



THE CITY OF WINDSOR

COUNCIL SERVICES DEPARTMENT

VALERIE CRITCHLEY
CITY CLERK

IN REPLY, PLEASE REFER
TO OUR FILE NO. _____

November 15, 2013

PROPERTY STANDARDS COMMITTEE MEMBERS:

The next meeting of the Property Standards Committee is scheduled for:

**Wednesday, November 20, 2013
10:00 o'clock a.m.
Council Chambers
3rd floor, City Hall**

Please find attached the final Agenda for the November 20, 2013 meeting.

Please notify the undersigned at 255-6222, extension 6430 if you are unable to attend.

Yours truly,

Karen Kadour
Committee Coordinator

*attachment
enclosure*

AGENDA
and Schedule "A"
to the minutes of the
PROPERTY STANDARDS COMMITTEE
meeting held
Wednesday, November 20, 2013
at 10:00 o'clock a.m.
Room 407, 400 City Hall Square East

1. **CALL TO ORDER**

2. **DECLARATION OF CONFLICT OF INTEREST**

3. **ADOPTION OF THE MINUTES -**

Adoption of the minutes of the meeting of the Committee held October 28, 2013 – **attached.**

4. **DEFERRALS/REQUEST FOR DEFERRALS**

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

5. **DISCUSSION OF APPEALS**

5.1 **Anne Marie Laniak** against an Order issued September 24, 2013 regarding property at 357 Indian, Windsor, Ontario Lot 17, Plan 888. The Notice of Appeal dated October 7, 2013 has been received within the 14 day timeframe.

5.1(a) **Additional Information:** Correspondence dated November 12, 2013 from Chris Williams Legal Counsel for the City of Windsor – **attached.**

5.1(b) **Additional Information** Correspondence dated November 14, 2013 from Raymond Colautti, Legal Counsel for the appellant as follows:

- Appraisal of 357-59 Indian Road provided by E. S. Gorski Realty Ltd.
- Building Condition Assessment completed by Chall-Eng Services Inc.
- Letter from Raymond Colautti, Solicitor dated November 14, 2013

6. **REPORTS**

None

7. **COMMUNICATIONS**

None

8. **ADJOURNMENT**

KK/
Windsor, Ontario October 28, 2013

A meeting of the **Property Standards Committee** is held this day commencing at 9:30 o'clock a.m. in the Council Chambers, 3rd floor, City Hall, there being present the following members:

Jim Evans, Chair
John Middleton, Vice Chair
Mark Stephen
Bill Van Wyck

Delegations in attendance:

Larry P. Lowenstein, Osler, Hoskin & Harcourt LLP
Laura Fric, Osler, Hoskin & Harcourt LLP
Geoffrey E. J. Grove, Osler, Hoskin & Harcourt LLP
Kevin O'Brien, Osler, Hoskin & Harcourt LLP
Raymond Colautti, R. G. Colautti Law
Sharon Strosberg, Sutts, Strosberg LLP
Patrick Moran, U.S. Counsel
Dan Stamper, President, Canadian Transit Company

Also present are the following resource personnel:

Lee Anne Doyle, Executive Director/Chief Building Official
Rick Gruber, Building Inspector
Dan Lunardi, Manager of Inspections (East)
Mark Mantha, Building Inspector
Bill Szekely, Building Inspector
Rob Vani, Manager of Inspections (West)
Wira Vendrasco, Legal Counsel
Christopher Williams, Aird & Berlis LLP
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

The Chair calls the meeting to order at 9:31 o'clock a.m. and the Committee considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

2. **DECLARATIONS OF CONFLICT**

None disclosed.

3. **ADOPTION OF THE MINUTES**

Moved by J. Middleton, seconded by M. Stephen,

That the adoption of the minutes of the Property Standards Committee of its meeting held September 16, 2013 **BE DEFERRED** to allow administration sufficient time to respond to questions asked by John Middleton and to allow representatives from Fire & Rescue Services to be in attendance.

Carried.

4. **DEFERRALS/REQUEST FOR DEFERRALS**

No request for deferral.

5. **DISCUSSION OF APPEALS**

5.1 to 5.114

The Canadian Transit Company against Orders issued September 24, 2013. The Notices of Appeal dated October 9, 2013 were received within the 14 day timeframe.

Larry P. Lowenstein, Solicitor, Laura Fric, Solicitor, Geoffrey E. J. Grove, Solicitor, Kevin O'Brien, Solicitor Osler, Hoskin & Harcourt Law Firm, Patrick Moran, Canadian Transit Company General Counsel and Dan Stamper, President, Canadian Transit Company are present and available to answer questions.

Mr. Lowenstein provides the following comments relating to the 114 Orders to Repair issued to the Canadian Transit Company (CTC):

- CTC has appealed the Orders to Repair under section 15.3 of the Building Code Act
- CTC owns and operates the Canadian half of the Ambassador Bridge and the 114 Orders to Repair relate to the separate properties in the vicinity of the Ambassador Bridge.
- The Orders to Repair should be modified (Option 1) to permit the demolition of these buildings, because it is the evidence and report of the CTC, written by Titan Construction, that it will cost more to repair these properties than what they are worth, in some cases all or substantially all of the value of the properties would be consumed by the repairs that would be required to make the properties habitable.

- Option 2 – Property Standards Committee is in power to rescind and cancel the 114 Orders to Repair. There are two grounds as a basis for such a decision. The first ground is the Orders to Repair have not been made with a degree of fairness and reasonableness. The process is tainted and biased. The second ground is the Orders to Repair do not meet the requirements of the By-law. The By-law provides that sufficient details of the particulars of the Orders to Repair were not adequate.
- Option 3 – To defer or adjourn the hearing as there is a question to whether the By-laws of the City constitutionally or jurisdictionally apply to CTC's properties. The CTC is a federal undertaking in that it is governed by the Canadian Transit Act and the City's By-laws do not apply.
- CTC has applied to the Federal Court to receive a determination as the City lacks authority.
- Due to time constraints, CTC is prepared to review property by property as there are commonalities for all of the properties and the City can exercise their powers to modify and order demolition or rescind based on unfairness for all of the properties.
- The Federal Government has required the bridge to improve the plaza for the next 25 years under the Canada Border Service Agency Master Plan.
- The houses purchased by the CTC are not required for twinning or for the second span.
- CTC has no ability to build a second span without the cooperation of the Federal Government.
- CTC requires the houses to be demolished so they can use the land for maintenance of the existing bridge.
- CTC requests the \$40,000 plus fee that CTC was required to post to be present on this day should be restored as the Orders demonstrated abuse of the City's power under the Building Code Act.
- The City of Windsor has been aware of the purchase of the 114 properties for the last 10 years and at no point before the issue of the Orders has the City nor anyone else raised any issues in regards to these properties being vacant.
- The cost to make the properties habitable is estimated at approximately \$100,000 per property. Reference is made to the Titan Report and copy of the Report was left at the end of the meeting.
- A lawsuit has been commenced by certain property owners regarding the CTC properties
- The City of Windsor has proactively regulated and monitored the 114 properties over the last several years on a monthly basis and an Order to Repair was never issued.
- In 2012, the CTC made application to demolish 44 of the said properties, which was rejected.
- To date, there have been no Orders to Repair and/or demolish under the provisions of the Maintenance and Occupancy By-law 147-2011 on any of the 44 properties proposed for demolition in the CIP.

- The CTC has no interest in restoring these properties, and is not only required to restore them to the Building Code, but is required to undertake massive construction to these properties.
- Sudden blitz of 114 Orders to Repair when the City had apparently been monitoring these properties for years. City advised a complaint was received, however the CTC has no details of the complaint.
- CTC does not require these properties to build a second span. The Canada Borders Services 25 Year Plan does not include anything relating to a second span.
- Orders to Repair are vague and unenforceable and do not clearly state what the owner has to do to repair these properties. The Orders fail to provide the particulars of the Building Code Act.

L. A. Doyle indicates in terms of the Orders to Repair being vague and not specific, she states the City was diligent in being consistent with the Orders and ensured they complied with the Building Code which included checklists and photographs. As it pertains to the timing of the Orders, Ms. Doyle states the Building Department had been monitoring the said properties on a regular basis and an increase in deterioration was noted by the Building Inspectors. She advises the “blitz” was undertaken based on the number of inquiries received from the public as to the status of the 114 properties. She notes the Building Department does not precipitate Orders based on cost and this was not factored into the Order. The Orders are issued to maintain minimum standards.

Christopher Williams, Aird & Berlis LLP indicates he acted on behalf of the City of Windsor in the action heard by Justice Gates several years ago regarding the CTC and the properties in question. He provides the following comments relating to statements made by Mr. Lowenstein:

- He questions how Titan Construction could determine the cost of repairs without the particularity of the Orders that CTC claims they do not have but requires.
- In respect to the bias suggested by Mr. Lowenstein, he refers to a case (Scott versus North Perth) where Scott sued North Perth for allegedly discriminating in its application of the Property Standards By-law because other properties were not complying. He advises the Court stated the assumption that it is unlawful for a municipality to discriminate the enforcement of a Bylaw, that enforcement is an entirely discretionary matter and the municipality has the discretion of enforcement of a By-law on some residents and not against others.
- In response to a statement made by Mr. Lowenstein regarding his claim of not being provided with sufficient information, Mr. Williams advises Mr. Lowenstein and Ms. Fric were provided with volumes of information including the Inspector’s own notes as well as photographs of the premises.
- The following statement was previously made by Justice Gates: “these houses have been previously purchased by the CTC over a number of years to assist in the future construction of a second span of the Ambassador Bridge, which it currently owns and will be located approximately 100 meters west of the present

span. The houses in question, which are vacant and boarded up, in the view of the residents, have become a blight on the community”.

- He states the City does not have the jurisdiction to determine the constitutionality or the applicability of the By-laws on their validity. There is no argument that those properties are part of the Ambassador Bridge, and it is clear the City of Windsor does not have authority over the Ambassador Bridge where it conflicts with the Ambassador Bridge or its operations, but these are properties were acquired for the purposes of building a second span.
- He indicates until there is some modification by the Federal Government, these properties are not subject to Federal jurisdiction, and are entirely within the jurisdiction of the City of Windsor, the Property Standards Committee, and the Property Standards By-law.
- He notes this area is subject to a Demolition Control By-law, and demolition is not possible unless the City authorizes a Demolition Permit, which it has not.

Mr. Lowenstein advises Ms. Doyle did not express openness to provide the documentation required for their case. He states he has not received an answer to explain the necessity of the “blitz”. He acknowledges Titan Construction provided estimates on the cost to bring the properties to the Building Code. (The letter from the Titan Group dated October 22, 2013 to Ken Carter, Ambassador Bridge, is distributed and attached as Appendix “A”). He indicates if the City is suggesting restoration that the interior of the properties needs to be addressed. He notes that demolition is provided in the Building Code Act, which is an Ontario Statute that supersedes the Municipal By-law. He states the Federal Government has opposed the second span, and the purpose of the demolition is to provide local residents with green space.

A local resident sitting in the audience advises she lives on Rosedale and states there are raccoons living in some of the properties and, on behalf of the residents, requests restoration of the properties to alleviate this problem. Another resident sitting in the audience advises he was not aware of the CTC’s plan to create green space.

Christopher Williams explains (as it relates to demolition) if there is conflict with the Planning Act or any other Act, the Planning Act prevails and it is a very powerful conflict provision and indicates there is no conflict provision in the Building Code Act. Thus, in accordance with the Planning Act, the CTC would require Demolition Permits and confirms City Council is the authority to approve the Permits subject to an appeal to the Ontario Municipal Board.

John Middleton asks Ms. Doyle if it was not the Building Department’s choice to create this massive volume for the Property Standards Committee by issuing 114 Orders. He also asks why the Orders to Repair in this case, are different than what is usually presented to the Committee. Ms. Doyle responds this situation is unique as the Orders pertain to the same property owner, is more time efficient and consistent.

J. Middleton requests his e-mail to the Committee Coordinator dated October 25, 2013 entitled “Property Standards Meeting” be attached as Appendix “B”.

In response to a question asked by J. Middleton regarding the “massive structure resembling a bridge” behind 790 Indian Road, Dan Stamper responds the structure is a ramp to be used as part of the plaza expansion of the Ambassador Bridge. He indicates the ramp was approved by City Council. Rick Gruber clarifies the reason a defect was not done for the exterior walls at 790 Indian Road was because the exterior siding was missing and rotting wood would cause the structure to fail. Rob Vani states that any material alterations to a building under the Ontario Building Code Act require a permit and states eavestroughs require a permit.

J. Middleton asks Ms. Doyle if the City approved the construction of the ramp behind 790 Indian Road. Ms. Doyle responds she did not grant approval of that construction, as the Building Department did not receive a permit under the Building Code Act. She notes his question refers to legislative authority as it does not fall under the City of Windsor’s purview and may need to be deferred to legal counsel. Mr. Vani confirmed a ramp or pedestrian overpass is not considered a building under the Building Code Act and the Building Department would not have issued any permits or conducted any inspections.

J. Middleton questions Mr. Stamper if the properties on Indian Road fall within the Federal Plan as outlined by Mr. Lowenstein. Mr. Stamper replies the properties were purchased for the current expansion that the Canada Border Services Agency requested for current maintenance of the bridge and the demolition of these houses are needed for the maintenance of the existing bridge. In response to a question asked by J. Middleton regarding if demolition of the properties is granted, how long before demolition can begin, Mr. Stamper replies the demolition will take place immediately as abatement on the homes has begun.

Bill Van Wyck asks in the immediate vicinity if there is a clear boundary line of the Ambassador Bridge property. Mr. Stamper states these properties are required and the CTC has discretion to determine what it needs to reasonably maintain an aging structure and to ensure there are clear site lines for security reasons.

Moved by J. Middleton, seconded by M. Stephen,

UPON THE APPLICATION of the Canadian Transit Company, Appellant by way of Appeal from the Order to Repair made by the Property Standards Officer on the 24th day of September, 2013 respecting the property located at 790 Indian, Lot 30 and 31, Plan 1139, City of Windsor, and upon reading the said Order,

IT IS ORDERED that the said Order to Repair **BE MODIFIED** to an Order to Demolish the building forthwith.

Carried.

Moved by B. Van Wyck, seconded by J. Middleton,

UPON THE APPLICATION of the Canadian Transit Company, Appellant by way of appeal from the Orders to Repair made by the Property Standards Officer on the 24th day of September, 2013, respecting the properties identified in Appendix "A" **attached** hereto (with the exclusion of properties located within the Sandwich Heritage Conservation District) and upon reading of the said Order:

IT IS ORDERED that the said Orders to Repair **BE MODIFIED** to Orders to Demolish the non Heritage Conservation District properties as identified in Appendix "A".

Carried.

Moved by B. Van Wyck, seconded by J. Middleton,
UPON THE APPLICATION of the Canadian Transit Company, Appellant by way of Appeal from the Orders to Repair made by the Property Standards Officer on the 24th day of September, 2013 respecting the Heritage properties, **attached** hereto as Appendix "B" and upon reading the said Order:

IT IS ORDERED that the hearing of the appeals of the properties located within the Heritage Conservation District (attached as Appendix "B") **BE DEFERRED** pending a discussion between The Canadian Transit Company and the City of Windsor to resolve the matter.

Carried.

6. **REPORTS**

None.

7. **COMMUNICATIONS**

None.

8. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 12:15 o'clock p.m.

CHAIR

COMMITTEE COORDINATOR

AGENDA
and Schedule "A"
to the minutes of the
PROPERTY STANDARDS COMMITTEE
meeting held
Monday, October 28, 2013
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 of the Committee held September 16, 2013 –
(previously distributed)

4. **DEFERRALS/REQUEST FOR DEFERRALS**

HEARING OF APPLICANTS AND INTERESTED PARTIES - 2:00 o'clock p.m.

5. **DISCUSSION OF APPEALS**

- 5.1 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 853 Brock, Windsor, Ontario Lot 1 Plan 1219. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.2 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3232 College, Windsor, Ontario Lot 79 Plan 696. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.3 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 730 Rosedale, Windsor, Ontario Lot 38 Plan 1144. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.4 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 764 Rosedale, Windsor, Ontario Lot 6 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.5 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 770 Rosedale, Windsor, Ontario Lot 7 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.6 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 780 Rosedale, Windsor, Ontario Lot 9 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.

- 5.7 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 788 Rosedale, Windsor, Ontario Lot 10 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.8 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 774 Felix, Windsor, Ontario Lot 18 N Pt lot 17 Plan 942. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.9 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 811 Felix, Windsor, Ontario Lot E Pt Lot 52 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.10 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 831 Felix, Windsor, Ontario Lot 54 and 55 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.11 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 837 Felix, Windsor, Ontario Lot 56 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.12 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 867 Felix, Windsor, Ontario Part Blk G Plan 40. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.13 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 873 Felix, Windsor, Ontario Pt Blk G Plan 40. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.14 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 882-884 Felix, Windsor, Ontario S Pt Lot 2 N Pt Lot 3 Plan 1092. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.15 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 894-896 Felix, Windsor, Ontario Lot S Pt Lot 3 Plan 1092. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.16 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3511 Bloomfield, Windsor, Ontario Part Lot 237 Plan 1072. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.17 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3537 Bloomfield, Windsor, Ontario Lot 240 Plan 1072. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.

- 5.18 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3543 Bloomfield, Windsor, Ontario S Part Lot 241 Plan 1072. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.19 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3591 Bloomfield, Windsor, Ontario S Part Lot 248 Plan 1072. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.20 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3621 Bloomfield, Windsor, Ontario Lot 252 Plan 1072. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.21 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3627 Bloomfield, Windsor, Ontario S Part Lot 252, N Part Lot 253 Plan 1072. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.22 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3217 Edison, Windsor, Ontario Lot W Pt lots 52 and 53 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.23 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3227 Edison, Windsor, Ontario Lot 58 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.24 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3231 Edison, Windsor, Ontario Lot 59 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.25 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3233 Edison, Windsor, Ontario Lot 59 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.26 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3239 Edison, Windsor, Ontario Lot 60 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.27 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3245 Edison, Windsor, Ontario Lot 61 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.28 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3249 Edison, Windsor, Ontario Lot 62 E Pt Lot 63 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.

- 5.29 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3261 Edison, Windsor, Ontario Lot 64 with Pt Lot 63 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.30 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3267 Edison, Windsor, Ontario E Pt Lot 65 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.31 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3269 Edison, Windsor, Ontario Part Lot 65 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.32 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3275-3277 Edison, Windsor, Ontario Lot 66 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.33 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3279 Edison, Windsor, Ontario Lot 4 67 Plan 781. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.34 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3301 Edison, Windsor, Ontario N Part Lot 2 Plan 1219. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.35 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3311 Edison, Windsor, Ontario S Part Lot 2 Plan 1219. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.36 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3315 Edison, Windsor, Ontario Lot 3 Plan 1219. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.37 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3317 Edison, Windsor, Ontario Lot 4 Plan 1219. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.38 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3321 Edison, Windsor, Ontario Lot 5 Plan 1219. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.39 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 3329 Edison, Windsor, Ontario Lot 7 Plan 1219. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.

- 5.40 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 744 Mill, Windsor, Ontario Lot 3 Plan 807. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.41 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 750 Mill, Windsor, Ontario W Pt Lot 1 Lot 2 Plan 807. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.42 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 759 Mill, Windsor, Ontario Plan 942 Lots 5 to 7, Plan 44 Pt Lot 12. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.43 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 812 Mill, Windsor, Ontario Lot 11 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.44 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 862 Mill, Windsor, Ontario Lot 33 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.45 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 508 Indian, Windsor, Ontario Part Lot 2 Plan 54 N. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.46 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 520 Indian, Windsor, Ontario Part Lot 2 Plan 54. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.47 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 540 Indian, Windsor, Ontario Part Lot 2 Plan 54. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.48 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 556 Indian, Windsor, Ontario Part Lot 2 Plan 54. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.49 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 570 Indian, Windsor, Ontario Part Lot 2 Plan 54. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.50 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 590 Indian, Windsor, Ontario Part Lot 2 Plan 54. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.51 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 604 Indian, Windsor, Ontario Part Lot 1 Plan 1498. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.

- 5.52 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 612 Indian, Windsor, Ontario Lot 2 Plan 1498. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.53 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 615 Indian, Windsor, Ontario Lot 14 Plan 1493. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.54 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 622 Indian, Windsor, Ontario Lot 3 Plan 1498. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.55 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 623 Indian, Windsor, Ontario Lot 13 Plan 1493. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.56 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 631 Indian, Windsor, Ontario Lot 12 Plan 1493. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.57 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 639 Indian, Windsor, Ontario Lot 11 Plan 1493. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.58 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 646 Indian, Windsor, Ontario Lot 6 Plan 1498. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.59 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 663 Indian, Windsor, Ontario Lot 8 Plan 1493. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.60 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 670 Indian, Windsor, Ontario Lot 10 Plan 1144. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.61 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 673 Indian, Windsor, Ontario Lot 28 Plan 1144. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.62 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 696 Indian, Windsor, Ontario Lot 13 Plan 1144. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.63 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 704 Indian, Windsor, Ontario Lot 237 Plan 1072. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.

- 5.64 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 710 Indian, Windsor, Ontario Lot 15 Plan 1144. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.65 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 718 Indian, Windsor, Ontario Lot 16 Plan 1144. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.66 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 724 Indian, Windsor, Ontario Lot 17 Plan 1144. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.67 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 730 Indian, Windsor, Ontario Lot 18 Plan 1144. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.68 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 738 Indian, Windsor, Ontario Lot 45 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.69 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 744 Indian, Windsor, Ontario Lot 2 Plan 54. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.70 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 750 Indian, Windsor, Ontario Part Park Lot 2 Plan 54. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.71 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 753 Indian, Windsor, Ontario Lot 21 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.72 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 758 Indian, Windsor, Ontario Part Park Lot 2 Plan 54. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.73 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 759 Indian, Windsor, Ontario Lot 20 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.74 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 764 Indian, Windsor, Ontario Lot 26 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.75 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 765 Indian, Windsor, Ontario Lot 19 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.

- 5.76 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 769 Indian, Windsor, Ontario Lot 18 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.77 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 772 Indian, Windsor, Ontario Lot 27 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.78 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 777 Indian, Windsor, Ontario Lot 17 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.79 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 778 Indian, Windsor, Ontario Lot 28 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.80 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 781 Indian, Windsor, Ontario Lot 16 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.81 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 784 Indian, Windsor, Ontario Lot 29 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.82 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 790 Indian, Windsor, Ontario Lot 30 and 31 Plan 1139. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.83 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 655 Indian, Windsor, Ontario Lot 9 Plan 1493. The Notice of Appeal dated October 11, 2013 has been received within the 14 day timeframe.
- 5.84 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 319 Indian, Windsor, Ontario Lot 24 Plan 888. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.85 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 322 Indian, Windsor, Ontario Lot 18 Plan 887. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.86 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 331 Indian, Windsor, Ontario Lot 22 Plan 888. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.87 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 332 Indian, Windsor, Ontario Lot 16 Plan 887. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.

- 5.88 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 336 Indian, Windsor, Ontario Lot 15 Plan 887. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.89 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 340 Indian, Windsor, Ontario Lot 14 Plan 887. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.90 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 346 Indian, Windsor, Ontario Lot 13 Plan 887. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.91 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 352 Indian, Windsor, Ontario Lot 1 and Part Lot 2 Plan 888. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.92 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 358 Indian, Windsor, Ontario Lot S Pt lot 2 Plan 888. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.93 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 364 Indian, Windsor, Ontario Lot 4 S Pt Lot 3 Plan 888. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.94 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 372 Indian, Windsor, Ontario Lot 5 to 6 Plan 888. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.95 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 388 Indian, Windsor, Ontario Lot N Pt Lot 9 Plan 888. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.96 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 394 Indian, Windsor, Ontario Lot S Pt Lot 9 Plan 888. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.97 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 408 Indian, Windsor, Ontario Lot 1 to 3 Plan 840. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.98 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 420 Indian, Windsor, Ontario Lot 4 N Pt Lot 5 Plan 840. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.

