

AGENDA
PROPERTY STANDARDS COMMITTEE

Meeting held Tuesday, February 13, 2024
at 10:00 a.m.

Room 407, 400 City Hall Square East

1. Call to Order

2. Disclosure of Interest

3. Adoption of the Minutes

Adoption of the minutes of the meeting held August 1, 2023 along with the Decision to withdraw the application– ***attached***.

4. Request for Deferral, Referral or Withdrawal

5. Appeals

- 5.1** ***Rashpal Singh Suri and Rachna Suri*** against an Order to Repair VY 23 49015 issued December 1, 2023 regarding property at 3141 Donnelly Street, Plan 49 N Pt Lot 37. The Notice of Appeal dated December 27, 2023 was received within the 14-day time frame. Background information – ***attached***.

6 Adjournment

ORDER TO REPAIR

UNDER THE MAINTENANCE AND OCCUPANCY BY-LAW 9-2019 AS AMENDED BY BY-LAW 140-2020

To: RASPAL SINGH SURI

[REDACTED]

[REDACTED]

RACHNA SURI

[REDACTED]

[REDACTED]

Description: PLAN 49 N PT LOT 37; 4026.00SF
33.00FR 122.00D

Property Address: 3141 DONNELLY ST

Roll Number: 050-230-06900-0000

Violation Number: 23 49015

Date of Inspection: November 17, 2023

WHEREAS Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*, as amended, authorizes municipalities to enact by-laws prescribing standards for the maintenance and occupancy of all property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; and for requiring any property that does not conform with the standards to be repaired and maintained to conform with the standards as described herein or the site to be cleared of all buildings, structures, debris or refuse and the lands left in a graded and levelled condition;

AND WHEREAS the Official Plan for The Corporation of the City of Windsor includes provisions relating to property conditions as required by section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*, as amended;

AND WHEREAS The Corporation of the City of Windsor has passed By-law 9-2019 as amended by By-law 140-2020, being a By-law to establish Standards for the Maintenance and Occupancy of Property in the City of Windsor;

TAKE NOTICE that the property, owned by you, situated at: 3141 DONNELLY ST
Does not conform to the standards set forth in By-law Number 9-2019 as amended by By-law 140-2020

DESCRIPTION OF PROPERTY:

SINGLE UNIT DWELLING

DEFECT - Section 1.8

Exterior doors, windows and skylights shall be maintained in good repair and weather tight. Rotted and defective doors, door frames, window frames, sashes and casings shall be renewed and defective door and window hardware, weather stripping, caulking and broken glass shall be replaced. Repairs to windows shall be i) reglazing, or refitting with panes of transparent glass; or ii) the use of other materials which are compatible in finish and colour with the remainder of the facade of the building on which the broken window is located, provided such other material are of an appropriate thickness, have sufficient structural support, and are installed so that no broken glass is visible for the exterior of the building. Replace defective, damaged or missing hardware and locking devices: sash controls.

CORRECTIONS

THE WINDOW FRAME AT THE FRONT WALL OF THE BUILDING IS DAMAGED AND DUCT TAPED TO THE WALL. REPAIR OR REPLACE THE WINDOW FRAME SO IT IS SECURED, WEATHER TIGHT, AND FREE FROM LOOSE AND DETERIORATED MATERIALS. ALL REPAIRS TO BE COMPLETED IN A WORKMANLIKE MANNER, AND TO THE SATISFACTION OF THE OFFICER.

THE FRONT DOOR AT THE NORTH ENTRANCE (UNIT 3141) IS DETERIORATED. THE INTERIOR SIDE IS DUCT TAPED AND NOT SEALED PROPERLY. REPAIR OR REPLACE THE DOOR FRAME SO IT IS SECURED, WEATHER TIGHT, AND FREE FROM LOOSE AND DETERIORATED MATERIALS. ALL REPAIRS TO BE COMPLETED IN A WORKMANLIKE MANNER, AND TO THE SATISFACTION OF THE OFFICER.

DEFECT - Section 1.10

A handrail or-guard shall be provided and maintained in good repair as follows:

- (a) At least one side of stairs less than 1 100 mm in width,
- (b) Two sides of stairs 1 100 mm in width or greater, and
- (c) Two sides of a curved stair used as an exit.
- (d) Handrails are not required for stairs
 - (i) within dwelling units having not more than 2 risers, or
 - (ii) for exterior stairs having not more than 3 risers and serving not more than one dwelling unit.
- (e) Only one handrail is required on exterior stairs having more than 3 risers provided such stairs serve not more than one dwelling unit.
- (f) Except as required in (b) & (c), one handrail may be provided centrally for stairs up to 2.4 m wide.
- (g) Handrails shall have a maximum Uniform height of 920 mm when measured vertically from a line drawn through the outside of the stair nosing and minimum uniform height of 800 mm.

