The Appellant, David Bernes, 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 15-ORC-214 for the property at 305 Isabella Street East. The Order to Remedy outlined the following:

“1. CONTRAVENTION:

This dwelling is not being maintained in a safe condition and does not meet minimum standards set out in the Property Maintenance and Nuisance Abatement Bylaw 8175 due to a number of deficiencies found in and on the property.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, conduct the necessary work in order to return the building components back to a safe condition and capable of performing the function they were designed to perform.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, 22, 23, 24, 26, 27, 29, 30, 32, 36, 38, 50 and 51.

2. CONTRAVENTION:

The exterior walls of the dwelling unit are not being maintained. Paint is peeling off the wooden siding and the protective covering on the wooden gable ends is wearing off. Wooden trim around the windows shows signs of water damage where the protective covering is no longer intact.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, repair or replace all damaged exterior wall materials and apply a protective covering on all wooden components.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3(h), 12, 22 and 23.

3. CONTRAVENTION:

The roof of the dwelling unit is not being maintained. Paint is peeling off the wooden soffit and fascia boards; some soffit boards are partially detached from the roof allowing moisture, vermin and insects to enter the attic space. Eaves troughs are full of debris, damaged, rusting and have fallen off portions of the roof; this causes water running off the roof to spill over the troughs and run down the side of the building. Down spouts have been removed. Shingles are warped and showing signs of deterioration which may allow water to penetrate into the interior of the attic.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, replace all damaged shingles. Repair or replace all other damaged roof components and apply a protective covering on all wooden roof materials.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3(h), 12, 22 and 24.

4. CONTRAVENTION:

Windows on the dwelling unit are not being maintained so as to perform their intended function. Several windows are broken or have large cracks; some of the openable windows on the basement level do not have functioning locks or screens.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, replace all broken, cracked and single glazed windows with at least double glazed windows. Install workable locks on all windows within two metres of the ground and install screens on all openable windows.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3(h), 12, 22 and 26.

5. CONTRAVENTION:

Stairs and decks are not being maintained in good repair. The wooden steps on the east side stairs are broken and deteriorating due to water damage. The supports for the stair case show signs of deterioration and are loose causing the stairs to shift when being walked on.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, provide a solid and secure support system for the east side stairs and replace all broken and damaged stair and deck components.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3(h), 12, 22 and 27.

6. CONTRAVENTION:

Floors in the basement are not being maintained in a reasonable state of repair, there is evidence of water damage and mould on the floor along the west wall.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, clean all the floors with a solution that will remove the mould.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, 22 and 29.

7. CONTRAVENTION:

Walls and ceilings within the building are not being maintained in good condition. Paint is peeling off the walls in the stairwell, ceiling tiles show signs of water damage, there are holes in the walls; dirt and grim are evident on the walls throughout the basement area. Water damage is evident along the west side basement wall and on the baseboards.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, remove and replace all water damaged wall and ceiling components. Clean all wall and ceiling surfaces so as to be maintained in a sanitary condition.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, 22 and 30.

8. CONTRAVENTION:

Plumbing facilities are not being maintained in good working order. The hot water taps in the kitchen and bathroom are seized in the closed position. Cold water taps are hard to turn on. There is evidence of water damage on the basement level ceiling.

YOU ARE HERBY DIRECTED TO:

By no later than March 1, 2016, repair or replace all plumbing facilities so as to be maintained in good working order and free of leaks or defects.

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

9. CONTRAVENTION:

Electrical services are not being maintained in a safe manner. The switch in the bathroom is hanging by electrical wires. Plug-in covers are broken, an extension cord is plugged into a broken receptacle, and junction boxes have been left open and accessible.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, repair all deficient electrical services and have a licensed journeyman electrician provide verification in writing that the electrical services have been installed and are being maintained as per applicable code standards. Install missing or broken cover plates on electrical receptacles.

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

10. CONTRAVENTION:

Egress from the basement area is not being maintained in a safe manner. The railing has been removed from the stairs to the basement and storage is obstructing the exit pathway.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, install a handrail on the stairs to the basement and remove all storage from the exit pathways in the basement.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12 and 38.

11. CONTRAVENTION:

The basement suite is not separated from the main floor dwelling unit by a fire-resistance rating of not less than 30 minutes. Ceiling tiles inside the basement suite are damaged and do not meet the fire-resistance rating requirements.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, provide a minimum 30-minute fire-resistant rated separation on all walls and ceilings between the basement suite and main floor dwelling unit.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, and 50 (b).