- 5.99 The Canadian Transit Company against an Order issued September 24, 2013 regarding property 428 Indian, Windsor, Ontario Lot S Pt Lot 5 Plan 840. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.100 The Canadian Transit Company against an Order issued September 24, 2013 regarding property 440 Indian, Windsor, Ontario Lot 7 Plan 840. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.101 The Canadian Transit Company against an Order issued September 24, 2013 regarding property 446 Indian, Windsor, Ontario Lot 8 Plan 840. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.102 The Canadian Transit Company against an Order issued September 24, 2013 regarding property 451 Indian, Windsor, Ontario Lot 12 Plan 982. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.103 The Canadian Transit Company against an Order issued September 24, 2013 regarding property 452 Indian, Windsor, Ontario Lot 9 Plan 840. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.104 The Canadian Transit Company against an Order issued September 24, 2013 regarding property 457 Indian, Windsor, Ontario Lot 13 Plan 982. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.105 The Canadian Transit Company against an Order issued September 24, 2013 regarding property 458-460 Indian, Windsor, Ontario Lot 10 Plan 840. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.106 The Canadian Transit Company against an Order issued September 24, 2013 regarding property 464 Indian, Windsor, Ontario Lot 11 Plan 840. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.107 The Canadian Transit Company against an Order issued September 24, 2013 regarding property 470 Indian, Windsor, Ontario Lot 12 Plan 840. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.108 The Canadian Transit Company against an Order issued September 24, 2013 regarding property 474 Indian, Windsor, Ontario Lot 13 Plan 840. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.109 The Canadian Transit Company against an Order issued September 24, 2013 regarding property 490 Indian, Windsor, Ontario Lot 14 Plan 840. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.110 The Canadian Transit Company against an Order issued September 24, 2013 regarding property 2879 University W., Windsor, Ontario Lot 3 Pt Lot 2 Plan 887. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.

- 5.111 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 2891 University W., Windsor, Ontario Lot 1 Pt Lot 2 Plan 887. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.112 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 2856 Donnelly, Windsor, Ontario Lot 16 Plan 840. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.113 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 2874 Donnelly, Windsor, Ontario Lot 15 Plan 840. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.
- 5.114 **The Canadian Transit Company** against an Order issued September 24, 2013 regarding property 2874 Peter, Windsor, Ontario Lot 8 Plan 888. The Notice of Appeal dated October 9, 2013 has been received within the 14 day timeframe.

6. **REPORTS**

None

7. **COMMUNICATIONS**

None

8. **ADJOURNMENT**

1153 TECUMSEH RD. W. | SUITE 200 | WINDSOR | ON | N8X 1H7 |

City of Windsor Work Order
Windsor, Ontario
ATTENTION: Ken Carter
Ambassador Bridge
October 22, 2013

Mr. Carter,

Thank you for allowing us the opportunity to provide you with a quotation for work that is subject to orders issued by the City of Windsor.

We have visited each property as indicated and based on the individual Work Orders we have formulated our quotation. Please note that we have broken down our quote into 2 (two) sections; the first being the exterior repairs which encompass items which generally fall within the categories listed on the Work Orders. The second are additional items that have to be done to make the properties inhabitable. Although the Work Orders seems to identify exterior problems on the properties, it has been noted that while visiting the sites many of the properties need structural repairs on the interior which may constitute much more significant work in order to make the properties structurally sound.

Mr. Carter as much as I appreciate the business and would welcome the work, it is in my professional opinion that the cost of these repairs as you will see by the individual quotes will far exceed the value of the properties and this may be something that should be seriously considered.

We will proceed in whatever manner in which you direct us and will await your response.

Thank you,



Art Ussoletti

President

TCI Titan Contracting Incorporated

John Middleton

From: "John Middleton" <abcsigns@cogeco.net>
Date: Friday, October 25, 2013 2:41 PM
To: "Kadour, Karen" <kkadour@city.windsor.on.ca>
Subject: Re: Property Standards Meeting

Good afternoon Karen,

1) I would like to request that any person that was involved in the intensive consultations as described by Mayor Francis in the Windsor Star article (link provided) including Mayor Francis be present at our meeting on Monday.

<http://www.windsorstar.com/Bridge+Ordered+buildings/8971754/story.html>

2) A copy of the Statutory Powers and Procedures act and The Building code act for all committee members.

3) Name plates for all the main participants.

4) Could you also forward this request to the other committee members.

Thanks in advance for your help.

Regards
John Middleton

5.1



THE CORPORATION OF THE
CITY OF WINDSOR

Building Department Inspections Division
350 City Hall Square West, 4th Floor, P.O. Box 1607
Windsor, Ontario N9A 6S1
Tel: 519 255-6267 Fax: 519 255-7170

ORDER TO REPAIR

UNDER THE MAINTENANCE AND OCCUPANCY BY-LAW 147-2011 AS AMENDED BY BY-LAW 213-2011

To: Anne Marie Laniak
P.O. Box 118
ESSEX ON N8M 2Y1

Legal Description and
Municipal Address of Lot 17 Plan 888
non-conforming
Property: **357 INDIAN**

Folder Number: 13 195185

Date of Inspection: September 19, 2013

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 147-2011 as amended by by-law 213-2011, 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: **357 INDIAN**
Does not conform to the standards set forth in By-law Number 147-2011 as amended by By-law 213-2011

DESCRIPTION OF PROPERTY USE: Two storey building, masonry foundation and aluminum and brick siding.	
DEFECTS AND CONDITIONS NOT IN COMPLIANCE WITH THE BY-LAW:	
DEFECT 1:	EXTERIOR WALLS All exterior walls shall be maintained in a watertight condition and in good repair so that they remain straight, level and plumbed (unless otherwise designed), presenting an appearance that is uniform and neat in the opinion of the Officer and free from any damaged, defective, unsecured or deteriorated materials and any conditions that may result in the infestation of rodents, vermin or insects. (Section 1.7)
DEFECT 2:	EXTERIOR DOORS AND WINDOWS 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. (Section 1.8)
DEFECT 3:	STAIRS, PORCHES, GUARDS AND RAILS All stairs, porches, landings, loading docks, guards, handrails, balconies, canopies, awnings, fire escapes, rainwater pipes, flashings, and supports for solar panels, air conditioners and all similar equipment shall be maintained in good repair, properly anchored and free from defects and unsafe conditions. (Section 1.9)
DEFECT 4:	ROOF All roofs shall be maintained in good repair and in a watertight condition. (Section 1.12)
DEFECT 5:	HERITAGE In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this bylaw, the owner of a Part IV or Part V Heritage Property shall: (a) Maintain, preserve and protect the attributes of the Part IV or Part V Heritage Property so as to maintain its heritage character as well as its visual and structural heritage integrity; (b) Maintain the Part IV or Part V Heritage Property in a manner that will ensure the protection and preservation of its heritage values and attributes; and, (c) Obtain a heritage permit from Council or where applicable Council's designate

	<p>prior to performing work or causing work to be performed under this section of the bylaw.</p> <p>(Section 5.1.1)</p> <p>Despite any other provision of this bylaw, where a heritage attribute of a Part IV or Part V Heritage Property can be repaired, the heritage attribute shall be replaced and shall be repaired:</p> <ul style="list-style-type: none"> (a) In such a manner that minimizes damage to the heritage values and attributes and maintains the design, colour, texture, grain or other distinctive features of the heritage attribute; (b) Using the same types of material as the original and in keeping with the design, colour, texture, grain or other distinctive features of the original; and, (c) Where the same types of materials as the original are no longer available, alternative types of material that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material may be used if approved by Council or where applicable their designate. <p>(Section 5.2.1)</p> <p>Despite any other provision in this bylaw, where a heritage attribute of a Part IV or V Heritage Property cannot be repaired, the heritage attribute shall be replaced:</p> <ul style="list-style-type: none"> (a) in such a manner as to replace the design, colour, texture, grain or other distinctive features and appearances of the heritage attribute, using the same types of materials as the original; and, (b) Where the same of materials as the original are no longer available, alternative types of materials that replicate the design, colour, texture, grain or other distinctive features of the original materials may be used. <p>(Section 5.3.1)</p> <p>Despite any other provision of this bylaw or the Act, no building or structure located on a Part IV or Part V Heritage Property may be altered, demolished, removed or relocated except in accordance with the <i>Ontario Heritage Act</i>. (Section 5.4)</p> <p>Notwithstanding Part 4 of this bylaw:</p> <ul style="list-style-type: none"> (a) Where a Part IV or Part V Heritage Property remains vacant for a period of 90 days or more, the owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the heritage attributes. (b) The owner of a vacant Part IV or Part V Heritage Property shall protect the building and property against the risk of fire, storm, neglect, intentional damage or other damage by other causes by effectively preventing the entrance of the elements, unauthorized persons or the infestation of pests by boarding up and securing any openings to the building in the following manner: <ul style="list-style-type: none"> (i) all boards shall be installed from the exterior and shall be fitted in a watertight manner and so that all exterior trim and cladding remains uncovered and undamaged by the boarding; (ii) all boards shall be fastened securely in a manner that minimizes damage to the heritage attributes; (iii) all boards shall be painted in a manner to reflect panes of glass, frames and mullions that were to be found on the opening that is being boarded over or the panes of glass shall be painted in matt black and the window frames and mullions shall be painted in a colour that of the original opening; and, (iv) all boards used for boarding and securing openings not located in a window or door opening shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure." <p>(Section 5.5.1)</p>
<p>**NOTE:</p>	<ul style="list-style-type: none"> • A HERITAGE PERMIT MUST BE OBTAINED FROM COUNCIL PRIOR TO COMMENCING WORK ON THIS ORDER TO REPAIR. • A CONSTRUCTION PERMIT MUST BE OBTAINED FROM THE BUILDING DEPARTMENT PRIOR TO COMMENCING WORK ON THIS ORDER TO REPAIR.

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: OCTOBER 24, 2013.

Dated at Windsor, Ontario, this 24th day of September, 2013.

Lee Anne Doyle, MCIP, RPP
Chief Building Official

Per:



Bill Szekely
Inspector/Property Standards Officer
Building Department
(519) 255-6611 Ext. 6180

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.



Office of the City Clerk
 203-350 City Hall Square East • Windsor, Ontario N9A 6S1
 Tel: 519-255-6222 ext. 6430 • Fax: 519-255-6868

NOTICE OF APPEAL

IN THE MATTER OF the Maintenance & Occupancy Bylaw 147-2011,
 as amended, of the Corporation of the City of Windsor

BETWEEN: Kevin Flood, husband and agent for Anne-Marie Laniak
 Appellant
 - and -
City of Windsor
 Respondent

TAKE NOTICE that the above-named Appellant hereby appeals to the Property Standards Committee from the

ORDER TO Folder Number 2013 195185 VY "Repair"
 Repair or Demolish; Prohibit Use of Property; Vacate Property; etc.

Made by Bill Szekely Inspector / Property Standards Office & Roberto Vani
 Inspector Name and Title
 Manager of Inspection

On the 24th / 23rd day of September, 2013

RESPECTING THE PROPERTY KNOWN AS:
357 Indian Road
 Municipal Number, (if this is a vacant lot provide Registered Plan and Lot Numbers)

BASIS OF APPEAL:
 Please see attachments

NOTE: 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 date on which the Order was served upon him/her, file a Notice of Appeal, duly completed, with the Committee Coordinator, Property Standards Committee, Suite 203- 350 City Hall Square East, Windsor, Ontario. Pursuant to Section 4.8 of the Property Standards By-Law, a processing fee of \$351.00 shall be paid at the time the appeal is filed.

DATED at WINDSOR this 7th day of October, 2013
Kevin Flood A.M. Laniak
 Signature of Appellant or Agent or Solicitor

MAILING ADDRESS: Kevin Flood, P.O. Box 118, Essex, Ontario, N8M 2Y1
Anne-Marie Laniak, 194 Campbell Ave, Windsor, Ont N9B 2H2
 EMAIL ADDRESS: Kevin-Flood@hotmail.com A.Laniak@syntica.ca
 HOME PHONE #: 519 253 0860 ALTERNATE # 519 796 6040

TO: Council Services - Attention: Committee Coordinator 519-255-6222 ext. 6430
 or clerks@city.windsor.on.ca

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION:
 I/We also acknowledge that the information requested on this form is collected under the authority of The Building Code Act, R.S.O. 2001 as amended. The information is required in order to process the appeal to the Property Standards Committee. The name and business address of the applicant and/or authorized agent is public information. The address of the property which is the subject of the appeal is also public information. Please be advised that any personal information i.e. name, address may become part of a public record in an electronic i.e. website and/or paper format i.e. agenda, minutes.

AKL 4



THE CORPORATION OF THE CITY OF WINDSOR

OFFICE OF THE CITY SOLICITOR
BUILDING DEPARTMENT

LEE ANNE DOYLE, MPA, MCIP, RPP
CHIEF BUILDING OFFICIAL

September 23, 2013

ANNE MARIE LANIAK
P O BOX 118
ESSEX ON N8M 2Y1

Dear Sir/Madam,

Re: Folder Number 2013 195185 VY

As a result of a property standards complaint, the Inspections Unit of the Building Department sent a Building Inspector to 357 INDIAN. The Building Inspector has determined that this property is not in compliance with By-law 147-2011 and you are being served with an **Order to Repair** as well as **an invoice in the amount of \$225.00**. This administrative fee is being charged pursuant to the Municipal Act and the Fees and Charges **By-law Schedule "A" of By-law 392-2002 as amended by By-law 78-2011**, as authorized by City Council, to recover the inspection costs associated with the Order. Should you fail to pay this fee on or before the due date **the fee will be added to your tax account** and collected in a manner as taxes.

If you have any questions in regards to this matter, please contact the Building Department Receptionist at 519-255-6267.

Yours truly,

Lee Anne Doyle, MPA, MCIP, RPP
Executive Director/CBO
Building Department

Per:

Roberto Vani
Manager of Inspections

Attachments



City of Windsor
Building Department
350 City Hall Square West, 4th Floor
Windsor, ON N9A 6S1
Phone 519-255-6267

INVOICE

BILL # 260898
BILLING DATE September 23, 2013
FOLDER 2013 195185 VY
PAYMENT DUE DATE October 28, 2013

To:

ANNE MARIE LANIAK
P O BOX 118
ESSEX ON N8M 2Y1

Please Remit Payment To:

CITY OF WINDSOR
Building Department
350 City Hall Square West, 4th Floor
Windsor, ON N9A-6S1

COMMENTS OR SPECIAL INSTRUCTIONS:

RE: Property Standards Enforcement Fee and/or Building Re-Inspection Fee – 357 INDIAN

~~FEES NOT PAID BY THE PAYMENT DUE DATE WILL BE ADDED TO THE PROPERTY OWNER'S TAX BILL ALONG WITH AN ADMINISTRATIVE FEE.~~

DESCRIPTION	TOTAL DUE
Property Standards Enforcement Fee	\$225.00

Acceptable Payments – VISA, Mastercard, Debit, Cash, Cheque (payable to the City of Windsor)

~~PLEASE RETURN THIS INVOICE WITH YOUR PAYMENT~~

If you have any questions concerning this invoice, contact the Building Department Receptionist, 519-255-6267,

Ext. 6725 or Ext. 6985.

October 8, 2013



*Anne-Marie Laniak
& Kevin Flood*

www.SundialRentals.com
519-796-6040

Mr. James Evans, Chairman
Property Standards Committee
City of Windsor

RE: Basis of Appeal

Address: 357-359 Indian Road

Request: Quash the order.

If it is the respectful decision of the committee is to uphold the order:

2nd Request: Extend the deadline for compliance to October 31, 2015

3rd Request: Waving of the inspection fees.

Dear Mr. Evans,

"Without prejudice"

The City of Windsor, through the Building and Planning Departments, has acted in bad faith.

Supporting evidence will be given proving the City of Windsor personnel have shown a high degree of incompetence, have withheld evidence, and have used deceit to carry out the City's prejudicial agenda. The City of Windsor has targeted Anne-Marie Laniak & Kevin Flood (Laniak - Flood) because of their high degree of visibility on Indian Road. They are also the collateral damage in the dispute between the Mayor's Office and the Ambassador Bridge - Canadian Transit Company.

Background

Anne-Marie Laniak retired in 2006 after a successful career as a national sales manager for a Fortune 500 company. Mr. Flood retired in 2004 after a successful career as an owner of grain elevators, and later as a merchandiser in procurement, export trade, and logistics manager for a Fortune 500 company.

Laniak - Flood are also involved in a rental-home business offering safe and affordable homes to groups of University of Windsor students. Their business activities are well known at City Hall. They have spent \$3,000,000.00 on Indian Road, Donnelly Street, and Rosedale Avenue:

- . Renovating existing structures
- . Capital expenditures - building 2 single-detached, 1 semi, and 3 townhomes
- . Installing solar panels

Please review Exhibits 1A, 1B, & 1C

Flood presently is suing the City of Windsor for malicious prosecution of fire code violations. He was targeted as the test case for the WFD. Through the "Freedom of Information Act," Flood received the defining evidence in the 2006 in-camera "Sonego fire strategy report." He was acquitted in 2008 by a "directed verdict," meaning he did not even have to give evidence. The suit is presently being set down for trial.

Introduction

Laniak – Flood have tried unsuccessfully to obtain a building permit for 357 Indian Road. This order is just vindictiveness because at Council on June 17, 2013, Report No. 322, Heritage Alteration Permit, 357-359 Indian Road, Laniak- Flood informed the Mayor they will be suing the Planning and Building Department for the financial losses occurred. On September 3, 2013, they applied for a demolition permit. Laniak – Flood are requesting the Property Standards Committee quash the work order to allow the democratic process unfold through Council for the demolition permit.

357 Indian Road Story

1. Laniak – Flood took their good intentions onto the next block of Indian Road, purchasing 357 – 359 Indian Road. They were prepared to invest time and money into a dilapidated home. Prior to purchasing the home in the fall of 2009, Flood reported to Ms. Lee Anne Doyle someone had commenced demolition work without a building permit.

2. It was the intention of Laniak – Flood to extensively renovate the duplex from the bare studs up with an engineered structural roof to support the weight of solar panels. This project could only be financially viable if there were two revenue streams, rent and solar electricity sales to the grid. The solar panels were extremely problematic for Mr. Kevin Alexander, Planning Department, he did not like or want solar panels in his heritage district. The Green Energy Act was clear, installation of the panels were permissible.

3. 2010 – 2011: Laniak – Flood tried working with the Planning Department with the goal to appear in front of council and receive a building permit. Questions to the Planning Department went unanswered. Demands by the Planning Department were unrealistic, sometimes due to socio-economic conditions and at other times because of a lack of common sense. Mr. Alexander made a request "to raise the front porch wall 2 ½ bricks." **Please review Exhibit 2.**

There was also a meeting in late July 2011, attended by Mr. George Wilkki, Ms. Doyle, Mr. Thom Hunt, Mr. Bill Jean, Mr. Alexander, and Flood. Mr. Alexander was upset about his supervisor Mr. Neil Robertson approving a second storey addition with solar panels for 551 Indian Road. Mr. Alexander stated he did not like the proposal to install solar panels at 357 Indian Road.

4. September 6, 2011: Laniak – Flood appeared at City Council. The Mayor requested Council to postpone a decision for one week to all the Planning Department and the applicants to meet to resolve their differences. The Mayor requested that the meeting be audio taped. The meeting was held in the afternoon of September 7, 2011. **Please review Exhibit 3.** Minutes of the meeting were received by Flood. He felt that there were omissions. Mr. Hunt refused to correct the minutes. Mr. Flood requested a copy of the audio tape by email, telephone, and in person. Mr. Flood has never received an audio copy. This is bad faith. **Please review Exhibit 4.**

5. September 19, 2011: Council refused to grant a building permit because Laniak – Flood's refusal to install costly cedar shakes on exterior walls and to purchase \$1,250.00 oak doors. Notable: Mr. Hunt had informed Flood of a location in Detroit to purchase vinyl imitation cedar shakes cheaper than prices offered in Windsor.

6. March 2012: Flood met Councillor Sleiman by a chance encounter at City Hall. He took Councillor's Sleiman's advice and prepared new drawings with cedar shakes and oak doors. Flood met with Ms. Lee-Anne Doyle and Mr. Neil Robertson separately in May 2012. They were satisfied this met Kevin Alexander's demands. Ms. Doyle would not allow the drawings to be submitted until all interior drawings had been completed.

Ms. Doyle was wrong as interior drawings were not required. **Please review Exhibit 5.** (LiveLink Report 16306 from the April 17, 2013, Windsor Heritage Committee meeting agenda. Page 3 of 22, paragraph 1, Discussion)

7. Standard procedure up until June 2011 was to apply to the Planning Department first. Procedures were changed and applicants were asked to apply to the Building Department first so the drawings could be time stamped. Ironically, Ms. Doyle changed the procedure again on August 27, 2012; all applications would now be submitted to the Planning Department first by the applicant.

Please review Exhibit 6.

Please review Exhibit 7.

8. June 11, 2012: A building permit application was filed. **Please review Exhibit 8.** Ms. Doyle and Mr. Robertson were both aware that OPA solar contract for the roof expired in December 2012.

9. Mid August: The Ambassador Bridge dropped the appeal of the demolition of the boarded-up homes.

10. Spring & Summer, 2012. I inquired about the status of the building permits for 2914 Wyandotte Street West and 357 Indian Road. The Building Department was in the usual "State of Flux" when any issue came up concerning Indian Road. The communication between the Building and Planning Department is non-existent. To clarify my remarks: June 2011, Bill Jean assumed 749 Rosedale was in the Sandwich Heritage Conservation District when in fact it is in the CIP. **Please review Exhibit 9.** Neil Robinson says all solar projects west of Huron Church Road must be approved by Council. **Please review Exhibit 10.** Flood argued at City Council in September 2011, that MicroFIT solar projects in the CIP area did not require approval. Council accepted the word of the Planning Department that they did.

11. May 2, 2012. Neil Robertson was still certain council's permission was still required for solar. **Please review Exhibit 11.**

12. June 11, 2012. Moments before Flood was to appear in front of the Planning Standing Committee, the Planning Department admits solar panels in the CIP area do not require council's consent. **Please review Exhibit 12.**

13. August 23, 2012. Flood met with Ms. Doyle and Mr. Jean to discuss:

a) Why he had not yet received a building permit for the front porch of 2914 Wyandotte Street West?

b) Why the 357 Indian Road drawings were not sent by the Building Department to the Planning Department?

2914 Wyandotte Street West, Flood was told the application had been denied by Council. Ms. Doyle and Mr. Jean presented drawings with red marker scribbled all over. Not until August 24, 2012, did Ms. Doyle admit she was wrong. The spoiled drawings were never returned to Flood. **Please review Exhibit 13.**

357 Indian Road drawings, Ms. Doyle has not revealed why the drawing were never previously delivered to the Planning Department, only that they were sent August 27, 2012. **Please review Exhibit 13.**

14. December 4, 2012: *Laniak appeals to the OPA for an extension. Without the solar revenue, the home is not financially viable because not enough revenue can be generated as a rental to support the construction costs.* **Please review Exhibit 14.**

15. December 5, 2012: OPA refuses to give an extension. **Please review Exhibit 15.**

16. December 5, 2012: Ms. Doyle sends an email trying to direct blame to the OPA and now talks about the new processes for building construction in the Indian Road Heritage District. **Please review Exhibit 16. This email is very important**

17. December 2012. Kevin Alexander had refused to review the drawings because he did not want solar panels on the front of the home. He waited until after the Heritage Bylaw took effect. The Heritage Act for the front facades has precedence over the Green Energy Act. **Please review Exhibit 5.** LiveLink Report 16306 from the April 17, 2013, Windsor Heritage Committee meeting agenda. Page 3 of 22, paragraph 2, Discussion.

18. January 4, 2013: Mr. Robertson telephoned Flood asking him if he is attending the Heritage Meeting of January 9, 2013. He is unaware that Flood had not been notified because under Consultations, page 8 of 22, of the LiveLink Report 16306 from the April 17, 2013, Windsor Heritage Committee meeting agenda, Flood had been notified. **Please review Exhibit 17.**

19. January 8, 2013, 14:08: Flood receives the agenda and report via email. **Please review Exhibit 18.**

20. January 9, 2013: Flood requests a deferral as there is only 1 day to prepare. **Please review Exhibit 19.**

21. April 17, 2013: Windsor Heritage Committee meeting. There were no consultations with any city department prior to the meeting. Laniak - Flood attended the meeting. Mr. Alexander reaffirmed to the committee delegates that he now has the authority over the installation of solar panels.