CORRECTION

A HANDRAIL ON AT LEAST ONE SIDE OF THE STAIRS IS REQUIRED FOR THE UPPER LEVEL (UNIT 3141). INSTALL THE REQUIRED HANDRAIL. ENSURE IT IS SECURED, IN GOOD CONDITION, AND MEETS THE REQUIREMENTS OF DEFECT SECTION 1.10, AND IN COMPLIANCE WITH THE ONTARIO BUILDING CODE REGULATIONS.

DEFECT - Section 1.13

Stairs

(a) Stairs - Interior - Single Unit Dwelling

The stair tread rise and run for residential interior single dwelling unit shall not exceed the following unless existing acceptable to the Officer:

- Maximum rise 210 mm
- Minimum tread 230 mm
- Minimum run 200 mm
- If run is less than 240 mm, a 25 mm nosing is required

(b) Stairs - Residential - Not-Within

- Maximum rise 210 mm
- Minimum tread 240 mm
- Minimum run 212 mm
- If run is less than 240 mm, a 25 mm nosing is required

(c) Stairs - Non-residential

- Rise minimum 125 mm, maximum 200 mm
- Minimum run of 230 mm, must be uniform
- If run is less than 240 mm, a 25 mm nosing is required
- Existing winders of not more than 3 in 90 degrees and not more than 1 set between floors are permitted and where each tread is not less than 30 degrees and each tread is not greater than 45

(d) Stairs - Service Rooms - curved/spiral

Stairs may exceed the requirements in 1.13 (c) if serving only service rooms, service spaces and other rooms unused in industrial occupancies serving equipment and machinery; or existing curved and spiral stairs in dwelling units acceptable to the officer.

CORRECTION

THE BOTTOM STEP OF THE UPPER STAIRS (OF UNIT 3141) IS NOT UNIFORM WITH THE WITH THE REMAINDER OF THE STAIRS. THE MAXIMUM RISE OF 210mm IS WELL EXCEEDED. ALTER THE BOTTOM STEP OR MAIN FLOOR SO THE STAIRS ARE UNIFORM AND MEET REQUIREMENTS OF DEFECT SECTION 1.13. ENSURE THE STAIRS MEET COMPLIANCE WITH THE ONTARIO BUILDING CODE REGULATIONS.

DEFECT - Section 3.2.1

Interior claddings of every wall and ceiling shall be maintained so as to be free of large holes, cracks, leaks, deteriorating material, visible mould and mildew, and loose material.

CORRECTION

THE BASEBOARDS IN THE BATHROOM ON THE MAIN FLOOR (OF UNIT 3141) ARE DAMAGED. REPLACE THE DAMAGED BASEBOARDS WITH NEW. ALL REPAIRS TO BE COMPLETED IN A WORKMANLIKE MANNER, AND TO THE SATISFACTION OF THE OFFICER.

DEFECT - Section 3.14

Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use and intended use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained:

- (a) In compliance with the respective requirements of the Electrical Safety Code and Building Code;
- (b) In good working order and good repair; and
- (c) In a safe condition.

CORRECTION

THERE ARE MULTIPLE EXPOSED WIRES ON CEILING FIXTURES THROUGHOUT THE INTERIOR OF THE BUILDING. INSTALL THE REQUIRED PLATE COVERS/FIXTURES ON THE EXPOSED CEILING OPENINGS. ENSURE ALL FIXTURES AND ELECTRICAL COMPONENTS ARE SAFE, IN GOOD WORKING ORDER, AND MEET COMPLIANCE WITH THE REQUIREMENTS OF THE ELECTRICAL SAFETY CODE.

DEFECT - Section 3.24

In a house,

- (a) Minimum room height shall not be less than 1950mm over the required floor area and in any location that would normally be used as a means of egress, or
- (b) Minimum room height shall not be less than 2010mm over at least 50% for the required floor area, provided that the floor having a clear height of less than 1400mm shall not be considered in computing the required floor area.

