

AGENDA
and Schedule "A"
to the minutes of the
PROPERTY STANDARDS COMMITTEE
meeting held
Tuesday, March 21, 2017
at 9:30 o'clock a.m.
Council Chambers, 3rd floor, City Hall

1. **CALL TO ORDER**

2. **DECLARATION OF CONFLICT OF INTEREST**

3. **ADOPTION OF THE MINUTES**

Adoption of the minutes of the meeting held August 14, 2015 (**attached**).

4. **DEFERRALS/REQUEST FOR DEFERRALS**

5. **DISCUSSION OF APPEALS**

5.1 **Stoyshin Incorporated** against an Order issued November 25, 2016 regarding property at 956 Drouillard Road, Windsor, Ontario Plan 619, Lots 3 to 4. The Notice of Appeal dated December 7, 2016 has been received within the 14 day timeframe.

5.2 **Cencourse Project Inc.** against an Order issued January 8, 2017 regarding property at 30 Tuscarora, Apartment 750, Windsor, Ontario, Plan 256; Block 1, Pt. Lots 3 to 9, RP 12R4479, Part 2 & Pt. of Part 1, RP 12R6038, Part 1. The Notice of Appeal dated January 24, 2017 has been received within the 14 day timeframe.

6. **REPORTS**

None

7. **ADJOURNMENT**

Windsor, Ontario August 14, 2015

A meeting of the **Property Standards Committee** is held this day commencing at 9:00 o'clock a.m. in the Walkerville Meeting Room, 3rd floor, City Hall, there being present the following members:

Councillor Rino Bortolin, Chair
Councillor John Elliott
Councillor Ed Sleiman
Wes Kukiela

Also present are the following resource personnel:

Dan Lunardi, Manager of Inspections
Rob Vani, Manager of Inspections
Amy Goz, Building Inspector
Oliver Pozar, Building Inspector
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

The Committee Coordinator calls the meeting to order at 9:00 a.m. and the Committee considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

2. ELECTION OF CHAIR

The Committee Coordinator calls for nominations from the floor for the position of Chair. Councillor Sleiman nominates Councillor Bortolin for the position of Chair and is seconded by Councillor Elliott. The Committee Coordinator asks if there are further nominations from the floor for the position of Chair. Seeing none, the Committee Coordinator asks if Councillor Bortolin accepts. Councillor Bortolin accepts.

Moved by Councillor Sleiman, seconded by Councillor Elliott,
That Councillor Rino Bortolin **BE ELECTED** Chair of the Property Standards Committee.

Carried.

Councillor Bortolin assumes the Chair.

3. DECLARATIONS OF CONFLICT

None disclosed.

4. **ADOPTION OF THE MINUTES**

Moved by Councillor Sleiman, seconded by Councillor Elliott,
That the minutes of the Property Standards Committee at its meeting held November 21,
2014 **BE ADOPTED** as presented.
Carried.

5. **PRESENTATION**

The Manager of Inspections provides an overview of the Property Standards Committee
for the new members of the Committee.

6. **REQUEST FOR DEFERRALS**

None.

HEARING OF APPLICANTS AND INTERESTED PARTIES – 10:00 o'clock a.m.

7. **DISCUSSION OF APPEALS**

7.1 **James Keys** against an Order issued March 25, 2015 regarding property at 3237 Virginia
Park Avenue, Windsor, Ontario N. Pt. Lot 495, S. Pt. lot 496, Plan 1329. The Notice of Appeal
dated March 26, 2015 has been received within the 14 day timeframe.

Mr. James Keys is present and available to answer questions.

R. Vani indicates as result of a complaint, the Order to Repair noting seven defects was
issued on March 25, 2015. He states at this point in time, the Order is still outstanding .

J. Keys reports there is only one defect outstanding (outside windows) and cites the
following work has been completed:

- New roof, concrete work and back step have been completed.
- All sidewalks have been replaced.
- Front porch (was inspected by another Inspector).