22. September 3, 2013: Laniak - Flood apply for a demolition permit.

23. September 20, 2013: Laniak - Flood receive a letter from Thom Hunt outlining nine steps required to be undertaken by the applicant before he will move the demolition application to Council. **Please review Exhibit 20.**

24. September 24, 2013: Flood meets with Ms. Doyle. He is unaware a work order has been issued against 357 Indian. The topic of the meeting is Indian Road. Ms. Doyle does not inform Flood of the work order.

25. Evening of September 27, 2013: Flood finds out about the work order by reading the Windsor Star.

26. September 30, 2013: Flood receives the work order. The order is in the City of Windsor website property query dated September 20, 2013. **Please review exhibit 21.** Roberto Vani, Manager of Inspections dates his letter September 23, 2013, and Bill Szekely states the property order was not completed until September 24, 2013.

Summary

Laniak - Flood respectfully request the order be quashed. The Building and Planning Department are being deviant by creating chaos to discredit the Appellants. A demolition application was submitted prior to the work order. Respectfully, in the opinion of the Appellants, the demolition application must be dealt with first.

Sincerely,

Kevin Flood

Cc: Mr. John Middleton, Vice Chairman, Mr. Bill Van Wyck & Mr. Mark Stephen

194 Campbell Avenue, Windsor, Ontario, N9B 2H2
519-253-0860

Exhibit 1A: 2909, 2919, 2929 Donnelly. Constructed in 2010.

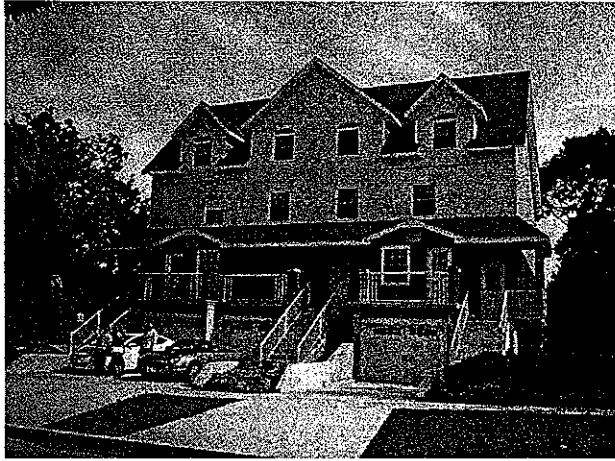


Exhibit 1B: Donnelly townhomes & 551 Indian Road. 2nd floor addition to 551 constructed in 2011.



Exhibit 1C: 749 Rosedale, renovated in 2011 & 741-745 Rosedale constructed in 2003.

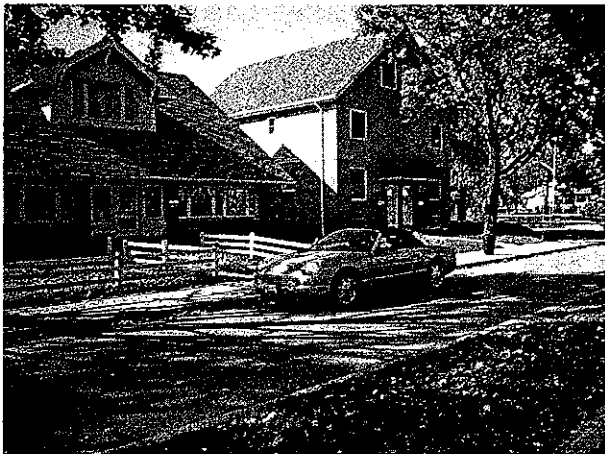


Exhibit 2:

357-359 Indian

From: **Alexander, Kevin** (kalexander@city.windsor.on.ca) You moved this message to its current location.

Sent: July-20-11 9:45:23 AM

To: A.Laniak@sympatico.ca; kevin_flood@hotmail.com
Robertson, Neil (nrobertson@city.windsor.on.ca); Calhoun, John
(jcalhoun@city.windsor.on.ca); Hunt, Thom (thunt@city.windsor.on.ca); Jean, Bill
Cc: (bjean@city.windsor.on.ca); Doyle, LeeAnne (LDoyle@city.windsor.on.ca); Vendrasco, Wira H.D. (wvendasco@city.windsor.on.ca)

1 attachment (331.8 KB)

View online

Download as zip

Hi Kevin, thank you for your updated drawings of July 12, 2011. I have met with the Heritage Planner, Thom and Neil regarding your property at 357-359 Indian Road. As we agreed we will include a report for an Interim Control By-law exemption on the August 15, 2011, Planning Standing Committee Agenda. Could you please make the following minor changes (also see attached redlined drawings):

1. Raise the porch wall on each side approximately 2 ½ bricks as shown on the attached drawing. This will make the improvements more consistent with the original architectural style.
2. Provide specifications and product number, information, etc. for the imitation Nailite barn red vinyl cedar shake as shown on the red lined drawings
3. Indicate a red imitation wood/steel, or vinyl replacement door(s) that is similar to the existing wood doors (see photo below), and show original door style on drawings. Doors are an important element identified in the Heritage Conservation District Conservation Plan.
4. Identify and show a small detail of the 3 "L-shaped" pillars on each side of the porch. Please note that there should be 3 pillars per side. I have confirmed through the Building Department that this will meet Building Code.

Could you please email me a complete set of the updated drawings in PDF or JPEG format so that I can include them in the report? Thanks again Kev.

Kevin

Kevin Alexander, MCIP RPP

Planner III--Special Projects

Exhibit 3.

- Meeting Today - 1:30 p.m. Planning Department

From: **Hunt, Thom** (thunt@city.windsor.on.ca) You moved this message to its current location.
Sent: September-07-11 9:48:04 AM
To: kevin flood (kevin_flood@hotmail.com)
Cc: A.Laniak@sympatico.ca; Robertson, Neil (nrobertson@city.windsor.on.ca); Wilkki, George (gwilkki@city.windsor.on.ca)
Mr. Flood,

Per last night's Council meeting outcome and your letter we received today, are you able to meet with us today at 1:30 p.m. to discuss outstanding issues regarding 357-359 Indian Road? Please advise.

Regards,

Thom Hunt, MCIP, RPP

Executive Director and City Planner

Exhibit 4.

- questions to Thom Hunt

From: **kevin flood** (kevin_flood@hotmail.com) You moved this message to its current location.
Sent: September-15-11 9:32:58 PM
To: Tom Hunt (thunt@city.windsor.on.ca)
Wilkki, George (gwilkki@city.windsor.on.ca); Ed Arditti (arditti@sympatico.ca); cklw (newscentre@am800cklw.com); Doug Schmidt (dschmidt@windsorstar.com); Dalson Chen (dchen@windsorstar.com); Gino Conte (gino.conte@cbc.ca);
Cc: joagnac@city.windsor.on.ca; rjones@city.windsor.on.ca; esleiman@city.windsor.on.ca; amagnieh@city.windsor.on.ca; ddilkens@city.windsor.on.ca; phatfield@city.windsor.on.ca; bmarra@city.windsor.on.ca; ahalberstadt@city.windsor.on.ca; hpayne@city.windsor.on.ca; fvalentinis@city.windsor.on.ca
Outlook Active View

2 attachments (total 1117.2 KB)
sept 19 PSC rpt 27_20110915104518.pdf
View online

Download

Mr. Hunt:

I am in receipt of the council report for September 19.
On September 6, 2011, Mayor Francis stated that a meeting to be held with Anne-Marie and I would have documented minutes.

You did not supply all of the minutes on time for the Planning Standing Committee last Monday.

Anne-Marie and I are in council this coming Monday.
When can council expect to have the revised minutes?

When will you respond to my respectful questions of 10:28 am last Tuesday?

Mr. Hunt, Anne-Marie and I do not have a pension, medical benefits, or a salary. We live by our wits every day. You are affecting our livelihood when you do not respond to the requests in the timely manner stated in your planning department brochures.

Lastly, please supply me a full copy of the audio taped meeting of last week. I assume this will not be a problem?

Kevin Flood

Subject: Windsor City Council - September 19, 2011
Date: Thu, 15 Sep 2011 13:41:16 -0400
From: toldob@city.windsor.on.ca
To: kevin_flood@hotmail.com; a.laniak@sympatico.ca

<<sept 19 PSC rpt 27_20110915104518.pdf>>

RE: Report No. 27 of the Planning Standing Committee (Update 357-359 Indian Road ICBL Exemption Request – Summary of Meeting held September 7, 2011)

The attached Planning Standing Committee report is scheduled for consideration at the Monday September 19, 2011 Windsor City Council meeting. This meeting is scheduled to begin at 6:00 pm, and will be held in Council Chambers, 3rd floor, Windsor City Hall. Should you wish to be listed as a delegation and address Council on this matter, please contact me as soon as possible. Thanks in advance. *Beth Toldo*

Exhibit 5.

On September 19, 2011, Windsor City Council denied the request of the owner of 357-359 Indian Road for an exemption from the Interim Control By-law 35-2008 and Demolition Control By-law 20-2007, because drawings deleting the shake siding were determined to be inconsistent with the Old Sandwich Towne Supplemental Development and Urban Design Guidelines, and Sandwich Heritage Conservation District Plan (See M243-2011).

3. DISCUSSION:

On August 27, 2012 the Planning Department received a new application from the Building Department for a building permit from Anne-Marie Laniak, the owner of the residential duplex at 357-359 Indian Road, for the changes listed at the beginning of this report (See Appendix 'D' for drawings). The application also includes renovation of the interior, which is beyond the scope of the heritage alteration permit.

Now that the Sandwich HCD By-law is in effect, the City also has the power to review renewable energy projects (within Heritage Conservation Districts) such as the solar panels proposed in this application, to ensure that they do not negatively impact the character or design objective for the area.

Under Ontario Regulation 359/09 (made under the *Environmental Protection Act*) the applicant is required obtain written authorization from the City to alter a property that is located within an HCD as part of an application to the Province for a renewable energy project.

Both the above heritage approvals will be dealt with by this one report for consideration by the City Council, with many design and construction details delegated to the Planning and Building Departments.

Approvals

The applicant requires three approvals: Heritage alteration permit, site plan approval, and building permit.

Heritage Alteration Permit:

Part V, Section 42 of the Ontario Heritage Act requires the applicant to obtain a permit from the Municipality to alter a building in a Heritage Conservation District. These alterations will be reviewed based on the standards and guidelines in the Sandwich HCD Plan. The Old Sandwich Towne Community Improvement Plan (CIP) guidelines are also to be observed.

For this particular application the applicant requires an alteration permit for changes to the roof, porch, siding and any other elements determined to be relevant to the district. The applicant also requires an alteration permit for changes to the roof.

The heritage alteration permit is for exterior visual features. Some of these may not require a building permit. Windsor Heritage Committee input and City Council approval is required for those items listed in the recommendation section of this report. The selection of items is based upon Table 6.1 (page 6.2) of the Sandwich HCD Plan. This report will go to the Windsor Heritage Committee for their recommendation, which will then be forwarded through the Planning and Economic Development Standing Committee to Council.

Exhibit 6.

- RE: 2914 Wyandotte Street West

From: **Alexander, Kevin** (kalexander@city.windsor.on.ca) You moved this message to its current location.

Sent: February-03-12 10:36:00 AM

To: kevin flood (kevin_flood@hotmail.com)

Robertson, Neil (nrobertson@city.windsor.on.ca); Hunt, Thom

Cc: (thunt@city.windsor.on.ca); Doyle, LeeAnne (LDoyle@city.windsor.on.ca); Jean, Bill (bjean@city.windsor.on.ca)

Kevin, we are unable to consider your application for exemption from the Interim Control By-law until such time that the Building Department has accepted an application for a Building Permit.

Kevin Alexander, MCIP RPP

Planner III--Special Projects

Exhibit 7.

Subject: RE: 2914 Wyandotte

Date: Mon, 27 Aug 2012 10:39:07 -0400

From: LDoyle@city.windsor.on.ca

To: kevin_flood@hotmail.com

CC: bjean@city.windsor.on.ca; nrobertson@city.windsor.on.ca

Good Morning Kevin:

Welcome back!

I am unclear as to the source of the miscommunication. In order to avoid these issues in the future I suggest that you submit your drawings to the Planning Department first and have them stamped by Planning when approved and then submitted with your building permit application similar to other development approval processes (e.g. SPC)

I met with Bill this morning on the status of your current submissions and wish to confirm the following:

2914 Wyandotte: Previously requested engineering drawings for solar panels; porch drawing needs to be stamped by engineer or a BCIN number provided.

357-359 Indian: Resubmitted drawings have been forwarded to the Planning Department for approval.

563 Indian: Previously requested stamped drawings or BCIN number.

We look forward to receiving the requested documentation from you so that we can proceed with issuance of building permits.

Best Regards, Lee Anne

Exhibit 8.

- RE: 357-359 Final copy

From: **Doyle, LeeAnne** (LDoyle@city.windsor.on.ca) You moved this message to its current location.
Sent: June-11-12 3:41:25 PM
To: kevin flood (kevin_flood@hotmail.com)
Hi Kevin:

I have forwarded your e-mail to Bill Jean so he is aware of your submission.

Best Regards, Lee Anne

From: kevin flood [mailto:kevin_flood@hotmail.com]
Sent: June 11, 2012 3:10 PM
To: Doyle, LeeAnne; Robertson, Neil
Subject: FW: 357-359 Final copy

I will be submitting a building permit application today.

Exhibit 9.

- 749 Rosedale

From: **Jean, Bill** (bjean@city.windsor.on.ca) You moved this message to its current location.
Sent: June-22-11 11:22:53 AM
To: Kevin_Flood@hotmail.com
Cc: Doyle, LeeAnne (LDoyle@city.windsor.on.ca)

Kevin, the house that you want to put the solar panels on is in the Sandwich Heritage Conservation District. The Green Energy Act, Section 19(1) item 7 and Section 23 (1) under Heritage assessment requires you to contact our Planning Department for a clearance

Bill Jean

Exhibit 10.

- RE: we did not meet yesterday

From: **Robertson, Neil** (nrobertson@city.windsor.on.ca) You moved this message to its current location.
Sent: June-28-11 10:10:39 AM
To: kevin flood (kevin_flood@hotmail.com)
Cc: Hunt, Thom (thunt@city.windsor.on.ca); Alexander, Kevin (kalexander@city.windsor.on.ca); Jean, Bill (bjean@city.windsor.on.ca)
Kevin,

Since the Ontario Building Code requires building permits for the installation of solar voltaic panels on buildings if the area of panels exceed 5 square metres, your solar panel installations in the Interim Control area will require approval through City Council for exemption from the Interim Control By-Law.

You should submit your drawings in the order of preference (from the long list of projects that you provided me) and we will begin processing them.

357/359 Indian will likely go the Planning Standing Committee on August 15. We will also target this meeting for 741/745 Rosedale.

I will be away from the office from June 30 to July 13. Kevin Alexander will navigate these in my absence.

Regards,

Neil Robertson, MCIP, RPP

Manager of Urban Design

THE CORPORATION OF THE CITY OF WINDSOR
Planning Standing Committee – Administrative Report



MISSION STATEMENT:
"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

LiveLink REPORT #: 15921 Z/8581	Report Date: May 2, 2012
Author's Name: Neil Robertson	Date to Standing Committee: June 11, 2012
Author's Phone: 519 255-6543 ext. 6461	Classification #:
Author's E-mail: nrobertson@city.windsor.on.ca	

To: Planning Standing Committee
 Subject: 2914 Wyandotte St. W. – Exemption from the Sandwich Interim Control By-law

1. RECOMMENDATION: City Wide: _____ Ward(s): 2

That an exemption from the Interim Control By-law 19-2007 as amended by By-law 35-2008 and the Demolition Control By-law 20-2007 BE GRANTED to Kevin Flood, the owner of the single detached house located at 2914 Wyandotte St. W., to allow for the construction of a brick and concrete porch along the south elevation of the house and the installation of solar voltaic panels on the condition that the Olde Sandwich Towne Community Improvement Plan, the Olde Sandwich Towne Supplemental Development and Urban Design Guidelines be incorporated into this development, and that any exterior renovations/changes will be required to be shown on elevation drawings and be subject to approval of the City Planner prior to issuance of a building permit.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

On January 29, 2007, Council passed Interim Control By-law 19-2007 (as amended by By-law 35-2008) to prohibit certain uses of land and buildings in an area in the City of Windsor as outlined in the By-law, exclusive of any lands forming part of a railway right-of-way, and a Demolition Control By-law 20-2007 (CR45/2007).

The Interim Control By-law (ICB) was approved to prohibit the use of land, buildings or structures within the Sandwich area, except as may be set out in the by-law, while the City is completing a Community Improvement Plan. The Demolition Control By-law (DCB) was passed to ensure that buildings are not demolished, which could have the effect of destabilizing

Exhibit 12.



THE CORPORATION OF THE CITY OF WINDSOR
PLANNING DEPARTMENT

Office of the City Solicitor
Thom Huat, MCIP, RPT
City Planner

June 11, 2012

City of Windsor Planning Standing Committee
350 City Hall Square West
Windsor, Ontario
N9A 6S1

CITY OF WINDSOR
COUNCIL SERVICES

JUN 11 2012

RECEIVED

RE: Revised recommendation, drawings for 2914 Wyandotte St. W. and explanation of renewable energy undertakings (Livelink #15921)

AMENDED RECOMMENDATION:

That an exemption from the Interim Control By-law 19-2007 as amended by By-law 35-2008 BE GRANTED to Kevin Flood, the owner of the single detached house located at 2914 Wyandotte St. W., to allow for the construction of a brick and concrete porch along the south elevation of the house on the condition that the Olde Sandwich Towne Community Improvement Plan, the Olde Sandwich Towne Supplemental Development and Urban Design Guidelines be incorporated into this development, and that any exterior renovations/changes will be required to be shown on elevation drawings and be subject to approval of the City Planner prior to issuance of a building permit.

DISCUSSION:

The Sandwich Interim Control By-law 19-2007 was approved under Part 5 of the *Planning Act* to prohibit the use of land, buildings or structures within the Sandwich area while the City is completing a Community Improvement Plan.

Although the Interim Control By-law (ICBL) remains in effect pending the Court of Appeal decision regarding the By-law, Section 62.0.2 (6) of the *Planning Act* states that "a by-law or order passed or made under Part 5 does not apply to a renewable energy undertaking". The exemption of renewable energy generation projects from Part 5 (and other sections) of the *Planning Act* means that Mr. Flood's revised proposal (see attached drawings) that depicts the solar panels mounted to the existing roof of the house by an elaborate framing system is exempt from the Interim Control By-law.

The reconstruction and expansion of the front porch is not exempt from the Interim Control By-law and still requires Council to grant an exemption. Consequently, the recommendation has been amended to clarify that the exemption from the Interim Control By-law is for the front porch only.

ATTACHMENTS: Elevation and Plan Drawings for 2914 Wyandotte Street West

400 City Hall Square East, Suite 404 + Windsor, Ontario + N9A 7K6
Tel: 519-255-6543 + Fax: 519-255-6544
planningdept@city.windsor.on.ca

Exhibit 13.

Subject: RE: 2914 Wyandotte
Date: Fri, 24 Aug 2012 17:19:45 -0400
From: LDoyle@city.windsor.on.ca
To: kevin_flood@hotmail.com
CC: nrobertson@city.windsor.on.ca; bjean@city.windsor.on.ca

Hi Kevin:

We confirmed clearance of the porch at 2914 Wyandotte. When you return to the office next week please see Amy to obtain the permit for the porch. As for 357-359 Indian Road the drawings were delivered to the Planning Department today.

Have a pleasant weekend.

Best Regards, Lee Anne

From: kevin flood [mailto:kevin_flood@hotmail.com]
Sent: August 23, 2012 6:12 PM
To: Doyle, LeeAnne
Cc: Robertson, Neil
Subject: RE: 2914 Wyandotte

Lee Anne:

I can assure you I did not withdraw my front porch proposal for 2914 Wyandotte. I withdrew from the 563 Indian proposal last year. I was with you and Neil at the Planning Standing Committee in June Chaired by B. Marra. At July council meeting attended by you and Neil, the porch at 2914 Wyandotte was passed on consent. After the approval, I was in the corridor speaking to Gord Wickam's group when Neil passed by and we had a short conversation regarding Wyandotte. I can assure you there is no documentation from me rescinding the porch.

Lastly is the 357 - 359 Indian Road application of June 11, 2012. I spoke with Kevin Alexander today and he stated he has not seen my new drawings. The OPA is not allowing contract extensions and I do not believe I have the time to complete the project. Did the drawings get delivered to the planning department?

Respectfully,

Kevin Flood

Subject: RE: blight report & 2914 Wyandotte
Date: Thu, 23 Aug 2012 17:23:59 -0400
From: LDoyle@city.windsor.on.ca
To: kevin_flood@hotmail.com

Hi Kevin:

I will have Margaret Moore e-mail you the Blight Report Friday morning.

According to the Planning Department 2914 Wyandotte was not approved because you withdrew it between Planning Standing Committee and Council. All ICBL appeals have been withdrawn. The City is now waiting for the OMB Order. S.38 (6.1) Planning Act, indicates that the ICBL remains in effect until the date of the OMB Order. Once we get that, ICBL will be at an end.

You can seek exemption of the ICBL or wait until the OMB decision before proceeding with the porch. When you return from your trip I suggest you follow up with the Planning Department directly.

Have a safe and pleasant trip to Boston! Best Regards, Lee Anne

194 Campbell Avenue, Windsor, Ontario, N9B 2H2
519-253-0860

Exhibit 14.

- FIT-MAPBYTV - contract extension request

From: **Anne-Marie Laniak** (a.laniak@sympatico.ca) You moved this message to its current location.

Sent: December-04-12 11:21:05 PM

To: microFIT@powerauthority.on.ca

Cc: LDoyle@city.windsor.on.ca; nrobertson@city.windsor.on.ca

To the OPA microFit Manager:

Re: Request for a contract extension.

Address: 357 Indian Road

Reference No.: FIT-MAPBYTV

On June 11, 2012, I filed an application for a building permit to construct a rooftop photovoltaic solar array. I applied in good faith to the City of Windsor. As of this date, there has been no constructive communication and or review of the project with the applicant.

The solar array is proposed in a newly designated heritage district where the city has been slow to create procedures and policies for applicants to navigate. To be clear, FIT-MAPBYTV has complied with the previously set guidelines.

It is still my intention to build the rooftop solar array.

I respectfully request an extension of 12 months to allow the city time to institute their procedures and time for me to construct the project.

Please note: For clarifications required by the OPA to determine the validity of my email, I have copied the following bureaucrats:

Ms. Lee Anne Doyle, Executive Director / Chief Building Official, City of Windsor

Mr. Neil Robertson, Manager Urban Design and Planning, City of Windsor

Sincerely,

Anne-Marie Laniak

Exhibit 15.

- FW: Ticket 75360 Open (Updated) --> FIT-MAPBYTV - contract extension request: To th...

From: **kevin flood** (kevin_flood@hotmail.com) You moved this message to its current location.
Sent: December-05-12 7:02:47 PM
To: Neil Robertson (nrobertson@city.windsor.on.ca); Lee Anne Doyle (ldoyle@city.windsor.on.ca)
Re: 357 Indian Road
The OPA has refused to grant an extension.
This conditional offer expires December 9, 2012.
Please read below.

Date: Wed, 5 Dec 2012 15:56:00 -0500
From: FIT@powerauthority.on.ca
To: a.laniak@sympatico.ca
Subject: Ticket 75360 Open (Updated) --> FIT-MAPBYTV - contract extension request: To th...

Notes

Date	Name	Note Text
		Dear Anne-Marie:
		Thank you for your email.
		The OPA is not offering extensions on Conditional Offers. All terms of the Conditional Offer must be met by the indicated timeline or the Offer will expire and be terminated.
05-12-2012 3:55 pm	FIT Team56	If your Conditional Offer has expired and you wish to pursue a project at the same address, you may submit a new Application. Your new Application would be subject to the new microFIT Rules, eligibility criteria and Price Schedule, and your expired Conditional Offer will be terminated.
		If your project has received its Connection Authorization from the Electrical Safety Authority (ESA) before the Conditional Offer extension expired, it will be deemed to be 'Connected' and will therefore meet the terms of the Conditional Offer. The Application will still be considered for a microFIT contract.
		Regards,
		The microFIT Team

Exhibit 16. 357-359 Indian Road

From: **Doyle, LeeAnne** (LDoyle@city.windsor.on.ca) You moved this message to its current location.
Sent: December-05-12 7:50:00 PM
To: kevin flood (kevin_flood@hotmail.com)
Robertson, Neil (nrobertson@city.windsor.on.ca); Hunt, Thom
Cc: (thunt@city.windsor.on.ca); Jean, Bill (bjean@city.windsor.on.ca); Calhoun, John (jcalhoun@city.windsor.on.ca)
Good Evening Kevin:

It is disappointing to learn the OPA refused to grant an extension to your contract. Given that the OPA conditional offer expires December 9, 2012 there will not be sufficient time to obtain the necessary municipal approvals. If you wish to pursue the submission of a new application to the OPA there is now a Heritage Alteration Permit process that can assist with the issuance of a building permit.