CORRECTION

THE UPPER LEVEL (OF UNIT 3141) IS NOT SAFE NOR SUITABLE TO BE USED AS A DWELLING UNIT OR HABITABLE ROOMS OF A DWELLING UNIT. THE CEILING HEIGHT OVER THE UPPER STAIRS DOES NOT COMPLY WITH THE MINIMUM REQUIREMENTS LISTED ABOVE. **CEASE ANY USE OF HABITABLE ROOMS (BEDROOMS) IN THE UPPER LEVEL OF THE DWELLING UNIT.**

DEFECT - Section 3.25

No basement or cellar or portion thereof shall be used as a dwelling unit or habitable rooms of a dwelling unit, unless it meets the following requirements: (a) Access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;

(b) In the calculations referred to in Section 3.16 provided that one-half of the total area of such windows is above the top of the window well. Where less than half the light transmitting area of a window is above the top of a window well, only that area of the window above the top of the window well may be counted in the calculations.

(c) The minimum required unobstructed ventilation area to the outdoors shall not be limited to the requirements of Section 3.17, if, in the opinion of the Officer, the location of windows that are capable of being opened or vents, providing such ventilation, is such as to create a poorly and inadequately ventilated room.

(d) Except where a door on the same level as the bedroom provides direct access to the exterior, every floor level containing a bedroom in a suite shall be provided with:

i) At least one window that can be opened from the inside without the use of tools and,

ii) At least one window shall, in every bedroom, provide an unobstructed open portion having a minimum area of .35 m² with no dimension less than 380 mm.

(e) Each habitable room shall be separated from service rooms by a suitable fire separation in compliance with Ontario Building Code Regulations.

CORRECTION

THE LOWER LEVEL IS NOT SAFE NOR SUITABLE TO BE USED AS A DWELLING UNIT OR HABITABLE ROOMS OF A DWELLING UNIT. THE LOWER LEVEL CEILING HEIGHT DOES NOT COMPLY WITH THE MINIMUM REQUIREMENTS LISTED ABOVE. **CEASE ANY USE OF HABITABLE ROOMS (BEDROOMS) IN THE LOWER LEVEL OF THE DWELLING UNIT.**

DEFECT - Section 3.26

Every dwelling unit shall be equipped with an approved smoke alarm(s) conforming to the current edition of the OBC regulations that shall be:

(a) installed on every floor level in proximity of bedrooms and in conformance with the manufacturers' instructions or recommendations for installation;

(b) clearly audible within sleeping areas even though the doors to the sleeping areas may be closed;

(c) either wired directly into the electrical system without a disconnect switch, or be battery powered. Sufficient additional replacement batteries shall be maintained nearby at all times as replacements for the smoke alarm, should it be battery powered so that at any given time such smoke alarm may have its battery or batteries replaced as warranted in order to keep it fully operational; and

(d) continuously operating, except during periods of unavoidable electrical power interruption or battery replacement, as the case may be.

CORRECTION

INSTALL THE REQUIRED SMOKE ALARMS IN LOCATIONS AS PER DEFECT SECTION 3.26. ENSURE THE SMOKE ALARMS ARE MAINTAINED IN GOOD WORKING ORDER.

YOU ARE HEREBY REQUIRED, by this Order, to do the work required to repair the defects set forth in this Order and make the said property conform to the standards set forth in the said By-law

ON OR BEFORE: JANUARY 2, 2024

Dated at Windsor, Ontario, on DECEMBER 1, 2023

John Revell, MCIP, RPP
Chief Building Official

Per:



Michael Forte
Building Bylaw Officer
Planning and Building Department - Building Division
Phone: 226-347-1056
E-mail: mforte@citywindsor.ca

NOTICE:

1. If the owner or person against whom an Order has been made or their agent wishes to appeal such Order, they must **within FOURTEEN (14) DAYS from the service of the Order upon him**, file a **Notice of Appeal**, duly completed, with the Secretary of the Property Standards Committee.
2. Attached hereto is a Notice of Appeal form.
3. In the event that you do not appeal this Order, the said Order shall be deemed confirmed.
4. A photocopy of this document may be offered in evidence to the Court, should a trial result from a charge, which may be filed in an enforcement procedure. Copies of these documents may be obtained or examined at Building Department, City Hall, on workdays between 8:30 a.m. and 4:30 p.m.
5. If such repair or clearance is not done within the time specified in this Order, the Corporation may carry out the repair or clearance at the expense of the owner.
6. This Order is pursuant to Section 15.2(2) of the BUILDING CODE ACT, S.O. 1992, c.23, as amended.