R. Vani notes the permit record shows no inspections or repairs have been undertaken.

Moved by Councillor Sleiman, seconded by Councillor Elliott,
That the request of James Keys for an extension of time to September 30, 2015 to correct
the deficiencies outlined in the Order to Repair for the property located at 3237 Virginia Park

Avenue, Windsor, Ontario **BE PERMITTED** and further, that the Manager of Inspections **BE REQUESTED** to convene a meeting with the applicant.

Carried.

7.2 Omay Investments Inc. against an Order issued June 11, 2015 regarding property at 120 Caron Avenue, Windsor Ontario Essex Condo Plan 145; Level 1 through Level 16. The Notice of Appeal dated June 24, 2015 has been received within the 14 day timeframe.

Mr. Kan Puri participates in the meeting (from Toronto) via a teleconference phone.

R. Vani provides the following information relating to this matter:

- June 1, 2015 – 311 complaint assigned to Inspector Suszek to investigate “balcony has cement falling from it, paint chips coming off parking garage”.
- June 4, 2015 – Inspector attended the property and could not assess from the ground level (complainant not home), called manager to set up access to balcony and garage area.
- June 9, 2015 – Inspector meets with Manager of building, numerous cracks in balconies, garage has flaking paint everywhere, and concrete at ramp has some breakaway concrete, signs of leaking through perimeter of the parking garage at the interior wall and floor intersection - straw concrete block construction.
- June 11, 2015 – Order to Repair issued Registered Mail, deadline July 11, 2015.
- June 24, 2015 – Order appealed by owner Omay Investments.
- July 6, 2015 – Owner asks that we stand down enforcement of the Order to Repair to retain a Professional Engineer.
- July 21, 2015 – Engineer report (Crozierbaird, Matthew Baird) received and reviewed by the Building Department.
- July 22, 2015, Correspondence from Matthew Baird indicating repairs not done yet and permit will be taken out by the contractor.
- July 29, 2015 – Some repairs initiated without a permit, poor workmanship. Photos taken for file and appeal submission.

R. Vani distributes photos of the deficiencies noted at 120 Caron Avenue, *attached* as Appendix “A”. He indicates the photos illustrate some areas of the balconies that have not been repaired. He expresses concern with the water infiltration seeping into the parking garage area and notes no permit has been issued for this work. In terms of the straw concrete blocks, he states waterproofing would have to be undertaken on the exterior of the building.

The Chair advises the letter from Matthew Baird, P. Eng. confirms there are no structural issues. R. Vani states there is no immediate concern related to the building, however, in terms of water infiltration, the walls will begin to bow in (concrete blocks) as they are very porous and may affect the structural steel.

Ken Puri, applicant provides the following comments:

- A-1 Driveways has obtained a permit from the City.

- The basic problem is the water seeping from the upper deck to the garage. The Engineer has stated there are no structural problems; they are only maintenance issues. These items do not require a permit.
- Expresses concern that banks will not provide funding when there is a Work Order.
- Indicates the Building Inspector should have called him before issuing the Order.
- Cost to seal the upper deck is approximately \$70,000. Once this is completed, there will be no problems in the basement.
- Intends to repair all of the balconies at a cost of approximately \$400,000.
- Upper deck construction has begun. A letter will be sent from the Engineer when the work is completed and acceptable to him.
- Hoping the Committee will rescind the Order.
- The balcony project will require approximately 1.5 years to complete.

R. Vani states any materialistic change to a building requires a permit. When you modify a Part 3 building, it must be done under the review of an Engineer.

Moved by Councillor Sleiman, seconded by Councillor Elliott,
That the request by Omayya Investments for an extension of time to December 31, 2015 to repair the balconies as outlined in the Order to Repair for the property located at 120 Caron Avenue, Windsor, Ontario **BE PERMITTED**.
Carried.

7.3 832426 Ontario Limited c/o Ally Esmail, President against an Order issued May 7, 2015 regarding property at 2603 Meadowbrook Lane, Windsor, Ontario Essex Condo Plan 164; Levels 1 to 3. The Notice of Appeal dated May 22, 2015 has been received within the 14 day timeframe.