Today the Building Department was provided with the Heritage Alteration Permit process for the Sandwich CIP and HCD which apply to your lands at 357-359 Indian Road. The process is summarized by the Planning Department as follows:

- *The applicant will require a permit for the following purposes:*
 1. *Section 42 of the Ontario Heritage Act requires the applicant to obtain a permit from the Municipality to alter a building in a Heritage Conservation District. For this particular application the applicant requires an alteration permit for the proposed alteration to the roof, porch, and any other elements determined to be relevant to the heritage district and these alterations will be reviewed based on the standards and guidelines in the Sandwich HCD Plan.*
 2. *Under Ontario Regulation 359/09 the table under Section 19 requires the applicant to obtain a permit to alter the property for the renewable energy project, for the proposed alteration to the roof.*
 - *The report will go to the Windsor Heritage Committee for their recommendation, which will then be forwarded onto Council through the Planning and Economic Development Standing Committee.*
 - *Council will consider the Heritage Alteration Permit and the authorization for the solar panels based on the recommendation of the Heritage Planner and the Windsor Heritage Committee.*
 - *Any drawings requiring a building permit will be reviewed by the Building Department as in the past as long as they are consistent with the approved Heritage Alteration drawings. The Heritage Planner would be available to assist in confirming that they are consistent.*
 - *When the Building Department inspects the property during construction the Heritage Planner would also be available to ensure consistency with the Heritage Alteration Permit drawings.*

I suggest you contact the Planning Department asap to obtain the timetable of meeting dates to commence the permit process in addition to any other questions you may have related to the permit process. In the meantime we will hold your building permit application in abeyance. Best Regards, Lee Anne

Exhibit 17.

5. FINANCIAL MATTERS:

There are no matters of direct financial consequence to the Corporation arising from the recommendation of this report. If the applicant chooses to access any of the incentive programs available for this property, the Planning Department Capital Budget includes enough funds to cover the maximum amount that could be awarded.

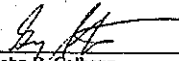
6. CONSULTATIONS:


Administration has consulted with the owner to review the proposal and professional staff as identified in the 'DEPARTMENTS/OTHERS CONSULTED' section of this report.

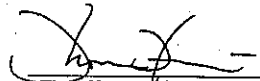
7. CONCLUSION:

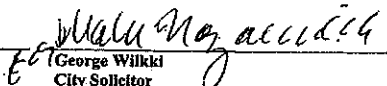
Administration supports most of this request for Anne-Marie Laniak, the owner of the residential duplex at 357-359 Indian Road, to demolish the existing roof and rear portion of the dwelling for the construction of a new rear addition, hipped roof with hipped dormer, front porch reconstructed to a design similar to that prior to removal, and roof top solar panels. As recommended, the proposal is consistent with the Sandwich Heritage Conservation Heritage District Plan, the Olde Sandwich Towne Community Improvement Plan and associated Official Plan Amendments and By-laws.

It is also recommended that the approval of the heritage alteration permit constitute written authorization from the City for the purpose of satisfying Provincial requirements for a renewable energy project set out in Ontario Regulation 359/09 issued under the *Environmental Protection Act*.


for John R. Calhoun
Heritage Planner


Kevin Alexander
Senior Planner - Special Projects


Thom Hunt
City Planner / Executive Director


George Wilkki
City Solicitor



Helga Reidel
Chief Administrative Officer

Exhibit 18.

- Windsor Heritage Committee - January 9, 2013 - 357/359 Indian Rd

Robertson, Neil (nrobertson@city.windsor.on.ca) You moved this message to its current location.
Sent: January-08-13 2:08:02 PM
To: kevin flood (kevin_flood@hotmail.com)
Cc: Hunt, Thom (thunt@city.windsor.on.ca); Calhoun, John (jcalhoun@city.windsor.on.ca); Jean, Bill (bjean@city.windsor.on.ca)
Outlook Active View

1 attachment (3.7 MB)


View online
Download as zip
Kevin,

Attached are the agenda and reports for the Heritage Committee meeting. Your 357/359 Indian Road report appears to be the 4th on the agenda under Business Items. The Heritage Committee meeting details are as follows:

Date: January 9, 2013

Time: 5:30 PM

Location: Room 407, 400 City Hall Sq. E. (the new building)

Sorry for the short time to review the report – it was published on Friday and I wasn't aware that you had not received it.

Let me know if you need anything else.

Neil Robertson, MCIP, RPP
Manager of Urban Design

Planning Department
The Corporation of the City of Windsor
400 City Hall Square East, Suite 404B
Windsor, Ontario N9A 7K6
T. (519) 255-6543 X6461
F. (519) 255-6544

Exhibit 19.

- 357-359 Indian Road

From: **kevin flood** (kevin_flood@hotmail.com) You moved this message to its current location.

Sent: January-09-13 7:47:01 AM

To: Neil Robertson (nrobertson@city.windsor.on.ca)

Cc: Anne-Marie Laniak (a.laniak@sympatico.ca)

Good morning Neil:

Re: Heritage meeting, 17:30 January 9, 2013

Please accept this email as my written request for a deferral to the next available meeting.

Reasons: Lack of time to review the administration report and consult with a lawyer and urban planner.

Sincerely,

Kevin Flood

Exhibit 20.

September 20, 2013
Mr. Kevin Flood
194 Campbell Ave
Windsor ON N9B 2H2

Re: 357-359 Indian Road —
Demolition Request in the Sandwich Heritage Conservation District

Dear Mr. Flood:

Planning has received a copy of your application to the Building Department dated September 3, 2013 to demolish the residential building at 357-359 Indian Road. Because this property is located within the Sandwich Heritage Conservation District (HCD), additional information is required for your application to be processed. This correspondence is intended to outline the demolition review process for the buildings in the Sandwich 1-ICD.

The property at 357-359 Indian Road is subject to the requirements of the Ontario Heritage Act as it relates to demolition of buildings in the HCD. The Ontario Heritage Act requires Council approval for the demolition of any building located within the HCD. The goal of the Sandwich HCD Plan is to preserve and protect the heritage resources that have been identified within the area that has been designated as the Sandwich Heritage Conservation District. Therefore, the HCD Plan strongly discourages the demolition of any buildings located in the District. Where demolition of a building is proposed, the property owner is required to provide supporting documentation demonstrating appropriate reasons for the demolition, as well as any other supporting documentation as identified in the Sandwich HCD Plan and the Official Plan (Vol. II — 1.26.11 — Sandwich Heritage Conservation District). The type and amount of documentation is dependent on the proposed redevelopment of the property. All of the required documentation is to be prepared by qualified professionals. As such, we have determined that we require the following information from you prior to accepting your demolition application:

- (a) The proposed use of the property and its conformity with the Sandwich Heritage Conservation District Plan
- (b) The importance of the property and its heritage attributes:
- (c) The reason for the demolition, e.g. redundancy, alternate use:
- (d) The proposed redevelopment plan in the form of a site plan application:
- (e) A report on the condition of the building or structure, and the cost of repairing and retaining it, including safety issues if the building or structure is vacant or has undergone damage, and a demonstration of the efforts by the owner to maintain the building;
- (g) The feasibility of alternatives to demolition, including adaptive re-use;
- (h) The merits of alternative proposals for the site;
- (i) The adequacy of efforts to continue to use the building or structure have real efforts been made without success to continue the present use or to find compatible alternative uses for the building: and.
- (j) Tree protection measures.

The Ontario Heritage Act requires Council to render a decision within 90 days of the City giving the property owner notice that it has received the information necessary to make a decision. This 90 day period has not begun; it will begin when all of the required information has been submitted to the Planning Department, and the City Planner has issued an acknowledgement letter indicating that the information you provided is sufficient. Please be advised that under the Official Plan policies of Vol. 11, Section 1.26.12, an applicant may be required to fund the costs associated with a peer review of any documents considered to be required under Section 1.26.12 as referenced above. The Ontario Heritage Act also requires that the completed demolition application be taken to the Windsor Heritage Committee for their recommendation, which will then be forwarded onto Council through the Planning and Economic Development Standing Committee.

The next scheduled meetings of the Windsor Heritage Committee are November 13, 2013 and January 8, 2014. Application deadlines for these meetings are October 21, 2013 and December 9, 2013, respectively. It is imperative that you provide us in a timely manner with the appropriate documentation necessary to support the demolition of the heritage building.

Please feel free to contact John Calhoun, Heritage Planner at 519-255-6543, ext. 6179 if you have any questions regarding any of the information outlined above. It is recommended that you arrange for any qualified professional(s) you retain to pre-consult with Mr. Calhoun prior to the commencement of any required documentation.

Regards.

Thom Hunt

Executive Director and City Planner

THvmf

cc: Anne-Marie Laniak

Bill Jean, Manager of Permit Services/Deputy CBO, Building Department

Lee Anne Doyle, CBO

Michael Cooke, Manager of Planning Policy

John R. Calhoun, Heritage Planner

Kevin Alexander, Senior Planner— Special Projects

Wira H.D. Vendrasco, Deputy City Solicitor

Exhibit 21.

Associated Folders

[Help](#)

Address: 357 INDIAN RD

Permit	Type	SubType	WorkType	Status	Application Issued	Final Date
13-195185-000-00-VY	ByLaw Violations	Property Standards Bylaw		Order Issued	September 20, 2013	
13-193326-000-00-DM	Demolition	Duplex Dwelling	Demolish	Zoning Review	September 04, 2013	
11-120421-000-00-VI	Building Code Act Violations	Work without a Permit		Order Issued	May 12, 2011	
09-522271-000-01-RW	Residential Dwelling	Duplex Dwelling	Repair	Rejected	March 30, 2011	November 09, 2011
09-522271-000-00-RW	Residential Dwelling	Duplex Dwelling	Repair	Issued	October 02, 2009	October 06, 2009
97-125678-000-00-OB	Building Permits Prior to Jan. 01, 2003	Old Building Permit		Completed	April 30, 1997	April 30, 1997 May 06, 1997

5.1(a)

AIRD & BERLIS LLP

Barristers and Solicitors

Christopher J. Williams
Direct: 416.865.7745
E-mail: cwilliams@airdberlis.com

**ADDITIONAL
INFORMATION**

November 12, 2013

Our File No. 117939

BY EMAIL

City of Windsor
Council Services Department
350 City Hall Square West
Windsor, ON N9A 6S1

Attention: Karen Kadour, Committee Coordinator

Dear Ms. Kadour:

**Re: Appeal by Anne Marie Laniak regarding property located at 357 Indian Road, Windsor, Ontario
Property Standards Committee Agenda for Wednesday, November 20, 2013**

We have been retained by the City of Windsor regarding the above-referenced appeal to the Property Standards Committee.

We have reviewed the record provided to us by the City of Windsor. Based upon our review, it appears that the Appellant has made an application for a demolition permit pursuant to section 33 of the *Planning Act* with respect to this property. The application was made on September 3, 2013 and has not yet been dealt with by City Council, nor has the matter been dealt with by the Ontario Municipal Board on appeal. Therefore, as provided for in subsection 33(18) of the *Planning Act*, the appeal and the Property Standards Order are stayed pending: Council's disposition of the application; or, the Ontario Municipal Board has heard an appeal and issued an order; or, the demolition permit application is withdrawn.

We understand that none of the above have occurred and therefore the Property Standards Committee should not deal with the appeal at this time nor can the Order be enforced.

If we can provide you with any further information, please do not hesitate to contact us.

Yours truly,

AIRD & BERLIS LLP


Christopher J. Williams

November 12, 2013

Page 2

CJW/jad

c. Wira Vendrasco, City of Windsor
Lee Anne Doyle, City of Windsor

15758244.1

AIRD & BERLIS LLP

Barristers and Solicitors

Christopher J. Williams
Direct: 416.865.7745
E-mail: cwilliams@airdberlis.com

**ADDITIONAL
INFORMATION**

November 15, 2013

Our File No. 118269

BY EMAIL

Raymond G. Colautti
R.G. Colautti Law Professional Corporation
300-2510 Ouellette Avenue
Windsor, ON N8X 1L4

Dear Mr. Colautti:

**Re: Appeal by Anne-Marie Laniak to the Property Standards Committee on
November 20, 2013
357 Indian Road, Windsor, ON**

As you are aware, we are legal counsel to the City of Windsor regarding the above-referenced matter. We have been copied on your correspondence dated November 14, 2013 and subsequent emails and attachments to the Property Standards Committee Coordinator.

Please be advised and as you note in your above-referenced letter, that in light of your client's application for a demolition permit with respect to the subject property by virtue of subsection 33(18) of the *Planning Act*:

"Subject to subsection (17), an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 15.1 of the *Building Code Act, 1992* ..."

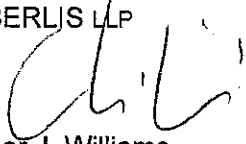
Subsection 33(17) does not act as any override to this stay but simply provides that certain statutes and by-laws remain in effect as they relate to the health and safety of the occupants of buildings and structures. As well, as you have noted, there are no occupants of the subject building so there is no such statute or by-law that could apply in any event. Therefore, the Property Standards Committee cannot deal with your client's appeal nor anything regarding the Property Standards Order issued with respect to your client's property.

We shall not be providing you with any of the information which you have requested in your above-referenced letter or in earlier correspondence referred to in that letter.

November 15, 2013
Page 2

Yours truly,

AIRD & BERLIS LLP



Christopher J. Williams

CJW/jad

c. Wira Vendrasco, City of Windsor
Lee Anne Doyle, City of Windsor

15785756.1

5.1(b)

APPRAISAL OF



LOCATED AT:

357-59 INDIAN ROAD
WINDSOR, ON N9C 2M1

FOR:

KEVIN FLOOD

AS OF:

NOVEMBER 6, 2013

BY:

EDWARD GORSKI
E. S. GORSKI REALTY LTD.

E. S. GORSKI REALTY LTD.

2525 ROSE VILLE GARDEN DR., STE 201
WINDSOR, ON N8T 3J8

NOVEMBER 6, 2013

KEVIN FLOOD

Address of Property: 357-59 INDIAN ROAD
WINDSOR, ON N9C 2M1

Market Value: \$ 42,000 (AS IS)

In accordance with your request and authorization, an investigation, analysis and appraisal report on the above described property has been completed for the purpose of estimating the Market Value.

After careful consideration of all the factors that affect value, the market value was estimated to be as referenced above.

This estimate is subject to the limiting conditions attached to this appraisal and to which the reader's attention is specifically directed.

The following report presents the basis of all opinions expressed herein.

The information contained herein should be sufficient for your purposes. Should you require further information or clarification as to any portion of this report, please contact me.

I certify that I have no interest, present or contemplated in the property appraised.

Yours truly,



EDWARD GORSKI
B.A., F.R.I., A.A.C.I.

RESIDENTIAL APPRAISAL REPORT

FILE NO.: N13-22986

REFERENCE:

CLIENT: KEVIN FLOOD ATTENTION: _____ ADDRESS: _____ E-MAIL: _____ PHONE: _____ FAX: _____	APPRAISER: EDWARD GORSKI COMPANY: E.S. GORSKI REALTY LTD. ADDRESS: 2525 ROSE VILLE GARDEN DR., STE 201 WINDSOR, ON N8T 3J8 E-MAIL: egorski@bellnet.ca PHONE: 519-966-9940 FAX: 519-966-9528
---	--

NAME: ANNE-MARIE LANIAK
PROPERTY ADDRESS: 357-59 INDIAN ROAD **CITY:** WINDSOR **PROVINCE:** ON **POSTAL CODE:** N9C 2M1
LEGAL DESCRIPTION: LOT 27 PLAN 888 TOWN OF SANDWICH
PURPOSE OF THE APPRAISAL: To estimate market value or Other
INTENDED USE OF THE APPRAISAL: POSSIBLE SALE PURPOSES
INTENDED USERS (by name or type): KEVIN FLOOD

REQUESTED BY: Client above Other
THIS APPRAISAL REPORT REPRESENTS THE FOLLOWING VALUE: (if not current, see comments) Current Retrospective Prospective
 Update of original report completed on _____ with an effective date of _____ File No. _____
PROPERTY RIGHTS APPRAISED: Fee Simple Leasehold Cooperative Condominium Strata **Maintenance Fee:** \$ _____ See comments
IS THIS SUBJECT A FRACTIONAL INTEREST, PHYSICAL SEGMENT OR PARTIAL HOLDING? No Yes (if yes, see comments) _____
MUNICIPALITY AND DISTRICT: CITY OF WINDSOR, ONTARIO
ASSESSMENT: Land \$ _____ Imps \$ N/A **Total \$** 68,000 **Assessment Date:** JANUARY 1, 2013 **Taxes \$** 1,267 **Year** 2013
EXISTING USE: SINGLE FAMILY DWELLING **OCCUPIED BY:** VACANT
HIGHEST AND BEST USE OF SUBJECT PROPERTY: As improved, or Other *Note: If highest and best use is not the existing use, or not the use reflected in the report, see additional comments.*

NATURE OF DISTRICT: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Rural <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial TREND OF DISTRICT: <input type="checkbox"/> Improving <input type="checkbox"/> Stable <input type="checkbox"/> Transition <input checked="" type="checkbox"/> Deteriorating BUILT-UP: <input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25 - 75% <input type="checkbox"/> Under 25% CONFORMITY: Age: <input checked="" type="checkbox"/> Newer <input checked="" type="checkbox"/> Similar <input type="checkbox"/> Older Condition: <input type="checkbox"/> Superior <input checked="" type="checkbox"/> Similar <input checked="" type="checkbox"/> Inferior Size: <input type="checkbox"/> Larger <input checked="" type="checkbox"/> Similar <input type="checkbox"/> Smaller	AGE RANGE OF PROPERTIES: 60 to 80 years MARKET OVERVIEW: Supply: <input checked="" type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Poor Demand: <input type="checkbox"/> Good <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor PRICE TRENDS: <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input checked="" type="checkbox"/> Declining PRICE RANGE OF PROPERTIES: \$ VARIOUS to \$ _____
--	---

SUMMARY: INCLUDES VALUE TRENDS, MARKET APPEAL, PROXIMITY TO EMPLOYMENT AND AMENITIES, APPARENT ADVERSE INFLUENCES IN THE AREA, IF ANY (e.g. railroad tracks, unkempt properties, major traffic arteries, Hydro facilities, anticipated public or private improvements, commercial/industrial sites, landfill sites, etc.) **THE SUBJECT IS LOCATED ON THE CITY'S WEST SIDE IN AN OLDER RESIDENTIAL NEIGHBOURHOOD JUST WEST OF THE UNIVERSITY CAMPUS AND AMBASSADOR BRIDGE. MOST OF THE HOMES IN THE AREA ARE BOARDED UP AND VACANT.**

SITE DIMENSION: 35' X 106' SITE AREA: 3710 SF Source: MPAC TOPOGRAPHY: LEVEL CONFIGURATION: RECTANGULAR ZONING: RESIDENTIAL DOES EXISTING USE CONFORM TO ZONING? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (see comments)	UTILITIES: <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Septic System <input checked="" type="checkbox"/> Municipal Water <input type="checkbox"/> Well <input checked="" type="checkbox"/> Natural Gas <input checked="" type="checkbox"/> Storm Sewer <input type="checkbox"/> Open Ditch FEATURES: <input checked="" type="checkbox"/> Paved Road <input checked="" type="checkbox"/> Sidewalk <input checked="" type="checkbox"/> Street Lights <input type="checkbox"/> Gravel Road <input checked="" type="checkbox"/> Curbs <input checked="" type="checkbox"/> Cablevision <input type="checkbox"/> Lane ELECTRICAL: <input checked="" type="checkbox"/> Overhead <input type="checkbox"/> Underground DRIVEWAY: <input checked="" type="checkbox"/> Private <input type="checkbox"/> Mutual <input type="checkbox"/> None <input checked="" type="checkbox"/> Single <input type="checkbox"/> Double Surface: CONCRETE PARKING: <input type="checkbox"/> Garage <input type="checkbox"/> Carport <input checked="" type="checkbox"/> Driveway <input checked="" type="checkbox"/> Street LANDSCAPING: <input type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Fair <input checked="" type="checkbox"/> Poor CURB APPEAL: <input type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Fair <input checked="" type="checkbox"/> Poor
---	--

COMMENTS: (includes any positive and negative features such as conformity with zoning, effects of known easements, known restrictions on title, such as judgements or liens, effect of assemblage, any known documentation of environmental contamination, etc.) **THE LOT HAS AVERAGE FRONTAGE AND DEPTH FOR THE STREET PATTERN. THE HIGHEST AND BEST USE OF THE SITE IF VACANT IS AS A SINGLE FAMILY OR DUPLEX BUILDING LOT. NO EASEMENTS ETC. APPARENT DETRIMENTAL TO VALUE. A SURVEY WAS NOT VIEWED.**

CONSTRUCTION COMPLETE: NO **PERCENTAGE COMPLETE:** SEE COMMENTS

YEAR BUILT (estimated): UNKNOWN - OLDER	EFFECTIVE AGE: OLD years	REMAINING ECONOMIC LIFE (estimated): NONE years
FLOOR AREA: <input type="checkbox"/> Sq. M. <input checked="" type="checkbox"/> Sq. Ft.	BUILDING TYPE: DETACHED	ROOFING: ASPHALT SHINGLE
MAIN: 866	DESIGN/STYLE: 2 STOREY	Condition: <input type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Fair <input checked="" type="checkbox"/> Poor
SECOND: 866	CONSTRUCTION: WOOD FRAME	EXTERIOR FINISH: BRICK
THIRD (EXCLUDES FRONT PORCHES):	BASEMENT: FULL	Condition: <input type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Fair <input checked="" type="checkbox"/> Poor
FOURTH + REAR PORCHES)	BASEMENT AREA: <input type="checkbox"/> Sq. M. <input checked="" type="checkbox"/> Sq. Ft. % Finished	
TOTAL: 1,732	WINDOWS: WOOD - OLD	
Source: INSPECTION	FOUNDATION WALLS: CONCRETE BLOCK	UFFI APPARENT: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Removed

BEDROOMS (#): Large _____ Average _____ Small _____	BATHROOMS (#): 2-piece _____ Good 3-piece _____ Average 4-piece _____ Fair 5-piece _____ Poor	INTERIOR FINISH: Walls _____ Ceilings _____ Drywall <input type="checkbox"/> <input type="checkbox"/> Plaster <input type="checkbox"/> <input type="checkbox"/> Panelling <input type="checkbox"/> <input type="checkbox"/>	CLOSETS: <input type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Fair <input type="checkbox"/> Poor INSULATION: <input type="checkbox"/> Ceiling <input type="checkbox"/> Walls <input type="checkbox"/> Basement <input type="checkbox"/> Crawl Space Source: NONE PLUMBING LINES: N/A FLOOR PLAN: <input type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Fair <input checked="" type="checkbox"/> Poor BUILT-INS/EXTRAS: <input type="checkbox"/> Garbage Disposal <input type="checkbox"/> Central Air <input type="checkbox"/> Swimming Pool <input type="checkbox"/> Fireplace(s) <input type="checkbox"/> Oven <input type="checkbox"/> Air Cleaner <input type="checkbox"/> Sauna <input type="checkbox"/> Garage Opener <input type="checkbox"/> Dishwasher <input type="checkbox"/> Vacuum <input type="checkbox"/> Selenium <input type="checkbox"/> Security System <input type="checkbox"/> Stove <input type="checkbox"/> Whirlpool <input type="checkbox"/> Skylights <input type="checkbox"/> HR Ventilator <input type="checkbox"/>
FLOORING: _____ ELECTRICAL: <input type="checkbox"/> Fuses <input type="checkbox"/> Breakers Estimated rated capacity of main panel _____ amps		HEATING SYSTEM: _____ Fuel type: _____ WATER HEATER: Type: _____ OVERALL IN. COND: <input type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Fair <input checked="" type="checkbox"/> Poor	

BASEMENT FINISHES, UTILITY: _____
GARAGES/CARPORTS: _____
DECKS, PATIOS, OTHER IMPROVEMENTS: _____
COMMENTS: (Building, appearance, quality, condition, services, extras, anticipated public or private improvements, etc.) **THE SUBJECT COMPRISES A FORMER DUPLEX DWELLING. THERE IS NO INTERIOR FINISH AND HOME IS BASICALLY A SHELL. IT APPEARS THE DWELLING IS BEYOND REHABILITATION. THERE IS NO HYDRO TO THE STRUCTURE.**

36

RESIDENTIAL APPRAISAL REPORT

FILE NO.: N13-22986

REFERENCE:

LEVEL:	MAIN	SECOND	THIRD	BASEMENT	SOURCE OF COST DATA: <input type="checkbox"/> MANUAL <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> OTHER			
	ENTRANCE					LAND VALUE:		\$
LIVING					BUILDING	COST NEW		
DINING					COST	@ \$	\$ 0	
KITCHEN					GARAGE	\$	\$	
FULL BATH					BASEMENT FINISH			
PART BATH						\$	\$	
BEDROOM	Not				OTHER EXTRAS	NOT ATTEMPTED	\$	\$
FAMILY	Applicable						\$	\$
LAUNDRY							\$	\$
OTHER							\$	\$
							\$	\$
					TOTAL REPLACEMENT COST		\$ 0	
					LESS: ACCRUED DEPRECIATION	%	\$ 0	0
					INDICATED VALUE		\$	0
					VALUE BY THE COST APPROACH (rounded)		\$	0
TOTAL ROOMS					NOTE: The construction cost estimates contained herein were not prepared for insurance purposes and are invalid for that use. The Cost Approach is not applicable when appraising individual strata/condominium type dwelling units.			

