



**PUBLIC MINUTES
PROPERTY MAINTENANCE APPEALS BOARD**

**Tuesday, November 8, 2016, 3:21 p.m.
Committee Room E, City Hall**

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

- 1. PROPERTY MAINTENANCE APPEAL NO. 06-2016
BYLAW NO. 8175 – THE PROPERTY MAINTENANCE & NUISANCE
ABATEMENT BYLAW, 2003
EDWARD AND RUTH YAKUBOWSKI
1129 AVENUE E NORTH – 16-ORC-094
(FILE NO. PMAB. 4410-016-006)**

Introductions were held. The Chair commenced the hearing at 3:21 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT:

Mr. Edward and Mrs. Ruth Yakubowski

APPEARED FOR THE RESPONDENT:

Ms. Yvonne Stove, Municipal Inspector, Saskatoon Fire Department
Mr. Wayne Rodger, Fire Marshal and Municipal Inspector, Saskatoon Fire Department
Mr. Trent Lee, Municipal Inspector, Saskatoon Fire Department

GROUND AND ISSUES:

The Appellants, Edward and Ruth Yakubowski, 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 16-ORC-094 for the property at 1129 Avenue E North. 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:

No person shall be allowed to occupy this dwelling unit until all contraventions outlined in this Order have been met and are in conformance with minimum standards.

This property shall be kept secured at all times to prevent unauthorized entry.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 3(h), 12, 26, 30, 31, 36, 39, and 41.

2. CONTRAVENTION:

There is a significant sized hole in the concrete foundation on the south exterior wall of this vacant single-family dwelling unit that allows water ingress to enter the basement from the exterior.

Soil has eroded into the basement on the south side.

Soil and broken concrete are piled on the floor along the south side of the basement.

There is a significant dip in the centre of the foundation that appears to affect the floor system and beams supporting the load of the house resting on the foundation along the south wall.

Light can be seen from the exterior through the foundation on the south wall where the window opening has been boarded over.

The cindercrete foundation appears to have dropped in the centre along the south wall as there appears to be pressure that is pushing the foundation inwards to the basement.

There are significant cracks identified in the foundation.

YOU ARE HEREBY DIRECTED TO:

By no later than November 10, 2016, conduct the necessary work outlined by Genivar in their assessment report dated: June 1, 2011, and construct a new lower foundation wall on the south side of the home and install a basement slab to laterally restrain the bottom edge of the foundation walls. The wall shall be designed by a structural engineer registered in the province of Saskatchewan and constructed in accordance with the National Building Code of Canada.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, 22, and 39.

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:

“I had previously engaged the services of a Structural Engineering Firm with a view to effecting repair as ordered (16-ORC-094). Rempel engineering inspected the premises July 11, 2011 and reported their findings by letter April 23, 2012 copy of which is enclosed. The report clearly states that they found it not acceptable to repair the collapsed portion of the existing foundation and recommended that the full foundation be replaced or repaired. We were further advised that a replacement as per local building codes and regulations can be effected without the involvement of a Professional Engineer.

We had prior to Genivar Engineering involvement in this matter decided to build a new basement in 2011 and subsequently had a plan drawn up January 27, 2012.”

EXHIBITS:

- Exhibit A.1: Notice of Appeal from Edward and Ruth Yakubowski to the Property Maintenance Appeals Board, received in City Clerk’s Office on September 22, 2016.
- Exhibit B.1: Notice of Hearing dated September 27, 2016.
- Exhibit B.2: Email submitting comments and site photos from Shannon Vinish, received in City Clerk’s Office on November 2, 2016.
- Exhibit B.3: Email submitting comments from Debbie Aldous-Ibbitson and Curtis Ibbitson, received in City Clerk’s Office on November 2, 2016.
- Exhibit R.1: Order to Remedy Contravention 16-ORC-094 dated September 8, 2016, for the property at 1129 Avenue E North, received in City Clerk’s Office on September 8, 2016.
- Exhibit R.2: Structural Assessment Report for 1129 Avenue E North completed by Genivar, dated June 1, 2011, submitted by the Municipal Inspector and received in City Clerk’s Office on September 29, 2016.
- Exhibit R.3: Site photographs submitted by the Municipal Inspector, dated July 11 and September 8, 2016, and received in City Clerk’s Office on September 29, 2016.
- Exhibit R.4: Site photographs submitted by the Municipal Inspector at the hearing, dated November 8, 2016.

SUPPLEMENTARY NOTATIONS:

The Respondent, Ms. Yvonne Stove, Municipal Inspector, and the Appellant, Mr. Edward Yakubowski, 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 November 18, 2016.

The hearing concluded at 4:14 p.m.

RESOLVED: That for the reasons outlined in the Record of Decision dated November 18, 2016, the Board determined that the requirements of the Order to Remedy Contravention 16-ORC-094, dated September 8, 2016, with respect to the property at 1129 Avenue E North be **UPHELD** and **EXTENDED** to **January 1, 2017**.

2. ADOPTION OF MINUTES

Moved By: D. Stiller

That the minutes of meeting held on October 19, 2016, be adopted.

CARRIED

The meeting adjourned at 4:30 p.m.

Mr. Ian Oliver, Chair

Ms. Debby Sackmann, Secretary