7.4 832426 Ontario Limited c/o Ally Esmail, President against an Order issued May 7, 2015 regarding property at 2619 Meadowbrook Lane, Windsor, Ontario Essex Condo Plan 164; Levels 1 and 2. The Notice of Appeal dated May 22, 2015 has been received within the 14 day timeframe.

It is generally agreed Items 7.3 and 7.4 will be discussed simultaneously as the Order was required to address the two building envelope issues.

A letter from Jerry L. Goldberg, Shibley Righton LLP dated July 24, 2015 regarding 2603 & 2619 Meadowbrook Lane, Windsor – Courtyards of Parkway is distributed and attached as Appendix “B”.

Dan Hussey, Property Manager, Troy Humber, Chall-Eng Services Inc., Consulting Engineers, Rick Patterson, P. Eng., Tony Debly, Solicitor, and Heather Debly, Licensed Paralegal are present and available to answer questions.

Oliver Pozar provides the following as it relates to this matter:

- Complaints were received regarding the mansard roof shingles falling off and the subsequent leaking problems. The wood has rotted on the mansard roofs.
- The windows have exceeded their life expectancy (are over 40 years old) and the window frames are rotting.
- No proper weather stripping around the windows.
- Cannot open the windows properly (they get stuck in the silicone).
- Engineers believe the windows will last another 5-7 years.
- Indicates all windows should be replaced.

D. Hussey provides the following comments relating to the Orders to Repair:

- The roof on one of the buildings is approximately 12 to 13 years old and notes the roof in the other building is older.
- Proper maintenance for the windows is being undertaken. Some windows are in poor condition, however, they are fixable.
- There is an issue with tenants calling the City to complain rather than informing the Property Manager of their issues.
- There is a significant cost to replace the windows.
- Condo conversion of the buildings occurred in April 2013 which entailed numerous inspections by the Building Department.
- Policy on windows includes when the condo is vacant, the windows are refurbished.
- The property located at 2603 Meadowbrook, Unit 11 – the windows were repaired and the section of the roof located above that unit was also repaired.
- States there is an issue with humidity which causes the windows to stick. If this occurs, the windows tracks are immediately siliconed.
- In 2009, a contractor was hired to reseal 1,113 windows inside and out.
- The request to replace the windows has been sent to the owner of the buildings but adds the windows do not need to be replaced.

R. Patterson, P. Eng. notes the windows are old and the mansard type roof is not preferable. He states the windows will last another 5-7 years with ongoing maintenance. He notes there is little wood rot and there are no structural or safety issues. He further adds the roofs and the windows do not require replacement at this time.

Tony Debly advises his client did what they were instructed to do; they hired an Engineer and received his report. In terms of the windows, the standards are not set out for perfection but of maintenance.

The Chair states opening a window is a minimum standard. He adds the Inspector could not open the window in several of the units and asks what if a fire occurs?

O. Pozar reports even if the windows are repaired, they do not meet the intent of the Property Standards By-law. He suggests a replacement schedule for the windows and notes he is willing to work with the Owner of the buildings.

Dan Hussey indicates the windows most in need of repair are on the first floor of the buildings and he is willing to replace them.

Moved by Councillor Elliott, seconded by Councillor Sleiman,

That the request by Dan Lunardi, Manager of Inspections for the City of Windsor Building Division, to add sections number 1.7 and 1.8 to defect #1 of the Order to repair BE APPROVED.

Carried.

Moved by Councillor Elliott, seconded by Councillor Sleiman,

That 832426 Ontario Limited c/o Ally Esmail, President **BE REQUESTED** to contact the Building Department to discuss a schedule to replace the windows on the first floor of 2603 Meadowbrook Lane and 2619 Meadowbrook Lane and to **BE DIRECTED** to advise the Committee of a long term plan for the replacement of the windows on the balance of the building(s), and further, that defects relating to the roofing and cladding **BE DELETED** from the Order(s).

Carried.

8. **REPORTS**

None.

9. **COMMUNICATIONS**

None.

10. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 1:04 o'clock p.m.

CHAIR

COMMITTEE COORDINATOR