SUBJECT	COMPARABLE NO. 1			COMPARABLE NO. 2			COMPARABLE NO. 3		
	Description	\$ Adjustment		Description	\$ Adjustment		Description	\$ Adjustment	
357-59 INDIAN ROAD WINDSOR	3141-43 DONNELLY WINDSOR			2967 DONNELLY WINDSOR			1763 RANDOLPH WINDSOR		
MLS #	1304769			1202024			1309156		
DATE OF SALE	06/22/13			03/06/12			09/09/13		
SALE PRICE \$	\$ 44,000			\$ 69,000			\$ 48,500		
MARKET TIME	44 DAYS			8 DAYS			2 DAYS		
LOCATION	GOOD			GOOD			GOOD		
SITE SIZE	35' X 106'			46' X 111.5'			60' X 100'		
BUILDING TYPE	DETACHED			DETACHED			DETACHED		
DESIGN/STYLE	2 STOREY			2 STOREY			1 STOREY		
AGE/CONDITION	OLD POOR			OLD FAIR			OLD POOR		
LIVABLE FLOOR AREA	1732 Sq.Ft.			SIMILAR			SMALLER		
	Total Bdrms Baths			Total Bdrms Baths			Total Bdrms Baths		
ROOM-COUNT	0 0 0			6 3 1			10 6 2		
BASEMENT	FULL			FULL PT FINISHED			NONE		
PARKING	SIDE DRIVE			SIDE DRIVE			SIDE DRIVE		
ADJUSTMENTS (Gross/Net)	0.0% 0.0% \$		0	0.0% 0.0% \$		0	0.0% 0.0% \$		0
ADJUSTED VALUES	\$		\$	\$		\$	\$		\$

CONCLUSIONS: COMPARABLES REPRESENT OLDER HOMES HAVING LITTLE OR NO VALUE WITH MAJOR RENOVATIONS REQUIRED. THE ADJUSTMENT PROCESS WAS DIFFICULT TO ACCURATELY ASSESS DUE TO THE VARIOUS DEGREES OF CONDITION, FRONTAGES, AND LOCATIONS. SEE 4 ADDITIONAL SALES ATTACHED WHICH WERE ALSO NOTED. AFTER ALL CONSIDERATION WHICH INCLUDED THE ABSTRACTION METHOD TO DETERMINE LAND VALUE, A RATE OF SAY \$1200 PER FRONT FOOT IS THOUGHT TO BE APPLICABLE TO THE SUBJECT SITE. THUS 35 FRONT FEET AT \$1200 PFF = \$42,000. NO VALUE WAS ALLOWED FOR THE DWELLING CURRENTLY ON THE SITE.

SALES HISTORY -- ANALYSIS OF KNOWN CURRENT AGREEMENTS FOR SALE, PRIOR SALES, OPTIONS, LISTINGS OR MARKETING OF THE SUBJECT, (minimum of three years)

LAST PURCHASED SEPTEMBER 8, 2009 UNDER POWER OF SALE FOR \$68,200.

VALUE BY THE DIRECT COMPARISON APPROACH (rounded): \$ 42,000 (AS IS)

COMMENT ON REASONABLE EXPOSURE TIME: BASED ON THE SALES ANALYZED A 90 - 120 DAY SELLING PERIOD IS ANTICIPATED.

RECONCILIATION AND FINAL ESTIMATE OF VALUE: RELIANCE WAS GIVEN SOLELY TO THE COMPARABLE SALES ANALYZED CONSIDERED.

AS A RESULT OF MY APPRAISAL AND ANALYSIS OF ALL APPLICABLE DATA AND RELEVANT FACTORS, IT IS MY CONCLUSION THAT THE MARKET VALUE OF THE INTEREST IN THE SUBJECT PROPERTY AS AT **NOVEMBER 6, 2013** (Effective Date of the Appraisal) IS \$ **42,000** (AS IS)

THIS REPORT WAS COMPLETED ON: **NOVEMBER 6, 2013**

37



MLS#: 1304769	Major Area: WE
Price: \$50,000	District: 00
Status: Sold	Sub-Dist: 1
	Prop Is: For Sale Only
Legal Descr: PL 49 N PT LT 37	
Address: 3141-43 DONNELLY	
City: WINDSOR, N9C 1M3	
Sd/Rd: East	
Cross Street: MILL	
Nearest Town:	
Prop. Size: 33 X 122	Zoning: RD1.2
Off. Plan:	Occupancy: Seller
List.Date: 10-MAY-2013	Possession: 30 DAYS
Closed: 09-AUG-2013	

Property Overview EXCELLENT LOCATION FOR RENTAL PPTY. HOME FEATURES 1 BDRM UNIT ON THE NORTH SIDE & A 3-4 BDRM ON THE SOUTH SIDE. UPDATED FURNACES. NEEDS WORK. LEFT SIDE GUTTED TO THE STUDS & READY FOR FINISHING. SOLD AS IS, WHERE IS. POTENTIAL EXCELLENT MONEY MAKER. CALL FOR DETAILS TODAY.

Directions ON DONNELLY BTWN MILL & DETROIT

Showings LOCK BOX, CALL FIRST

Type: Residential	Heating / AC: Forced Air	Water: Municipal
Type of Dwelling: 1 3/4 Storey, Duplex	Fuel: Gas	Sewer: Sanitary Connected
Garage: Detached, Double Garage	Flooring: Carpet & Mixed, Laminate, Lino/Vinyl	Indoor Features: 2nd Kitchen
Parking: Front Drive	Fireplace 1:	Site Influences:
Exterior: Aluminum	Fireplace 2:	Misc. Docs.:
Foundation: Block, Stone	Hot Water Tank: Gas, Rented	Outdoor Features:
Basement: Full		
Basement Dev.		

EXCELLENT LOCATION FOR RENTAL PPTY. HOME FEATURES 1 BDRM UNIT ON THE NORTH SIDE & A 3-4 BDRM ON THE SOUTH SIDE. UPDATED FURNACES. NEEDS WORK. LEFT SIDE GUTTED TO THE STUDS & READY FOR FINISHING. SOLD AS IS, WHERE IS. POTENTIAL EXCELLENT MONEY MAKER. CALL FOR DETAILS TODAY.

# of Rooms:	Ensuite:	Handicap:
Bedrooms: 3+1	Age: OL*	Data Modification: Yes
Bathrooms: Full: 2 Half:	UFFI:	Add. Sale Info:
# of RI Bathms:	SPIS:	

Floor	Room	Size	Floor	Room	Size
M	FO		M	LR	
M	LR		M	KI	
M	KI		2	BR	
2	BR		M	B4	
2	BR		M	B4	
2	BR				

Approximate Taxes: \$1343.93 (2012)	Improvements:	Mortgage:
Seller Name: AFOLABI OLUFEMI ITAYEMI	Home Tel.:	Bus. Tel.:
		Address:
Listing Office: VISION REALTY WINDSOR INC. - 805 519 251-1000 (fax: 519 251-1030)	Listing Agent: ISAAC VERGE 519-251-1000	
Selling Office: RE/MAX PREFERRED REALTY LTD. - 584 519 966-0444 (fax: 519 250-4145)	Selling Agent: DAVE O'GORMAN 519-966-0444	
Sale Price: \$44,000	Sold: 22-JUN-2013	Buyer Name:
		CB: 4



MLS#: 1202024	Major Area: WE
Price: \$69,900	District: 00
Status: Sold	Sub-Dist: 1
	Prop Is: For Sale Only
Legal Descr.: PL 54 N PT LT 4	
Address: 2967 DONNELLY	
City: WINDSOR, N9C 1L9	
Sd/Rd: South	
Cross Street: HURON CHURCH	
Nearest Town:	
Prop. Size: 46 X 111.5	Zoning: RES
Off. Plan:	Occupancy: Vacant
List.Date: 28-FEB-2012	Possession: IMMED
Closed: 13-APR-2012	

Property Overview	GREAT STUDENT RENTAL, CLOSE TO U OF W. GREAT RENTAL POTENTIAL, UPDATED KITCHEN CABINETS, LRG EATING AREA, 4 BDRMS PLUS 2 IN BSMT. SOLD AS IS WHERE IS.				
Directions					
Showings	LOCK BOX, CALL FIRST				
Type: Residential	Heating / AC: Hot Water	Water: Municipal			
Type of Dwelling: 2 Storey	Fuel: Gas	Sewer: Sanitary Connected			
Garage: None	Flooring: Carpet & Mixed, Ceramic, Lino/Vinyl	Indoor Features:			
Parking: Side Drive	Fireplace 1:	Site Influences:			
Exterior: Aluminum	Fireplace 2:	Misc. Docs.:			
Foundation: Block	Hot Water Tank: Gas, Rented	Outdoor Features:			
Basement: Full					
Basement Dev:					
GREAT STUDENT RENTAL, CLOSE TO U OF W. GREAT RENTAL POTENTIAL, UPDATED KITCHEN CABINETS, LRG EATING AREA, 4 BDRMS PLUS 2 IN BSMT. ALLOW MINIMUM 3 BUSINESS DAYS IRREVOCABLE. SELLER & LISTING AGENT BROKERAGE DO NOT WARRANT ANY INFORMATION ON THIS LISTING. IT IS THE RESPONSIBILITY OF THE BUYER/BUYERS AGENT TO VERIFY ALL INFORMATION. SOLD AS IS WHERE IS. CALL LBO FOR PAPERWORK TO BE USED FOR ALL OFFERS.					
# of Rooms:	Ensuite:	Handicap:			
Bedrooms: 4+2	Age: OL	Data Modification: Yes			
Bathrooms: Full:2 Half:	UFF:	Add. Sale Info:			
# of RI Bathms:	SPIS:				
Floor	Room	Size	Floor	Room	Size
M	KI		2	BR	
M	EA		L	BR	
M	FO		L	BR	
M	LR		L	LA	
M	BR		2	B4	
2	BR		L	B3	
2	BR				
Approximate Taxes: \$2557.95 (2011) Improvements: Mortgage:					
Seller Name: UNITED COMMUNITIES CREDIT UNION LIMITED Home Tel: Bus.Tel: Address:					
Listing Office: RENCEN REAL ESTATE LIMITED - 603 519 966-6677 Listing Agent: ROB MANCINI 519-966-6677 (fax: 519 966-8949)					
Selling Office: RENCEN REAL ESTATE LIMITED - 603 519 966-6677 Selling Agent: ROB MANCINI 519-966-6677 (fax: 519 966-8949)					
Sale Price: \$69,000 Sold: 06-MAR-2012 Buyer Name: CB: 2.5					



MLS#: 1309156	Major Area: WE
Price: \$49,900	District: 00
Status: Sold	Sub-Dist: 2
	Prop Is: For Sale Only
Legal Descr.: PL 973 LT 440 & 441	
Address: 1763 RANDOLPH	
City: WINDSOR, N9V 2B9	
Sd/Rd: East	
Cross Street: TOTTEN	
Nearest Town:	
Prop. Size: 60 X 100	Zoning: RES
Off. Plan:	Occupancy: Vacant
List Date: 08-SEP-2013	Possession: IMMED
Closed: 01-OCT-2013	

Property Overview	NICE SIZE PROPERTY 60 X 100. HOUSE IS A TEAR DOWN FOR A REBUILD. SOLD AS IS. ALL SERVICES ARE AT THE HOUSE.		
Directions			
Showings	L.B.O		
Type: Vacant Land	Natural Gas: Remarks	Water: Municipal	
Land Use: House	Telephone: Remarks	Sewer: Sanitary Connected	
Soil Test: NO	Prospectus: Not Available	Restrictions:	
Electricity: Remarks	Develp. Permit: No	Access: Road Access	
Voltage:	Man.Bldg Scheme: No		
	Building Permit: Not Available		
Site Influences:	Other		
	NICE SIZE PROPERTY 60 X 100. HOUSE IS A TEAR DOWN FOR A REBUILD. SOLD AS IS. ALL SERVICES ARE AT THE HOUSE.		
Land Remarks: HOUSE ON PROP FOR TEAR DOWN	Soil:	SPIS: No	
		Data Modification: Yes	
		Add. Sale Info:	
Approximate Taxes: \$1164 (2013)	Improvements:	Mortgage: TRT CLR	
Seller Name: VITTORIO TIMPERIO	Home Tel.:	Bus.Tel.:	Address:
Listing Office: DEERBROOK REALTY INC. - 175 519 972-1000 (fax: 519 972-7848)	Listing Agent: JODY CHAPMAN 519-972-1000		
Selling Office: DEERBROOK REALTY INC. - 175 519 972-1000 (fax: 519 972-7848)	Selling Agent: JODY CHAPMAN 519-972-1000		
Sale Price: \$48,500	Sold: 09-SEP-2013	Buyer Name:	CB: 2.5

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All

MLS#: 1300428	Major Area: WE
Price: \$99,888	District: 00
Status: Sold	Sub-Dist: 1
	Prop Is: For Sale Only
Legal Descr.: PL 49 N OT PT LT 38	
Address: 3149 DONNELLY	
City: WINDSOR, N9C 1M3	
Sd/Rd: South	
Cross Street: MILL	
Nearest Town:	
Prop. Size: 56 X 122	Zoning: RES
Off. Plan:	Occupancy: Vacant
List.Date: 14-JAN-2013	Possession: IMM-30 DAY
Closed: 30-APR-2013	

Property Overview VERY LRG HOME IN THE U of W AREA FEATURING 4 BDRMS (ONE IS A 3RD FLR LOFT), NEWER HRWD FLRS, 2 BATHS, 2 FRIDGES, STOVES, WASHERS, DRYERS INCLUDED. LRG PPTY W/SIDE LOT, HUGE DECK, 2 ADD'L BDRMS IN TILED BSMT. CERAMIC TILED BSMT. AVAILABLE IMMEDIATELY. CURRENTLY LEASED FOR \$1,625/MTH (UTILITIES INCL).

Directions
Showings LOCK BOX, CALL FIRST

Type: Residential	Heating / AC: Forced Air	Water: Municipal
Type of Dwelling: 2 1/2 Storey	Fuel: Gas	Sewer: Sanitary Connected
Garage: None	Flooring: Ceramic, Hardwood, Laminate	Indoor Features: Refrigerator, Wsh/Dry /Frig/Stv
Parking: Side Drive	Fireplace 1:	Site Influences: Sundeck(S)
Exterior: Aluminum	Fireplace 2:	Misc. Docs.:
Foundation: Block	Hot Water Tank: Gas	Outdoor Features:
Basement: Full		
Basement Dev: Fully Finished		

VERY LRG HOME IN THE U of W AREA FEATURING 4 BDRMS (ONE IS A 3RD FLR LOFT), NEWER HRWD FLRS, 2 BATHS, 2 FRIDGES, STOVES, WASHERS, DRYERS INCLUDED. LRG PPTY W/SIDE LOT, HUGE DECK, 2 ADD'L BDRMS IN TILED BSMT. CERAMIC TILED BSMT. AVAILABLE IMMEDIATELY. CURRENTLY LEASED FOR \$1,625/MTH (UTILITIES INCL).

# of Rooms: 12	Ensuite:	Handicap:
Bedrooms: 4+2	Age: OL*	Data Modification: Yes
Bathrooms: Full: 2 Half:	UFFI:	Add. Sale Info:
# of RI Bathms:	SPIS:	

Floor	Room	Size	Floor	Room	Size
M	FO		3	BR	
M	LR		B	BR	
M	DR		B	BR	
M	KI		B	UT	
2	BR		B	LA	
2	BR		B	B3	
2	BR		2	B4	

Approximate Taxes: \$2412.81 (2012)	Improvements:	Mortgage:
Seller Name: DAN GYETVAI	Home Tel.:	Bus.Tel.:
		Address:
Listing Office: RE/MAX PREFERRED REALTY LTD. - 585 519 944-5955 (fax: 519 944-3387)	Listing Agent: SHAUN CUSHING 519-739-3336	
Selling Office: RE/MAX PREFERRED REALTY LTD. - 585 519 944-5955 (fax: 519 944-3387)	Selling Agent: TERRY COOK 519-818-2852	
Sale Price: \$88,000	Sold: 19-MAR-2013	Buyer Name: CB: 3

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VACANT LAND

MLS#: 1301896	Major Area: WE
Price: \$9,426	District: 00
Status: Sold	Sub-Dist: 2
	Prop Is: For Sale Only
Legal Descr.: PL 343 LT 7 PT LT 8	
Address: 547 DOUGALL	
City: WINDSOR, N9A 4P7	
Sd/Rd: West	
Cross Street: WYANDOTTE	
Nearest Town:	
Prop. Size: 45 X 100	Zoning: RES
Off. Plan:	Occupancy: Vacant
List.Date: 27-FEB-2013	Possession: IMMED
Closed: 28-MAY-2013	

Property Overview	VACANT LOT FOR RESIDENTIAL USE. ZONING INCLUDES SEMI DETACHED & MULTI-UNIT. LOT IS UNDERSTIZED AS PER MUNICIPAL ZONING REGULATIONS. BUYER TO CONFIRM ALL MEASUREMENTS, LOT SIZE & REALTY TAXES. 'AS IS' CONDITION.		
Directions	DIRECT		
Showings	DIRECT		
Type: Vacant Land	Natural Gas: On Road	Water: Municipal	
Land Use: House	Telephone: On Road	Sewer: Unknown	
Soil Test:	Prospectus: Not Available	Restrictions:	
Electricity: On Road	Develp. Permit: No	Access: Road Access	
Voltage:	Man.Bldg Scheme: No		
	Building Permit: Mandatory		
Site Influences:	Recreation Nearby, Shopping Nearby		
VACANT LOT FOR RESIDENTIAL USE. ZONING INCLUDES SEMI DETACHED & MULTI-UNIT. LOT IS UNDERSTIZED AS PER MUNICIPAL ZONING REGULATIONS. SELLERS FORMS TO BE USED FOR OFFERS PLEASE ALLOW 5 DAYS IRREV. BUYER TO CONFIRM ALL MEASUREMENTS, LOT SIZE & REALTY TAXES. 'AS IS' CONDITION. USE SELLERS SCHEDULES & OFFER DELETIONS AS ATTACHED. NO EXTRAS. NO REPRESENTATION OR WARRANTIES ARE MADE OF ANY KIND BY SELLER OR AGENT IN REGARDS TO THIS PPTY. ALL INFO DISPLAYED IS BELIEVED TO BE ACCURATE BUT IS NOT WARRANTED & SHOULD BE INDEPENDENTLY VERIFIED.			
Land Remarks: RESIDENTIAL	Soil:	SPIS: No	
		Data Modification: Yes	
		Add. Sale Info:	
Approximate Taxes: \$444.46 (2012)	Improvements:	Mortgage:	
Seller Name: THE BANK OF NOVA SCOTIA	Home Tel.:	Bus.Tel.:	Address:
Listing Office: BUCKINGHAM REALTY (WINDSOR) LTD. - 70 519 948-8171 (fax: 519 948-7190)	Listing Agent: PHILIP KASURAK 519-736-8613		
Selling Office: RE/MAX PREFERRED REALTY LTD. - 584 519 966-0444 (fax: 519 250-4145)	Selling Agent: JAWAD SKIENEH 519-819-3020		
Sale Price: \$9,000	Sold: 01-MAY-2013	Buyer Name:	CB: 2.25

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All

MLS#: 1302402	Major Area: WE
Price: \$42,900	District: 00
Status: Sold	Sub-Dist: 2
	Prop Is: For Sale Only
Legal Descr: PL 581 PT LT 83 PT LT 84	
Address: 108 MONTROSE	
City: WINDSOR, N9A 4B9	
Sd/Rd: North	
Cross Street: PELISSIER	
Nearest Town:	
Prop. Size: 34 X 83	Zoning: RES
Off. Plan:	Occupancy: Vacant
List Date: 13-MAR-2013	Possession: IMMED
Closed: 12-APR-2013	

Property Overview	IMMED POSSESSION ON THIS 2.5 STY HOME W/FULL UNFINISHED BSMT. HOME IS CONVENIENTLY LOCATED OFF OUELLETTE AT THE CORNER OF PELISSIER & MONTROSE. HOME IS IN NEED OF EXTENSIVE RENOVATIONS & IS BEING SOLD 'AS IS'.				
Directions					
Showings	LOCK BOX, CALL FIRST				
Type: Residential	Heating / AC: Central Air, Forced Air, Furnace	Water: Municipal			
Type of Dwelling: 2 1/2 Storey	Fuel: Gas	Sewer: Sanitary Connected			
Garage: Single Garage, Detached	Flooring: Hardwood, Lino/Vinyl	Indoor Features: Remarks			
Parking: Single Drive	Fireplace 1:	Site Influences: See Remarks, Shopping Nearby			
Exterior: Aluminum, Brick	Fireplace 2:	Misc. Docs.:			
Foundation: Block	Hot Water Tank: Rented	Outdoor Features: Remarks			
Basement: Full					
Basement Dev: Unfinished					
IMMED POSSESSION ON THIS 2.5 STY HOME W/FULL UNFINISHED BSMT. HOME IS CONVENIENTLY LOCATED OFF OUELLETTE AT THE CORNER OF PELISSIER & MONTROSE. HOME IS IN NEED OF EXTENSIVE RENOVATIONS & IS BEING SOLD 'AS IS'. ALLOW 72 HRS IRREV. SELLER STANDARD SCHEDULES TO ACCOMPANY ALL OFFERS. BUYERS TO VERIFY TAXES, ANY RENTAL EQUIPMENT & FEES. THIS PPTY IS AVAILABLE FOR REGISTRATION OF OFFERS, HOWEVER OFFERS WILL NOT BE CONSIDERED UNTIL DAY 7 OF THE LISTING PERIOD AS PER THE REQUEST OF THE SELLER.					
# of Rooms:	Ensuite:	Handicap:			
Bedrooms: 3	Age: OL*	Data Modification: Yes			
Bathrooms: Full: 1 Half:	UFFI:	Add. Sale Info:			
# of Ri Bathms:	SPIS:				
Floor	Room	Size	Floor	Room	Size
M	LR		2	BR	
M	DR		3	AT	
M	KI		B	UT	
2	MB		B	ST	
2	BR		B	B4	
Approximate Taxes: \$1777.86 (2012)		Improvements:		Mortgage:	
Seller Name: MCAP SERVICE CORPORATION (UNDER POS)		Home Tel:		Bus. Tel:	
Listing Office: MANOR WINDSOR REALTY LTD. - 455 519 250-8800 (fax: 519 966-0536)		Listing Agent: ANNA KOLM, ASA 519-250-8800		Address:	
Selling Office: REMO VALENTE REAL ESTATE (1990) LIMITED - 790 519 966-7777 (fax: 519 966-6702)		Selling Agent: ROBERT PETERS 519-966-7777			
Sale Price: \$51,000		Sold: 31-MAR-2013		Buyer Name:	
				CB: 2.5	

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MLS#: 1302605	Major Area: WE
Price: \$169,900	District: 00
Status: Sold	Sub-Dist: 1
	Prop Is: For Sale Only
Legal Descr.: PL 882 PT L 7 PT L8	
Address: 419 INDIAN	
City: WINDSOR, N9C 2M3	
Sd/Rd: West	
Cross Street: PETER	
Nearest Town:	
Prop. Size: 42 X 121	Zoning: RES
Off. Plan:	Occupancy: Tenant
List Date: 17-MAR-2013	Possession: IMMED
Closed: 24-MAY-2013	

Property Overview EXCELLENT BRICK DUPLEX WITH LARGE 2.5 CAR GARAGE/CEMENT DRVE. MANY UPDATES INCLUDE BATHS, LOWER LVL, SOME VINYL WNDWS, ELECTRICAL (ESA APPROVED). GENERATES APPROX. \$33,000/YR. WELL INSULATED, VERY REASONABLE UTILITY AND HEATING COSTS. CONTACT L/S FOR FULL LIST OF FEATURES. INCOME AND EXPENSES. 24 HOURS NOTICE REQUIRED FOR ALL SHOWINGS.