12. CONTRAVENTION:

The service room is not separated from the adjacent areas by a fire-resistance rating of not less than 30 minutes. There is no wall or door between the service room and the egress hallway from the basement suite. There is no rated separation installed on the interior service room walls; studs are visible from inside the furnace room.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, install a minimum 30-minute fire-resistant covering on all walls inside the furnace room. Install a minimum 30-minute fire-resistant wall to separate the service room from the egress hallway. Ensure the door to the furnace room is a solid-core door and install a self-closing device on the furnace room door that will cause the door to automatically close and latch.

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

13. CONTRAVENTION:

The common area and interior stairway used for the purposes of exiting the basement suite and the main dwelling unit is not separated by a fire-resistance rating of not less than 30 minutes. Some of the walls are covered with panel board; there are holes in the dry wall. Ceiling in the common area does not meet the minimum requirements; the floor studs are visible on portions of the ceiling.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, install a minimum 30-minute fire-resistant covering on all walls and ceiling in the common area including the stairway and continuing throughout the landing area up to the rear door.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, and 50 (d).

14. CONTRAVENTION:

The doorways that provide a means of egress from the basement suite to the exit stairway do not provide the required fire-resistance rating; there are no self-closing devices on the doors from the bathroom, den and living room which all lead directly into the means of egress.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, ensure doors to the bathroom, den and living room meet the minimum fire-resistance rating and install self-closing devices on all basement suite doors that will cause the doors to automatically close and latch.

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

15. CONTRAVENTION:

The service room has not been provided with a separate source for fresh combustion air.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, provide a separate source for fresh combustion air in both service rooms.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, and 50 (l).

16. CONTRAVENTION:

The doorway that provides a means of egress from the main floor dwelling unit to the rear exit stairway is hollow-core and has no self-closing device on the door.

YOU ARE HEREBY DIRECTED TO:

By no later than March 1, 2016, install a door and frame with a minimum fire-resistance rating of 20 minutes complete with a self-closing device on the main floor dwelling unit door that will cause the door to automatically close and latch.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, and 51 (a).

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:

- “ – clarification requested about details
- need better weather for roof and paint work
- dealing with serious health issues
- have to arrange financing – mortgage

I hereby request a stay until weather is more favourable and financing is available.”

EXHIBITS:

- Exhibit A.1: Notice of Appeal from David Bernes to the Property Maintenance Appeals Board, received in City Clerk’s Office on November 3, 2015.
- Exhibit B.1: Notice of Hearing dated February 23, 2016.
- Exhibit R.1: Order to Remedy Contravention 15-ORC-216 dated October 20, 2015, for the property at 305 Isabella Street East, received in City Clerk’s Office on October 20, 2015.
- Exhibit R.2: Site photographs, submitted by the Municipal Inspector, dated October 13 and 15, 2015, received in City Clerk’s Office on November 10, 2015.
- Exhibit R.3: Site photographs, submitted by the Municipal Inspector, dated and received in City Clerk’s Office on November 25, 2015.
- Exhibit R.4: Site photographs, submitted by the Municipal Inspector at the hearing, dated March 2, 2016.

SUPPLEMENTARY NOTATIONS:

The Respondents, Ms. Trudy Bartel, Municipal Inspector; and Mr. Wayne Rodger, Fire Marshal and Municipal Inspector; and the Appellant, Mr. David Bernes; and his neighbour, Mr. Nick Nimmema, affirmed that any evidence given in this hearing would be the truth.

The Respondents and Appellant gave evidence and argument as outlined in the Record of Decision dated March 10, 2016.

Mr. Tim Bernes, the Appellant's son, was in attendance and requested to address the Board regarding the matter.

Mr. Tim Bernes affirmed that any testimony given would be the truth and his testimony is outlined in the Record of Decision dated March 10, 2016.

The hearing concluded at 4:49 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated March 10, 2016, the Board determined:

- 1) That the requirements of the Order to Remedy Contravention 15-ORC-214, dated October 20, 2015, with respect to the property at 305 Isabella Street East be **UPHELD** and that the date for compliance for *Contraventions 1, 5, 8, 9, 10, 12, 13, 14, 15, and 16* be **EXTENDED** to **APRIL 1, 2016**; and
- 2) That the requirements of the Order to Remedy Contravention 15-ORC-214, dated October 20, 2015, with respect to the property at 305 Isabella Street East be **UPHELD** and the date for compliance for *Contraventions 2, 3, 4, 6, 7, and 11* be **EXTENDED** to **MAY 1, 2016**.

4. ADOPTION OF MINUTES

Moved By: M. Brockbank

That the minutes of meeting held on December 9, 2015, be adopted.

CARRIED

The meeting adjourned at 5:18 p.m.

Mr. Ian Oliver, Chair

Ms. Debby Sackmann, Secretary