

Committee Room A
City Hall, Saskatoon, SK
Friday, February 20, 2015
at 3:30 p.m.

PUBLIC MINUTES

PROPERTY MAINTENANCE APPEALS BOARD

PRESENT: Mr. Ian Oliver, Chair
Mr. Roy Fleming
Mr. Don Stiller
Secretary, Ms. Debby Sackmann

1. Property Maintenance Appeal No. 01-2015 – 3:30 p.m. Hearing
Bylaw No. 8175 – *The Property Maintenance & Nuisance Abatement Bylaw, 2003*
Benjamin Wilson
432 Avenue T South
(File No. PMAB 4410-015-001)
-

Introductions were held. The Chair commenced the hearing at 3:30 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

APPEARED FOR THE APPELLANT

Mr. Sheldon Trabish and Mr. Roger Wilson, Elite Property Management Ltd.

APPEARED FOR THE RESPONDENT

Mr. Phil Makeechak, Fire Marshal and Municipal Inspector
Mr. John Plantje, Municipal Inspector

GROUND AND ISSUES

The Appellant, Benjamin Wilson, 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 for the property located at 432 Avenue T South. The Order to Remedy outlined the following:

“1. CONTRAVENTION:

The roof over the kitchen has been repaired this summer but there is still ice damming occurring allow leakage of water into the building causing deterioration of the walls and ceiling in the rear entry, bathroom and kitchen.

YOU ARE HEREBY DIRECTED TO:

By no later than May 31, 2015, repair the roof, ventilation and insulation problems that is creating the ice damming problems over the kitchen area.

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

2. CONTRAVENTION:

Expandable metal is covering the basement suite bedroom windows and locking bars have been installed in the north main floor bedroom that is blocking the required unobstructed opening for emergency means of egress

YOU ARE HEREBY DIRECTED TO:

Immediately remove the expanded metal screens on the basement bedroom and north bedroom windows so that they are obstructing the opening for emergency means of egress required by this Bylaw.

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

3. CONTRAVENTION:

Smoke alarms on the main floor and the basement suite are not properly installed and are not interconnected and connected to a permanent electrical circuit. The smoke alarm outside the main floor north bedroom is installed too low on the wall.

YOU ARE HEREBY DIRECTED TO:

Immediately install smoke alarms in each dwelling unit and the service room, smoke alarms shall be installed between each sleeping area and the remainder of the dwelling unit, and where the sleeping areas are served by a hallway, the smoke alarms shall be installed in the hallway. Smoke alarms shall be wired interconnected and connected to a permanent electrical so that the activation of a smoke alarm will cause the all smoke alarms activate.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, 48 and 50(i) & (j).

4. CONTRAVENTION:

The fire separation in the service room has been damaged. There is missing and damaged drywall on the ceiling and walls. The door to the servicer room is a hollow core and does not automatically close and latch after each use.

YOU ARE HEREBY DIRECTED TO:

By no later than January 25, 2015, repair or replace the missing and damaged drywall in the service room so the fire resistance rating in no less than 30 minutes complete with a solid core door with a latch and closer

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

5. CONTRAVENTION:

There are open electrical boxes and light fixtures hanging from their wires in the basement suite. The cover plates and fixtures have been removed to spray for bugs and have never been re-installed.

YOU ARE HEREBY DIRECTED TO:

Immediately install cover plates on all open electrical boxes and re-connect fixtures that are hanging from their wires throughout the house.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, 36 and 46.

6. CONTRAVENTION:

The service room does not have proper combustion air.

YOU ARE HEREBY DIRECTED TO:

By no later than January 25, 2015, install a separate source of fresh combustion air.

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

7. CONTRAVENTION:

Combustible and flammable materials are being stored on and around the furnace and hot water heater in the service room which is creating an undue fire hazard.

YOU ARE HEREBY DIRECTED TO:

Immediately remove all flammable and combustible materials from the service room.

Property Maintenance & Nuisance Abatement Bylaw 8175, Section 12.

8. CONTRAVENTION:

The main floor north washroom does not have mechanical or natural ventilation.

YOU ARE HEREBY DIRECTED TO:

By no later than January 25, 2015, install mechanical or natural ventilation in the north main floor bathroom.

Property Maintenance & Nuisance Abatement Bylaw 8175, Sections 12, & 45

9. CONTRAVENTION:

The eavestroughing on the front of the house is starting to pull away from the fascia and the eavestroughing over the kitchen is bent and damaged.

YOU ARE HEREBY DIRECTED TO:

By no later than May 31, 2015, repair or replace the damaged eavestroughing and downspouts so water running off roof will be carried away from the building so as not to create a hazardous condition.

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

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:

Benjamin Wilson:

“We need more time to line up contractors to complete contraventions.”

EXHIBITS

Exhibit A.1: Notice of Appeal to the Property Maintenance Appeals Board, dated July 18, 2014.

Exhibit R.1: Order to Remedy Contravention for the property located at 816 11th Street East, dated July 4, 2014.

Exhibit R.2: Site photographs submitted by the Municipal Inspector, dated June 27, 2014, and received August 6, 2014.

Exhibit B.1: Notice of Hearing, dated July 31, 2014.

SUPPLEMENTARY NOTATIONS

The Respondents, John Plantje, Municipal Inspector, and Phil Makeechak, Fire Marshal and Municipal Inspector affirmed that any evidence given in this hearing would be the truth. The Appellants, Sheldon Trabish and Roger Wilson, also 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 March 3, 2015.

The hearing concluded at 4:20 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated March 3, 2015, the Board determined that the requirements of the Order to Remedy Contravention, dated January 8, 2015, with respect to the property located at 432 Avenue T South be **UPHELD** and that only the date for compliance for Contravention 2 be **EXTENDED** to **MARCH 15, 2015**.

that the requirements of the Order to Remedy Contravention, dated January 8, 2015, with respect to the property located at 432 Avenue T South be **UPHELD** and that only the date for compliance for Contraventions 1 and 9 be **EXTENDED** to **JUNE 30, 2015**.

**2. APPOINTMENT OF CHAIR AND VICE-CHAIR FOR 2015
PROPERTY MAINTENANCE APPEALS BOARD (File No. CK. 225-54)**

The Secretary advised that the Board is required to appoint a Chair and Vice-Chair for 2015.

Moved By: Mr. Fleming

1. That Mr. Ian Oliver be appointed Chair for 2015; and
2. That Mr. Michael Brockbank be appointed Vice-Chair for 2015.

CARRIED

3. ADOPTION OF MINUTES

Moved By: Mr. Oliver

That the minutes of meeting of the Property Maintenance Appeals Board held on December 3, 2014, be approved.

CARRIED

The meeting adjourned at 4:30 p.m.

Mr. Ian Oliver, Chair