Directions HURON LINE TO PETER TO INDIAN

Showings L.B.O

Type: Residential	Heating / AC: Hot Water	Water: Municipal
Type of Dwelling: 1-1/2 Storey	Fuel: Gas	Sewer: Sanitary Connected
Garage: 2 1/2	Flooring: Carpet & Mixed, Ceramic, Hardwood	Indoor Features:
Parking: Side Drive	Fireplace 1:	Site Influences: Fence
Exterior: Aluminum, Brick	Fireplace 2:	Misc. Docs.:
Foundation: Block	Hot Water Tank: Gas, Rented	Outdoor Features: Cable
Basement: Full		
Basement Dev: Fully Finished		

EXCELLENT BRICK DUPLEX WITH LARGE 2.5 CAR GARAGE/CEMENT DRVE. MANY UPDATES INCLUDE BATHS, LOWER LVL, SOME VINYL WNDWS, ELECTRICAL (ESA APPROVED). GENERATES APPROX. \$33,000/YR. WELL INSULATED, VERY REASONABLE UTILITY AND HEATING COSTS. CONTACT US FOR FULL LIST OF FEATURES. INCOME AND EXPENSES. 24 HOURS NOTICE REQUIRED FOR ALL SHOWINGS.

# of Rooms: 15	Ensuite:	Handicap:
Bedrooms: 8	Age: OL	Data Modification: Yes
Bathrooms: Full:3 Half:	UFFI:	Add. Sale Info:
# of RI Bathrms:	SPIS:	

Floor	Room	Size	Floor	Room	Size
M	LR		2	BR	
M	DR		B	BR	
M	KI		B	BR	
M	BR		B	BR	
M	BR		B	LR	
M	BR		B	LA	
2	LR		M	B4	
2	KI		2	B4	
2	BR		B	B3	

Approximate Taxes: \$2503.52 (2012) Improvements: Mortgage: TRT CLR

Seller Name: ANGELA RITA HANSON Home Tel.: Bus.Tel.: Address:

Listing Office: RE/MAX PREFERRED REALTY LTD. - 584 519 966-0444 (fax: 519 250-4145) Listing Agent: MARIA PHILPOTT, ASA 519-818-4623 Pager:519 966-0444

Selling Office: REMO VALENTE REAL ESTATE (1990) LIMITED - 790 519 966-7777 (fax: 519 966-6702) Selling Agent: SHAN XUE 519-982-3908

Sale Price: \$155,000 Sold: 12-APR-2013 Buyer Name: CB: 2.5

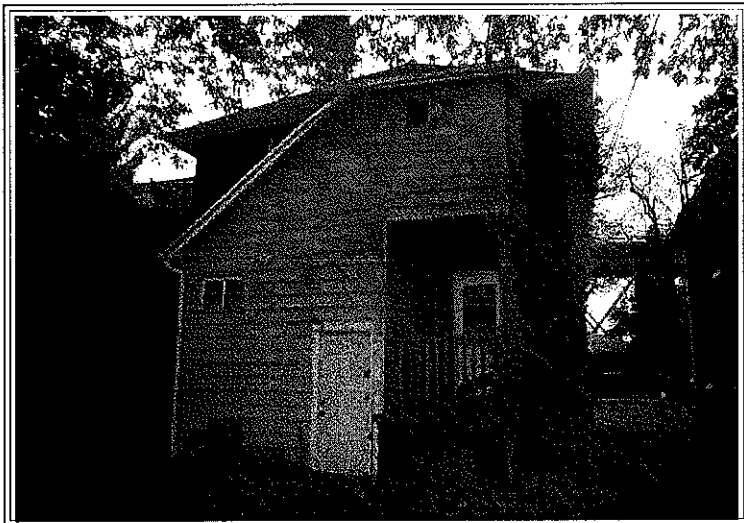
44

SUBJECT PROPERTY PHOTO ADDENDUM

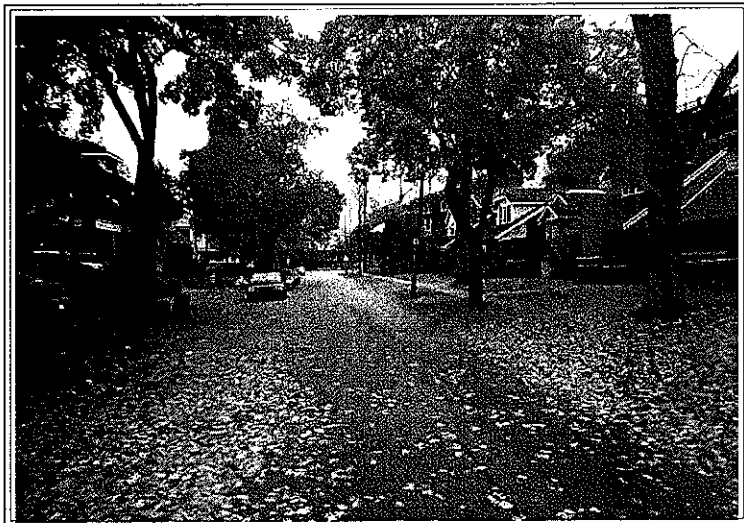
Borrower: ANNE-MARIE LANIAK	File No.: N13-22986	
Property Address: 357-59 INDIAN ROAD	Case No.:	
City: WINDSOR	Prov.: ON	P.C.: NSC 2M1
Lender: KEVIN FLOOD		



FRONT VIEW OF
SUBJECT PROPERTY



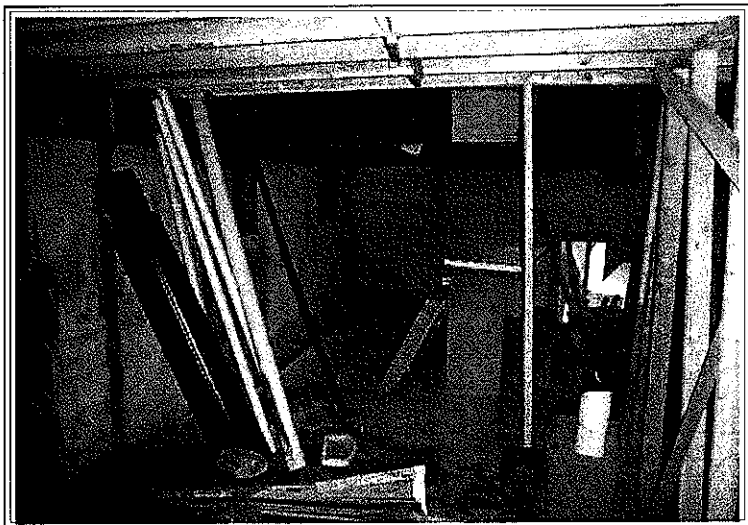
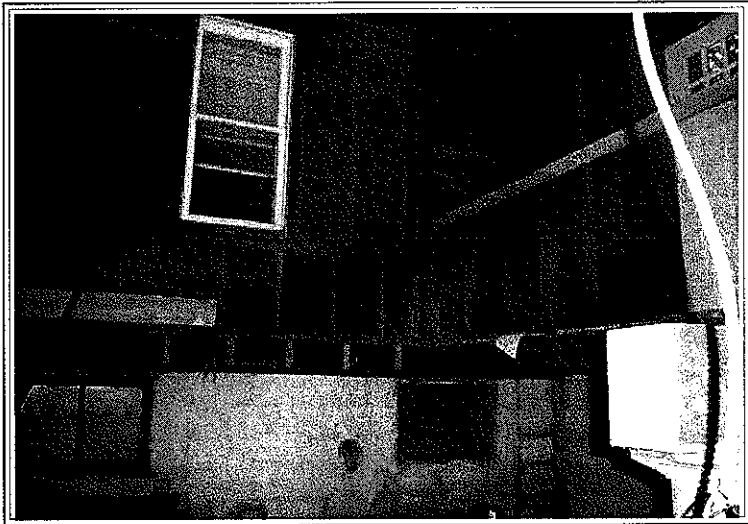
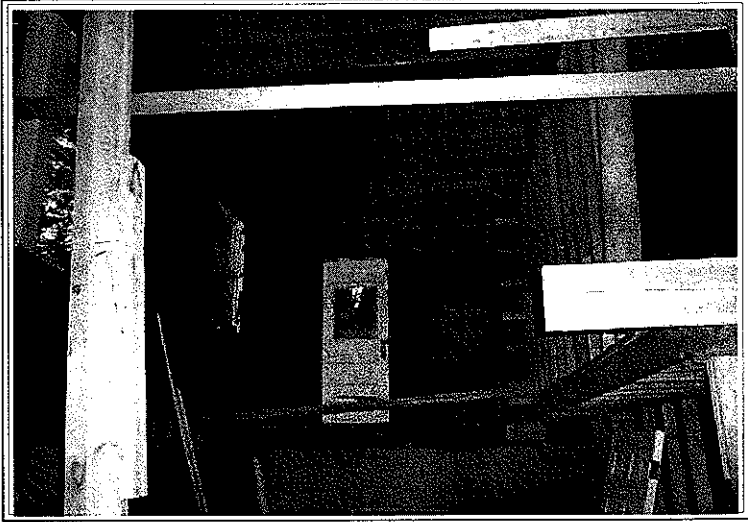
REAR VIEW OF
SUBJECT PROPERTY



STREET SCENE

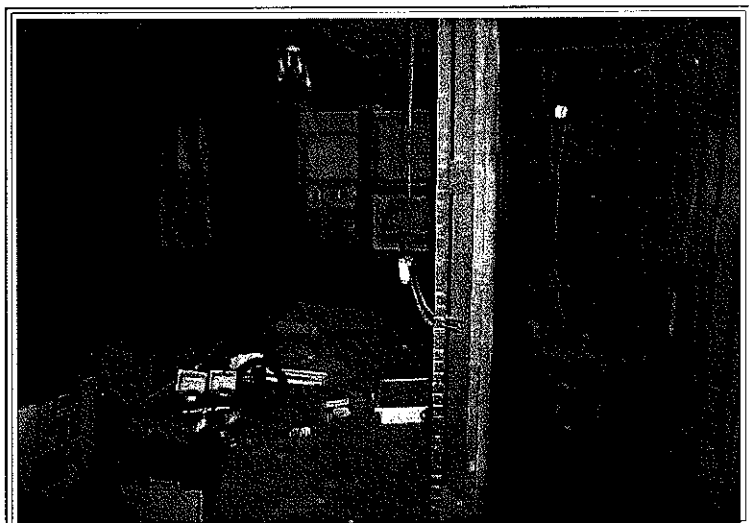
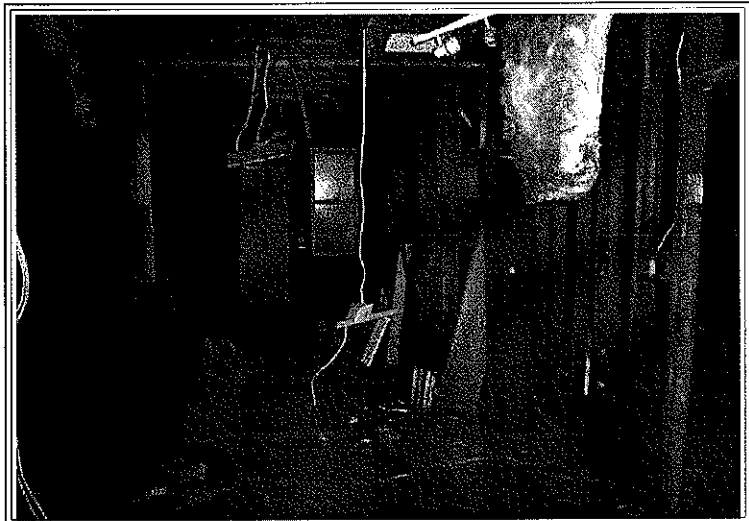
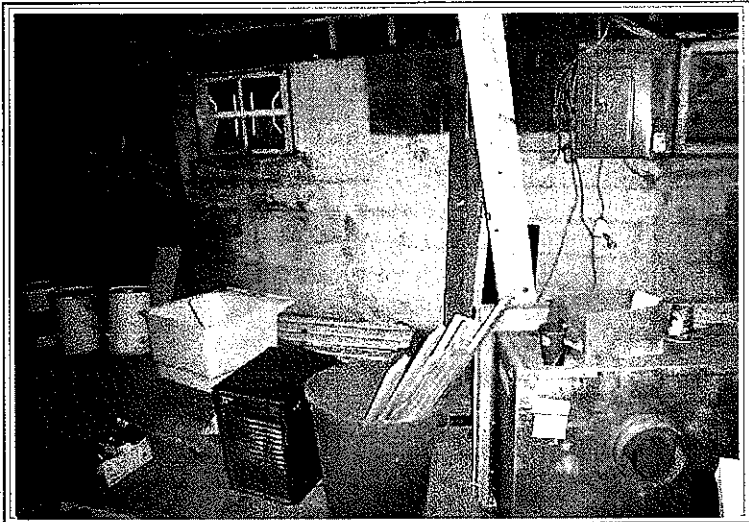
SUBJECT PROPERTY PHOTO ADDENDUM

Borrower: ANNE-MARIE LANIAK	File No.: N13-22986	
Property Address: 357-59 INDIAN ROAD	Case No.:	
City: WINDSOR	Prov.: ON	P.C.: N9C 2M1
Lender: KEVIN FLOOD		



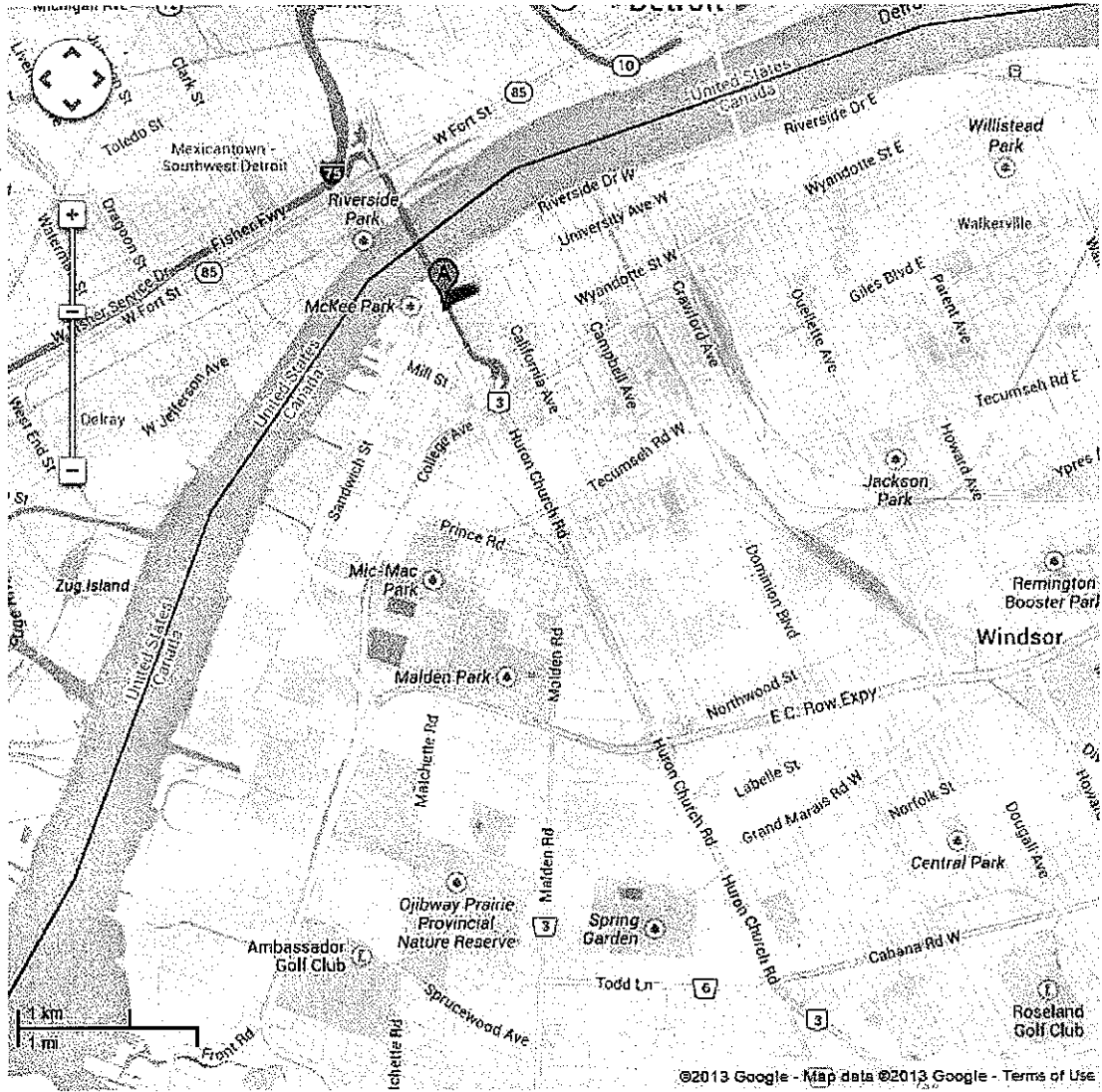
SUBJECT PROPERTY PHOTO ADDENDUM

Borrower: ANNE-MARIE LANIAK	File No.: N13-22986	
Property Address: 357-59 INDIAN ROAD	Case No.:	
City: WINDSOR	Prov.: ON	P.C.: N9C 2M1
Lender: KEVIN FLOOD		



LOCATION MAP

Borrower: ANNE-MARIE LANIAK	File No.: N13-22986
Property Address: 357-59 INDIAN ROAD	Case No.:
City: WINDSOR	Prov.: ON P.C.: N9C 2M1
Lender: KEVIN FLOOD	



2525 ROSE VILLE GARDEN DR., STE 201, WINDSOR, ON N8T 3J8

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SCOPE OF APPRAISAL

The scope of this appraisal assignment involves the completion of several steps performed within the guidelines of commonly accepted appraisal procedures. The scope of the assignment relates to the extent and manner in which research is conducted, data is gathered and analysis is applied, all based upon the purpose of the appraisal and its intended use, as previously outlined. The following steps were undertaken for this assignment:

- ❖ Physically identified and inspected both the interior and exterior of the subject property, as well as its surrounding area; identified and considered those characteristics that may have a legal, economic or physical impact on the subject;
- ❖ Physically inspected the market environment with respect to physical and economic factors relevant to the valuation process; expanded this knowledge through interviews with regional and/or local market participants, available published data and other various resources, where applicable;
- ❖ Conducted regional and/or local research with respect to applicable property tax data, zoning requirements, demographics, income and expense data, and comparable listing, sale and rental information;
- ❖ Analyzed the data gathered through the use of appropriate and accepted appraisal methodology to arrive at a probable value indication via each applicable approach to value;
- ❖ Correlated and reconciled the results into a reasonable and defensible value conclusion, as defined herein; and
- ❖ Estimated a reasonable marketing time associated with the value estimate presented.

To develop the opinion of value, we performed an Appraisal as defined by the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP). Any departures invoked are outlined in within the Summary of Salient Facts. The value conclusion reflects all information about the subject, market conditions, and available data. This appraisal of the subject has been presented in the form of a Narrative Appraisal Report, which is intended to comply with the reporting requirements set forth under CUSPAP.

EXTENT OF RESEARCH

The following sources were investigated during the course of this appraisal assignment:

- i) E.S. Gorski Realty Ltd data bank;
- ii) Geowarehouse
- iii) Registry Office Records;
- iv) Windsor-Essex Real Estate Board (MLS);
- vi) Municipal Planning and Building departments
- vii) Municipal Property Assessment Corporation

RESIDENTIAL APPRAISAL REPORT

FILE NO.: N13-22986

REFERENCE:

CLIENT	CLIENT: KEVIN FLOOD	APPRAISER	APPRAISER: EDWARD GORSKI
	ATTENTION:		COMPANY: E.S. GORSKI REALTY LTD.
	ADDRESS:		ADDRESS: 2525 ROSE VILLE GARDEN DR., STE 201
	E-MAIL:		WINDSOR, ON N8T 3J8
	PHONE: _____ FAX: _____		E-MAIL: egorski@bellnet.ca
			PHONE: 519-966-9940 FAX: 519-966-9528

EXTRAORDINARY ASSUMPTIONS & LIMITING CONDITIONS

An extraordinary assumption is a hypothesis, either supposed or unconfirmed, which, if not true, could alter the appraiser's opinions and conclusions (e.g. an absence of contamination where such contamination is possible, the presence of a municipal sanitary sewer where unknown or uncertain). An extraordinary limiting condition is a necessary modification or exclusion of a Standard Rule which must be explained and justified by the appraiser (e.g. exclusion of a relevant valuation approach). The appraiser must conclude before accepting the assignment which involves invoking an Extraordinary Limiting Condition that the scope of the work applied will result in opinions and conclusions which are credible. Both must accompany statements of each opinion/conclusion so affected.

HYPOTHETICAL CONDITIONS

Hypothetical conditions may be used when they are required for legal purpose, for purposes of reasonable analysis or for purposes of comparison. Common hypothetical conditions include proposed improvements and prospective appraisals. For every Hypothetical Condition, an Extraordinary Assumption is required (see above). An analysis based on a hypothetical condition must not result in an appraisal report that is misleading or that relies on actions or events that would be illegal or improbable within the context of the assignment. Following is a description of each hypothetical condition applied to this report, the rationale for its use and its effect on the result of the assignment.

EXTRAORDINARY ITEMS ADDENDUM

JURISDICTIONAL EXCEPTION

The Jurisdictional Exception permits the appraiser to disregard a part or parts of the Standards determined to be contrary to law or public policy in a given jurisdiction and only that part shall be void and of no force or effect in that jurisdiction. The following comments identify the part or parts disregarded, if any, and the legal authority justifying these actions.

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REFERENCE:

RESIDENTIAL APPRAISAL REPORT

FILE NO.: N13-22986

DEFINITIONS	<p>DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market as of the specified date under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus.</p> <p><i>Implicia in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: buyer and seller are typically motivated; both parties are well informed or well advised, and acting in what they consider their own best interests; a reasonable time is allowed for exposure in the open market; payment is made in terms of cash in Canadian dollars or in terms of financial arrangements comparable thereto; and the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.</i></p> <p>(Source: Canadian Uniform Standards of Professional Appraisal Practice) Note: If other than market value is being appraised, see additional comments.</p>	
	<p>DEFINITION OF HIGHEST AND BEST USE: The reasonably probable and legal use of the property, that is physically possible, appropriately supported, and financially feasible, and that results in the highest value.</p>	
SCOPE	<p>The scope of the appraisal encompasses the due diligence undertaken by the appraiser (consistent with the terms of reference from the client, the purpose and intended use of the report) and the necessary research and analysis to prepare a report in accordance with the Canadian Uniform Standards of Professional Appraisal Practice of the Appraisal Institute of Canada. The following comments describe the extent of the process of collecting, confirming and reporting data and its analysis, describe relevant procedures and reasoning details supporting the analysis, and provide the reason for the exclusion of any usual valuation procedures.</p> <p>SEE ATTACHED ADDENDUM</p>	
	<p>ORDINARY ASSUMPTIONS & LIMITING CONDITIONS The certification that appears in this appraisal report is subject to the following conditions:</p> <ol style="list-style-type: none"> This report is prepared at the request of the client and for the specific use referred to herein. It is not reasonable for any other party to rely on this appraisal without first obtaining written authorization from the client, the author and any supervisory appraiser, subject to the qualification in paragraph 11 below. Liability is expressly denied to any person other than the client and those who obtain written consent and, accordingly, no responsibility is accepted for any damage suffered by any such person as a result of decisions made or actions based on this report. Diligence by all intended users is assumed. Because market conditions, including economic, social and political factors change rapidly and, on occasion, without warning, the market value estimate expressed as of the date of this appraisal cannot be relied upon as of any other date except with further advice from the appraiser and confirmed in writing. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. No registry office search has been performed and the appraiser assumes that the title is good and marketable and free and clear of all encumbrances including leases, unless otherwise noted in this report. The property is appraised on the basis of it being under responsible ownership. The subject property is presumed to comply with government regulations including zoning, building codes and health regulations and, if it doesn't comply, its non-compliance may affect market value. No survey of the property has been made. Any sketch in the appraisal report shows approximate dimensions and is included only to assist the reader of the report in visualizing the property. This report is completed on the basis that testimony or appearance in court concerning this appraisal is not required unless specific arrangements to do so have been made beforehand. Such arrangements will include, but not necessarily be limited to, adequate time to review the appraisal report and data related thereto and the provision of appropriate compensation. Unless otherwise stated in this report, the appraiser has no knowledge of any hidden or unapparent conditions of the property (including, but not limited to, its soils, physical structure, mechanical or other operating systems, its foundation, etc.) or adverse environmental conditions (on it or a neighbouring property, including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable. It has been assumed that there are no such conditions unless they were observed at the time of inspection or became apparent during the normal research involved in completing the appraisal. This report should not be construed as an environmental audit or detailed property condition report, as such reporting is beyond the scope of this report and/or the qualifications of the appraiser. The appraiser makes no guarantees or warranties, express or implied, regarding the condition of the property, and will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. The bearing capacity of the soil is assumed to be adequate. The appraiser is not qualified to comment on environmental issues that may affect the market value of the property appraised, but not limited to pollution or contamination of land, buildings, water, groundwater or air. Unless expressly stated, the property is assumed to be free and clear of pollutants and contaminants, including but not limited to moulds or mildews or the conditions that might give rise to other, and in compliance with all regulatory environmental requirements, government or otherwise, and free of any environmental condition, past, present or future, that might affect the market value of the property appraised. If the party relying on this report requires information about environmental issues, then that party is cautioned to retain an expert qualified in such issues. We expressly deny any legal liability relating to the effect of environmental issues on the market value of the subject property. The appraiser obtained information, estimates and opinions that were used in the preparation of this report from sources considered to be reliable and accurate and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of items that were furnished by other parties. The opinions of value and other conclusions contained herein assume satisfactory completion of any work remaining to be completed in a good and workmanlike manner. Further inspection may be required to confirm completion of such work. The contents of this report are confidential and will not be disclosed by the author to any party except as provided for by the provisions of the Canadian Uniform Standards of Professional Appraisal Practice ("The Standards") and/or when property entered into evidence of a duly qualified judicial or quasi-judicial body. The appraiser acknowledges that the information collected herein is personal and confidential and shall not use or disclose the contents of this report except as provided for in the provisions of the Canadian Uniform Standards of Professional Appraisal Practice (the "Standards") and in accordance with the appraiser's privacy policy. The client agrees that in accepting this report, it shall maintain the confidentiality and privacy of any personal information contained herein and shall comply in all material respects with the contents of the appraiser's privacy policy. The appraiser has agreed to enter into the assignment as requested by the client named in the report for the use specified by the client, which is stated in the report. The client has agreed that the performance of this appraisal and the report format are appropriate for the intended use. Written consent from the author and supervisory appraiser, if applicable, must be obtained before any part of the appraisal report can be used for any purpose by anyone except the client and other intended users identified in the report. Where the client is the mortgagee, liability is extended to its insurer. Liability to any other party or for any other use is expressly denied regardless of who pays the appraisal fee. Written consent and approval must also be obtained before the appraisal (or any part of it) can be altered or conveyed to other parties, including mortgagees (other than the client) and the public through prospectus, offering memoranda, advertising, public relations, news, sales or other media. If transmitted electronically, this report will have been digitally signed and secured with personal passwords to lock the appraisal file. Due to the possibility of digital modification, only originally signed reports and those reports sent directly by the appraiser, can be relied upon without fault. <p>Other: _____</p>	
ASSUMPTIONS AND LIMITING CONDITIONS AND EXTRAORDINARY ITEMS	<p>EXTRAORDINARY ASSUMPTIONS & LIMITING CONDITIONS An extraordinary assumption or limiting condition has been invoked in this appraisal report. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, see attached addendum.</p>	
	<p>HYPOTHETICAL CONDITIONS A hypothetical condition has been invoked in this appraisal report. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, see attached addendum.</p>	
	<p>JURISDICTIONAL EXCEPTION A jurisdictional exception has been invoked in this appraisal report. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, see attached addendum.</p>	
	<p>I certify that, to the best of my knowledge and belief:</p> <ol style="list-style-type: none"> The statements of fact contained in this report are true and correct. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial and unbiased professional analyses, opinions and conclusions. I have no past, present or prospective interest or bias with respect to the property that is the subject of this report and no personal interest or bias with respect to the parties involved with this assignment, except as specified herein. My engagement in this assignment is not contingent upon developing or reporting a predetermined result, upon the amount of value estimate, upon a direction in value that favours the cause of the client, upon the attainment of a stipulated result or the occurrence of a subsequent event. My analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Canadian Uniform Standards of Professional Appraisal Practice. I have the knowledge and experience to complete this assignment competently. Except as herein disclosed, no other person has provided me with significant professional assistance in the completion of this appraisal assignment. The Appraisal Institute of Canada has a mandatory Continuing Professional Development Program for all members. As at the date of this report, the requirements of this program have been fulfilled. 	
CERTIFICATION	<p>SUPERVISORY APPRAISER'S CERTIFICATION If a supervisory appraiser has signed this appraisal report, he or she certifies and agrees that I directly supervised the appraiser who prepared this appraisal report and, having reviewed the report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certification and am taking full responsibility for the appraisal and the appraisal report.*</p>	
	<p>PROPERTY IDENTIFICATION ADDRESS: <u>357-59 INDIAN ROAD</u> CITY: <u>WINDSOR</u> PROVINCE: <u>ON</u> POSTAL CODE: <u>N9C 2M1</u> LEGAL DESCRIPTION: <u>LOT 27 PLAN 888 TOWN OF SANDWICH</u></p>	
	<p>AS A RESULT OF MY APPRAISAL AND ANALYSIS OF ALL APPLICABLE DATA AND RELEVANT FACTORS, IT IS MY CONCLUSION THAT THE MARKET VALUE OF THE INTEREST IN THE SUBJECT PROPERTY AS AT <u>NOVEMBER 6, 2013</u> (Effective Date of the Appraisal) IS \$ <u>42,000</u> (AS IS)</p>	
	<table border="0" style="width:100%;"> <tr> <td style="width:50%; vertical-align:top;"> <p>APPRAISER</p> <p>SIGNATURE: <u><i>Edward Gorski</i></u> NAME: <u>EDWARD GORSKI</u> DESIGNATION: <u>B.A., F.R.I., A.A.C.I.</u> DATE SIGNED: <u>NOVEMBER 6, 2013</u> DATE OF INSPECTION: <u>NOVEMBER 6, 2013</u> LICENSE INFO: (where applicable) _____</p> <p><small>NOTE: For this appraisal to be valid, an original or a password protected digital signature is required.</small></p> </td> <td style="width:50%; vertical-align:top;"> <p>SUPERVISORY APPRAISER (if applicable)</p> <p>SIGNATURE: _____ NAME: _____ DESIGNATION: _____ DATE SIGNED: _____ DATE OF INSPECTION: _____ LICENSE INFO: (where applicable) _____</p> <p><small>NOTE: For this appraisal to be valid, an original or a password protected digital signature is required.</small></p> </td> </tr> </table>	<p>APPRAISER</p> <p>SIGNATURE: <u><i>Edward Gorski</i></u> NAME: <u>EDWARD GORSKI</u> DESIGNATION: <u>B.A., F.R.I., A.A.C.I.</u> DATE SIGNED: <u>NOVEMBER 6, 2013</u> DATE OF INSPECTION: <u>NOVEMBER 6, 2013</u> LICENSE INFO: (where applicable) _____</p> <p><small>NOTE: For this appraisal to be valid, an original or a password protected digital signature is required.</small></p>
<p>APPRAISER</p> <p>SIGNATURE: <u><i>Edward Gorski</i></u> NAME: <u>EDWARD GORSKI</u> DESIGNATION: <u>B.A., F.R.I., A.A.C.I.</u> DATE SIGNED: <u>NOVEMBER 6, 2013</u> DATE OF INSPECTION: <u>NOVEMBER 6, 2013</u> LICENSE INFO: (where applicable) _____</p> <p><small>NOTE: For this appraisal to be valid, an original or a password protected digital signature is required.</small></p>	<p>SUPERVISORY APPRAISER (if applicable)</p> <p>SIGNATURE: _____ NAME: _____ DESIGNATION: _____ DATE SIGNED: _____ DATE OF INSPECTION: _____ LICENSE INFO: (where applicable) _____</p> <p><small>NOTE: For this appraisal to be valid, an original or a password protected digital signature is required.</small></p>	
<p>ATTACHMENTS:</p> <p><input type="checkbox"/> ADDITIONAL SALES <input type="checkbox"/> EXTRAORDINARY ITEMS ADDENDUM <input type="checkbox"/> NARRATIVE ADDENDUM <input checked="" type="checkbox"/> PHOTO ADDENDUM <input type="checkbox"/> SKETCH ADDENDUM <input checked="" type="checkbox"/> MAP ADDENDUM <input checked="" type="checkbox"/> SCOPE OF APPRAISAL <input checked="" type="checkbox"/> MLS OF COMPARABLES <input type="checkbox"/> _____ <input type="checkbox"/> _____</p>		

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October 7, 2013



*Anne-Marie Laniak
& Kevin Flood*

www.Lancerhomes.com
519-796-6040

Lee Anne Doyle
Chief Building Official
City of Windsor

RE: Work order to Anne-Marie Laniak
Address: 357-359 Indian Road

Dear Ms. Dolye,

The deadline to appeal the "Work Order" caused by your decision to heed the mayor's office directive to change strategy on Indian Road expires October 8, 2013.

You informed me on October 1, 2013, that you were not aware who your inspectors were targeting on Indian Road.

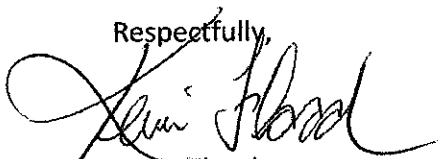
I applied for a demolition permit on September 3, 2013. With this information being brought to your attention, are you going to rescind the "Order" and allow the democratic process for the demolition application to be heard at council first? Yes or no?

Prior to the "Order" I had described to you my reasons for a demolition permit which coincidentally mirror the "Order." If you choose not to rescind the "Order," will you waive the inspection fee of \$225.00? Yes or no?

I know you are going to say that the Chief Building Official is mandated by Building Code Legislation and not the mayor's office. So then who made the property standards complaint?

I trust these simple questions can be answered by noon today – October 7, 2013.

Respectfully,



Kevin Flood

194 Campbell Avenue, Windsor, Ontario, N9B 2H2
519-253-0860

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Proj. No. 10054

November 13, 2013

VIA EMAIL AND HAND DELIVERED

R. G. Colautti Law Professional Corporation
2510 Ouellette Avenue, Suite 300
Windsor, Ontario
N8X 1L4

Attention: Mr. Raymond G. Colautti

Building Condition Assessment
Anne-Marie Laniak Building
357-359 Indian Road.
Windsor, Ontario

Dear Sir:

Further to your request of November 6, 2013, we carried out an engineering assessment of the condition of the building at 357-359 Indian Road in Windsor, Ontario. The results of our assessment are presented herein.

1.0 BACKGROUND INFORMATION

We understand that the building owner (Anne-Marie Laniak) is appealing to the Property Standards Committee to rescind the City Building Department's "Order to Repair" on this building and wants to obtain a Demolition Permit for this building through the Council's established process. The City of Windsor had issued an "Order to Repair" on September 24, 2013 based on an inspection of this building by City staff on September 19, 2013. This building is located in the Sandwich Heritage Conservation District. When a building is requested to be demolished, the City requires information be submitted prior to accepting the demolition application. One requirement is that a report must be prepared on the condition of the building or structure, and the cost of repairing and retaining it, including safety issues if the building or structure is vacant or has undergone damage, and a demonstration of the efforts by the owner to maintain the building.

Chall-ENG Services Inc. was retained on November 6, 2013 to assess the condition of this building.

2.0 PURPOSE

The purpose of our assignment was to assess the condition of this building and determine if this building is economically repairable. Note that this report does not address the architectural and heritage features of this building.

3.0 SCOPE

The scope of our investigation included the following:

1. A telephone discussion with and email from Mr. Colautti on November 6, 2013 to obtain background information and to take instructions concerning the required scope of our engineering services.
2. A telephone discussion with Mr. Flood to obtain additional background information and to arrange an inspection of this building.
3. An inspection of the building at 357-359 Indian Road on November 6, 2013 in the company of Mr. Flood. Photographs were taken to document our observations and the condition of the building.
4. Obtain and review of our file of previous works that our firm carried out at this building.
5. An engineering assessment to determine the condition of this building.
6. Prepare repair costs.
7. The preparation of a written report with our findings.

4.0 RESULTS OF INVESTIGATION

4.1 Background and Historical Information

Mr. Flood advised us of the following information:

1. His wife purchased this building on September 30, 2009 under a "power of sale".
2. Prior to her purchasing this building, renovations had already been started by the prior owner that involved the removal of most of the interior finishes, including all of plaster walls and ceilings, most of the hardwood

flooring, and electrical equipment (light fixtures). For the basement mechanical equipment, there were two furnaces with one being connected to overhead duct work to heat the basement and main floor. The second furnace was in the basement, but all ducting to the second unit had been removed. A potable water line was connected to the hot water tank. Plumbing fixtures located on main floor were not connected to the water supply piping. One of two steel bathtubs was still in the home in the common area of on main floor. Black vent piping was located within the wood stud cavity up to the second floor, but had been disconnected at both the water tank and the 2nd floor fixtures. Essentially all that remained usable within the interior of this building was the wood framing and the concrete block masonry foundation walls.

3. At the time of his purchase, the state of this building was that it was not a habitable building.
4. Ms. Laniak had a new sanitary service installed to this building in the spring of 2010 that was inspected by the City of Windsor.
5. He as Ms. Laniak's spouse retained our firm in March of 2010 to prepare a design of the main floor structure such that the existing wooden floor structure would be removed and construct a new floor structure to obtain a minimum clear ceiling height of 7 foot 2 inches from the existing original height of 6 foot 4 inches. With this higher ceiling height, the Ontario Building Code allow this basement to be finished into be habitable (rentable) space that would include bedrooms.
6. After receiving approvals from the Building and Planning Departments in May 2012 that her elevation drawings met the criteria of the Planning Department, Ms. Laniak filed a building permit application on June 11, 2012. Six months later she had not received the building permit. Ms. Laniak filed for a demolition permit on September 3, 2013, since the opportunity to earn revenue from the Ontario Power Generation as a result of their contract to install solar panels had expired in December 2012. He calculated that he was going to spend more money on the works than he could ever recover. So the renovation works were stopped and Ms. Laniak applied to have the building demolished.

As noted in Point No. 5 above, our firm, including the writer, had worked with Mr. Flood in March of 2010 to prepare a design of a new main floor structure to obtain a clear ceiling height of 7 foot 2 inches. During our inspections of this building on March 31 and May 5, 2010, we took a number of photographs of the exterior and interior of this building of which a sampling of 24 photographs are appended to this report. The photographs (Nos. 3 to 24) show that extensive

tear out and removal of the interior finishes had already been carried out. For the exterior, the front porch roof had been removed (Photograph Nos. 1 and 2).

4.2 Results of Inspection – November 6, 2013

We inspected the residence at on November 6, 2013 in the company of Mr. Flood. Photographs (Nos. 25 to 60) taken to document our observations are appended to this report, for your reference.

This building was a two storey, wood-framed, duplex dwelling constructed over a full basement. The front of this residence faced east onto Indian Road. We estimate the age of the original structure of this building in the range of 80 to 90 years (i.e. built in the 1920's).

Our inspection of this building revealed the following observations and material conditions:

EXTERIOR

1. The front porch was completely removed (Photograph Nos. 25 and 27).
2. The cedar shake shingles on the upper (second) storey walls were generally in poor condition and showing signs of wood deterioration and rot. This rot was attributable to aging, weathering, and exposure to UV rays from sunlight with the vegetation covering also contributing to the rot (Photograph Nos. 32 and 33).
3. The brick veneer on the lower (one) storey and the exposed portion of the concrete block masonry foundation walls were generally in fair to good condition except that there were a number of minor cracks and minor deterioration in the mortar joints (Photograph Nos. 27, 28, 34, and 36).
4. The eavestroughs and downspouts were generally in poor condition with some of the downspouts missing (Photograph No. 26, 32 and 33).
5. Asphalt shingles on the roof were in fair condition (Photograph Nos. 25 and 26). We did not find any evidence of leakage into the interior of this building, which indicates that the shingles are currently functional.
6. The aluminum cladding on the rear stairway addition was generally functional, but the colour was faded (Photograph Nos. 35, 37 and 38).
7. Two exterior doors, one on the south wall and the other on the west (rear) wall, were smaller than the minimum size as required by the OBC (Photograph Nos. 35, 39 and 40).
8. The wood veneer surface on the front south door was delaminating, since it was not a solid door (Photograph No. 31).
9. The windows were original and consisted of wood-framed, single glazing with storm windows.

INTERIOR

1. Except some hardwood flooring on the second floor level, all interior finishes, such as plaster walls and ceilings, had been removed with only the wood framing remaining (Photograph Nos. 41 to 58).
2. Part of the north half of the main floor structure had been rebuilt with the south half and the front area being totally open to the basement (Photograph Nos. 41, 43 and 44).
3. The wood framing consisted of 2 inch by 4 inch wood studs for all walls, 2 inch by 8 inch wooden floor joists, and 2 inch by 4 inch wooden rafters. The wood materials appeared to be generally structurally sound and in fair condition, but there were with many splits that were caused by the removal of the plaster finishes and many steel nails remain in the wood.
4. No evidence of roof water leakage was found (Photograph No. 45).
5. The concrete block masonry foundation walls contained some cracking, but generally the block masonry was in fair condition given their age (80 years at least). Signs of minor moisture penetration were observed on the interior faces of the blocks, near the basement floor level (Photograph Nos. 50 to 54).
6. There were 3 light fixtures with most of the wiring being the old knob and tube type. Some newer wiring was present, but overall, this building will need to be rewired with new fixtures, receptacles, and switches needing to be installed (Photograph Nos. 59 and 60).
7. No plumbing fixtures and very little drainage and water piping existed.
8. Two furnaces were in the basement, but were not connected and no ductwork existed.
9. The stairs down to the basement from the exterior door on the south wall need to be completely rebuilt as they do not meet the OBC and are actually dangerous, since a door opens over the stairs that results in a sudden drop down the stairs with no landing being present. Also, there are no handrails (Photograph Nos. 39 and 40).
10. The enclosed rear stairs addition violates many parts of the OBC, including but not limited to – stairs not having uniform rise and run, improper handrails, inadequate headroom at the top of the stairs, cannot properly insulate the upper walls with the upper walls, and improper guards (Photograph Nos. 55 to 58).

5.0 DISCUSSION OF RESULTS AND CONCLUSIONS

We confirm that this building is not habitable, based on its present condition and state.

Based on the results of our inspection, it is our opinion that this building is in a state and condition that is beyond economical repair. This opinion is based on the following factors:

1. The cedar shake shingles on the upper floor level, the aluminum siding on the rear addition, the eavestroughs, trim, and downspouts need to be removed and replaced, since they are damaged and/or worn out and/or not functional.
2. Although the wood framing is generally structurally sound and in fair condition, there are with many splits that were caused by the removal of the plaster finishes. Many steel nails remain in the wood that are very labour intensive to remove and will result in further weakening of the wood. Reusing this wood structure.
3. Extensive works are needed to bring the remaining portion of this building up to current OBC requirements, as further explained in this report.
4. The windows are old, weathered and not energy efficient. Must be removed and replaced.
5. Some mould was present near the eave line that must be remediated.
6. Entire rear stairs addition is substandard and does not meet the OBC.
7. Moisture penetration in the basement walls.
8. Cracking in the brick and block masonry.
9. Two exit doors are too small.
10. Main floor needs to be rebuilt.

In essence, all that remains usable for this building is its wood framing, brick and block masonry, and the service connections (water, and sanitary). Other than the services, the framing and block masonry need many repairs and upgrading works to meet current Ontario Building Code requirements. These works include:

- i) Routing out and repointing of many (approximately 20%) of the mortar joints in the brick and block masonry.
- ii) The exterior sides of the block masonry foundation walls need to be excavated and subsequently backfilled so that new/proper drainage tiles, drainage layer, and a dampproofing membrane can be installed. This drainage system also affects the interior in that the concrete floor slab in the basement will have to be removed around the perimeter to install the footing tiles. Also, the floor must be leveled and the patched where the new sanitary service was installed.

- iii) There is no way to install flashings and an air barrier within the concealed wall space between brick masonry and the wall framing without removing the bricks. These works are required by the OBC.
- iv) Double-up split and cracked wood members.
- v) Install 2 inch by 2 inch wood members to all exterior wood studs to obtain the necessary wall thickness to obtain R20 insulation in the exterior walls
- vi) The roof needs to be completely reconstructed so that proper insulation thickness can be obtained at the eave line areas. Mould and moisture staining was found on the wood framing near the eave line areas that we attribute to condensation and moisture exposure over many years.
- vii) The difficulty with carrying out the exterior works is that this building is located to within 2 feet of the north property line (see Figure 1). Approval and permission from the neighbouring property owner is required before the works could be done to allow for the placement of scaffolding and doing the excavation works.
- viii) Two exterior door openings need to be reconstructed so that the doors are of a proper size.
- ix) The main floor needs to be rebuilt, including wood framing, columns, footings, and beams.

Costs increase significantly when trying to repair existing structures as works are done by hand labour with no assistance from heavy equipment. Workers incur more time to work around existing structures and provide temporary support and protection works that are not needed when building new. For example, the raising of and reconstructing the floor main floor structure to obtain a higher ceiling height in the basement is significantly more expensive than constructing a new building with the higher ceiling height. The cost to do demolition and tear out by hand labour is significantly more than to completely demolish and remove a building. A building of this size and type of materials could be demolished and cleaned up in less than 2 days. We obtained an estimate from Windsor Disposal Services (WDS) to demolish and completely remove and dispose of this building, including foundations, at \$7,500. The cost alone to demolish the roof structure only is approximately \$5,400, which is labour intensive since the walls must be supported and protected from damage and movement; scaffolding will be needed; the workers will need to be tied off due to the height above the floor; the roof will have to be cut into pieces and be dropped carefully down to be put in a dumpster; and there is the disposal fee.

In summary and in conclusion, it is our professional opinion that utilizing and repairing the remaining portion of this building is not recommended, given the age (more than 80 years), the condition, and the design/construction of this building. It does not make economic sense to install all new finishes on this structure.

6.0 CONDITIONS AND CLOSURE

This report reflects our best judgment in light of the information available to us at the time of the preparation of this report. This report has been written to be read in its entirety.

This report was prepared for Anne-Marie Laniak and Kevin Flood (our client) and is intended solely for the use of our client based on the terms of our assignment. No third party may make any use of this report, or any part of this report, without the express written permission of the author and our client. We will not be responsible for damages, if any, that are suffered by any third party as a result of decisions made or actions taken based on this report.

The charges for this report were based on the work up to and including the conclusion of this report only. There has been no allowance for further consultation, investigation or court proceedings. The author has no responsibility to give testimony, or prepare for or appear in court without further compensation. No third party shall have the right to make use of this report or summons the author to appear in court to give testimony, without the express written permission of the author and our client.

We trust that this is the information you require. Please call if we can be of any additional assistance to you in this matter.

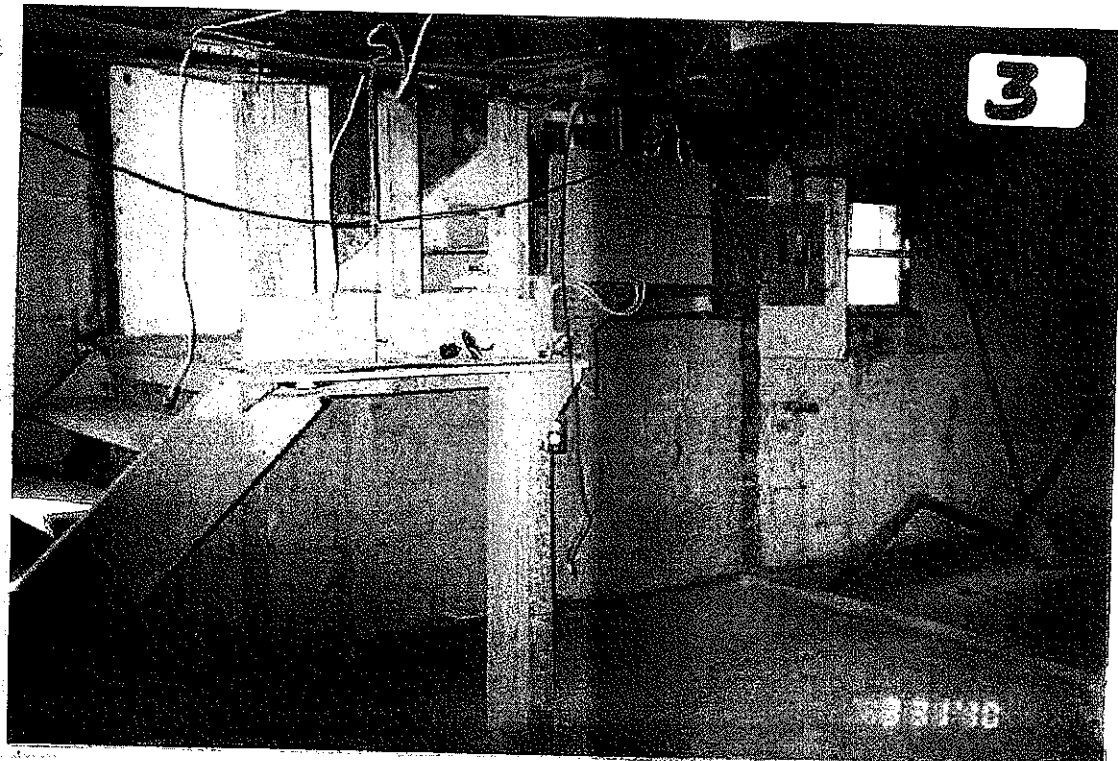
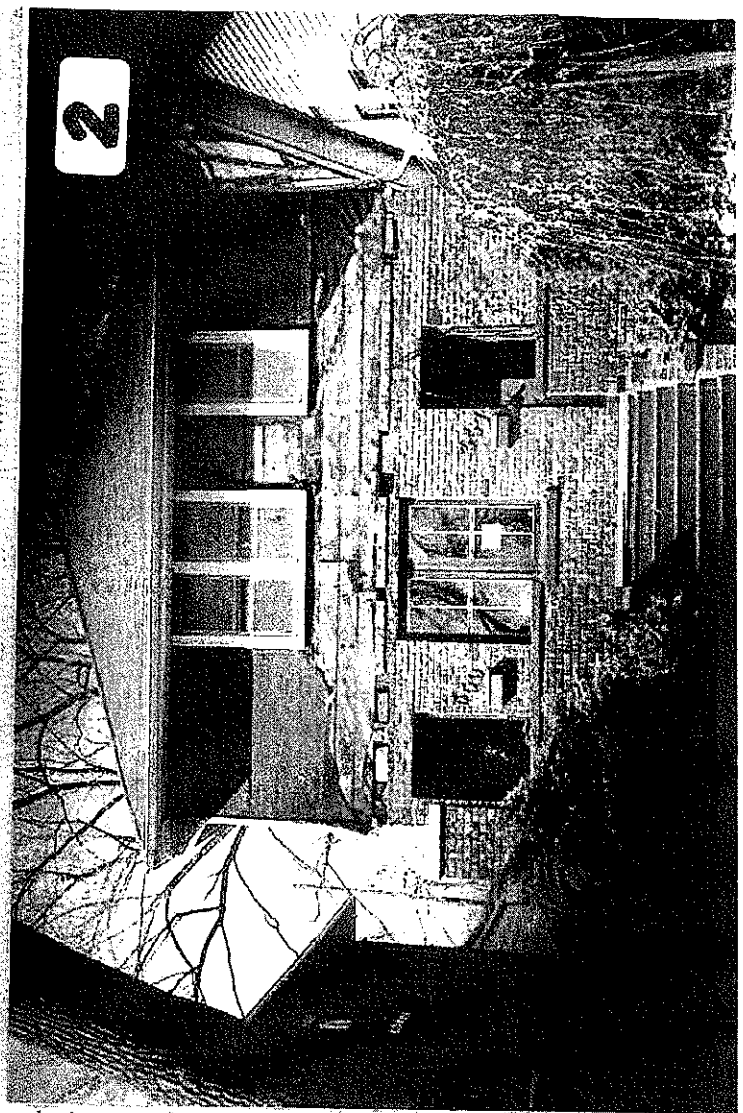
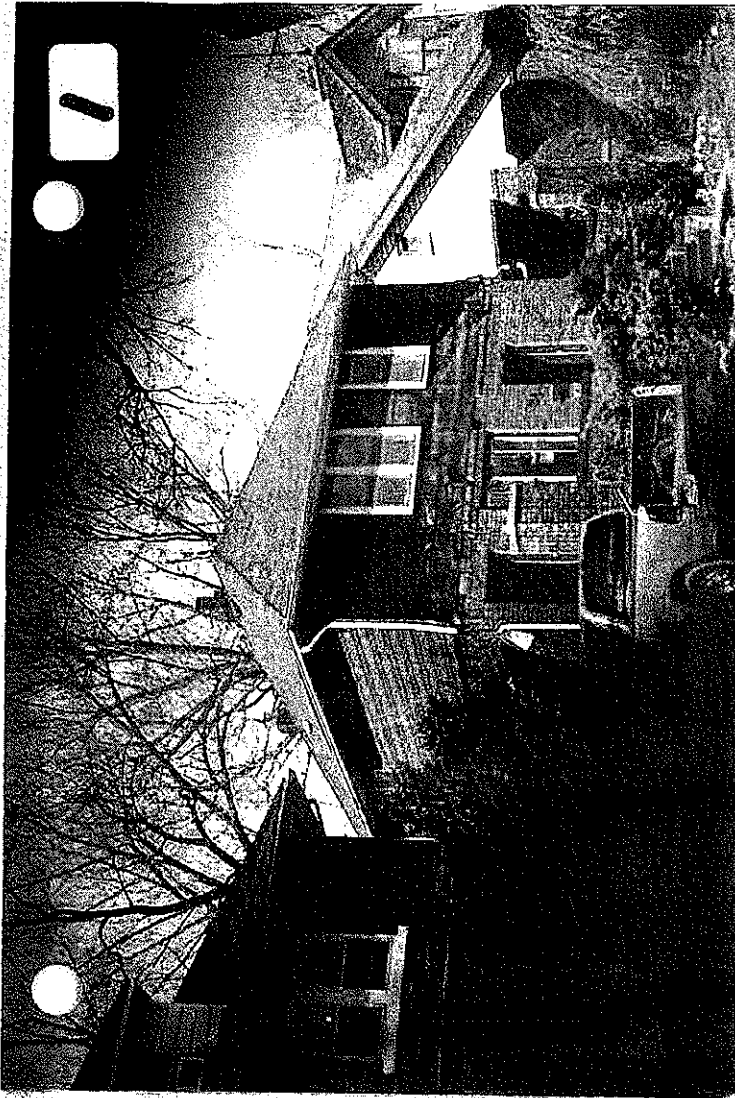
Yours truly,
Chall-ENG Services Inc.,
Consulting Engineers

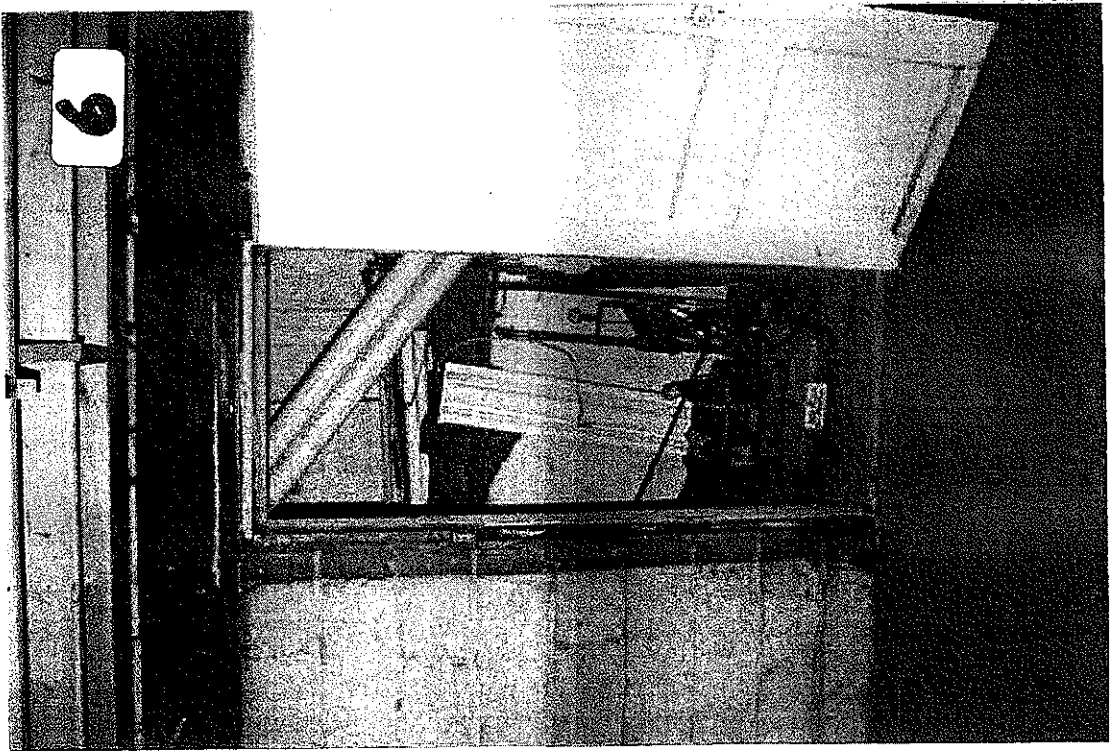
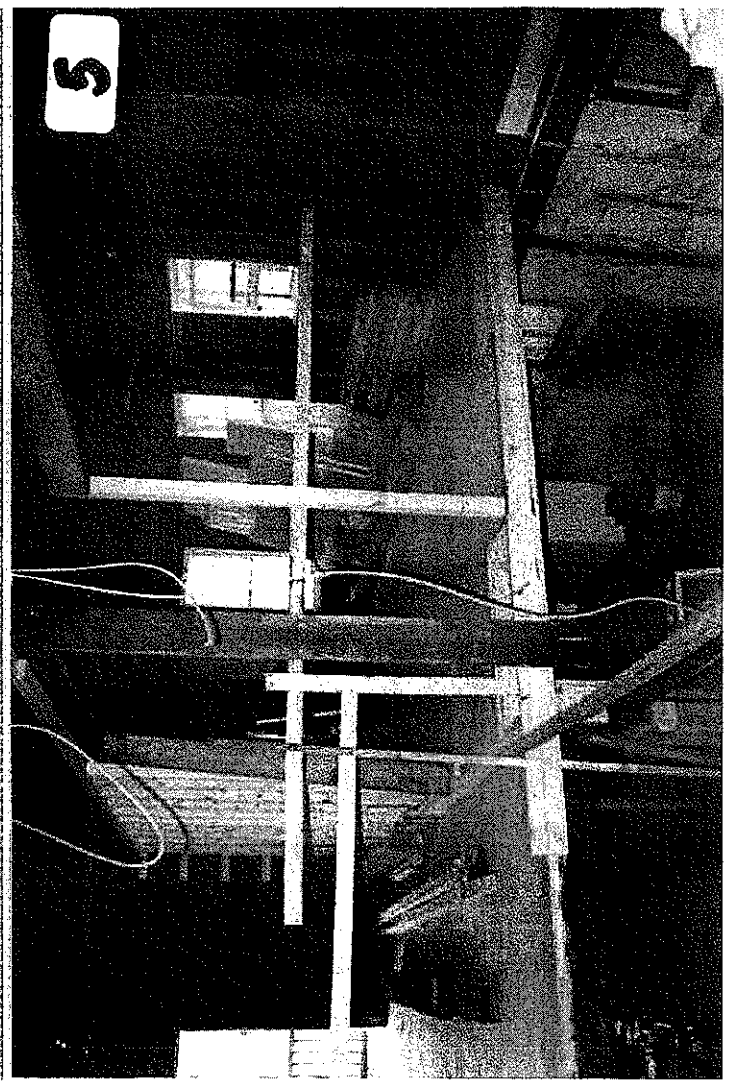
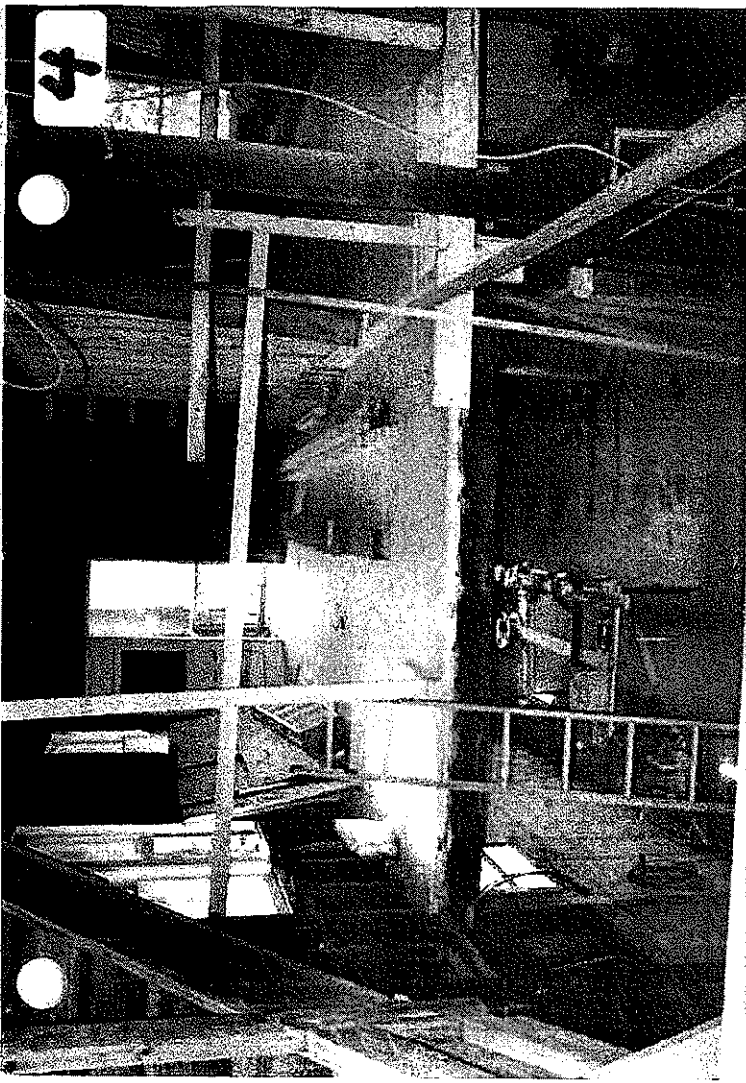


H. Richard Patterson, M.A. Sc. P. Eng., P.E.
President

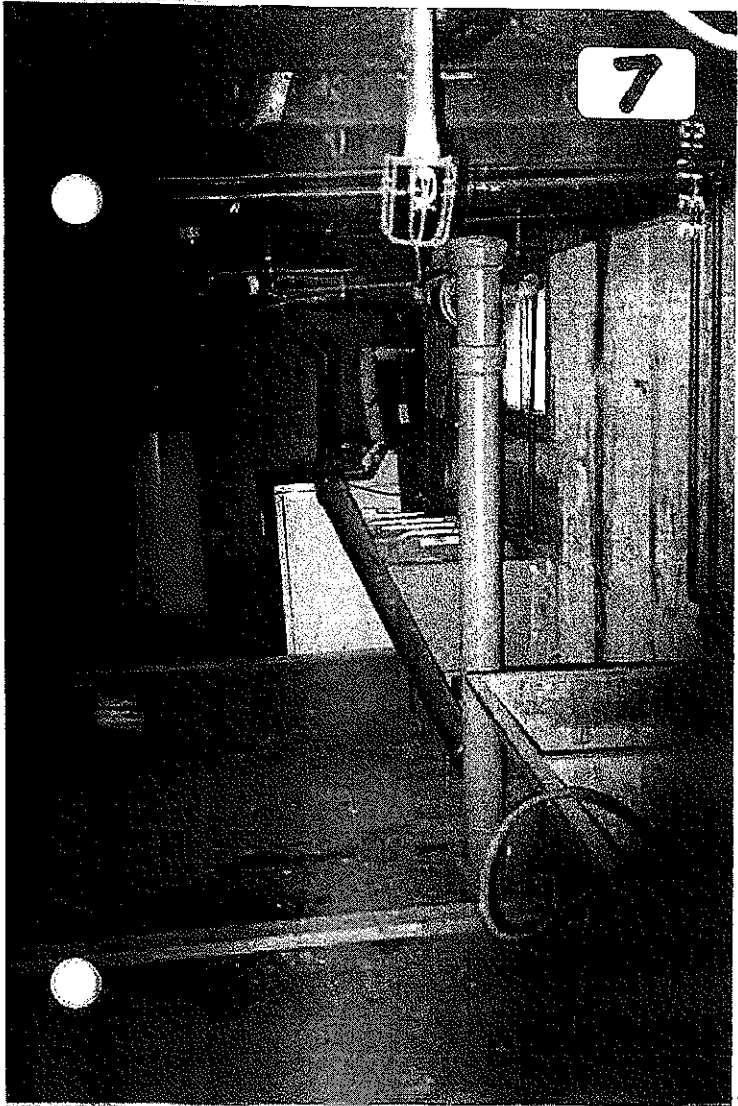


Encl: Figure 1 – site Plan
Photographs (1 to 24) March 31, 2010
Photographs (25 to) November 6, 2013

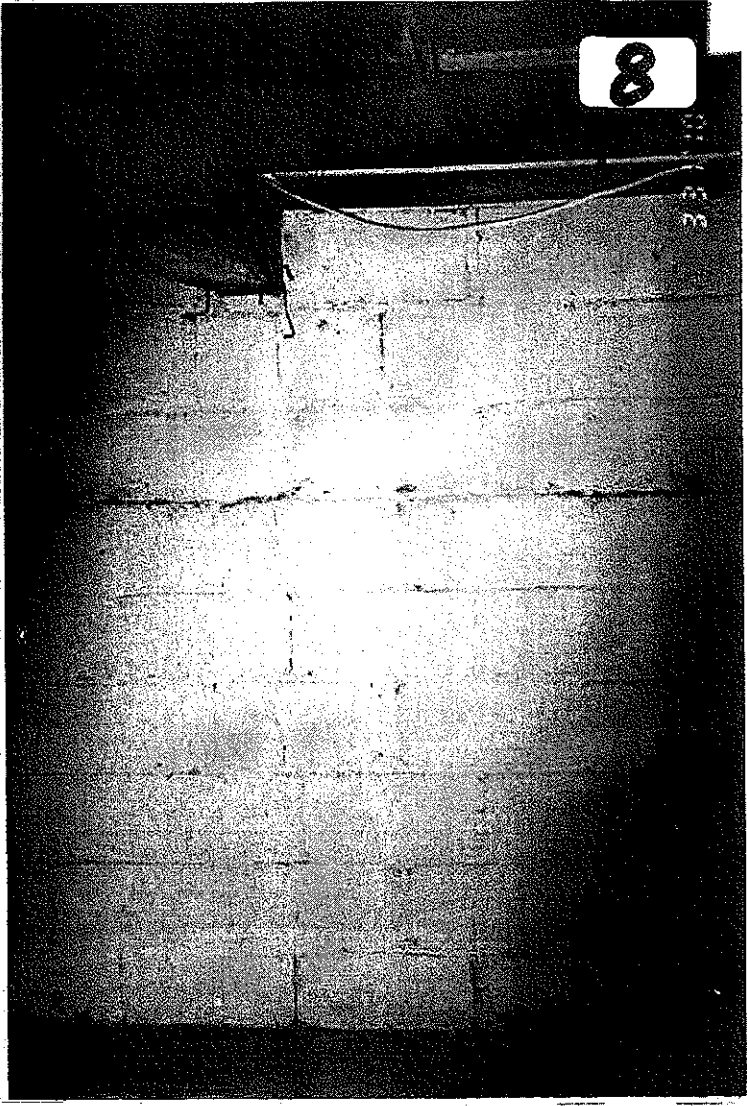




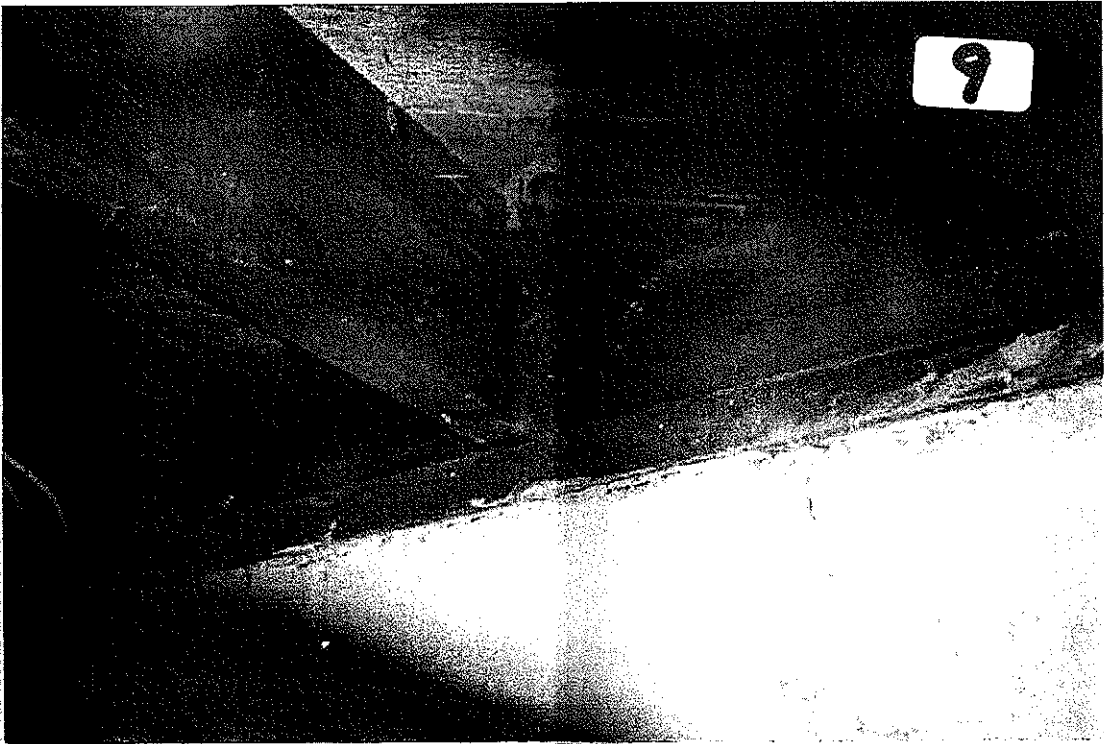
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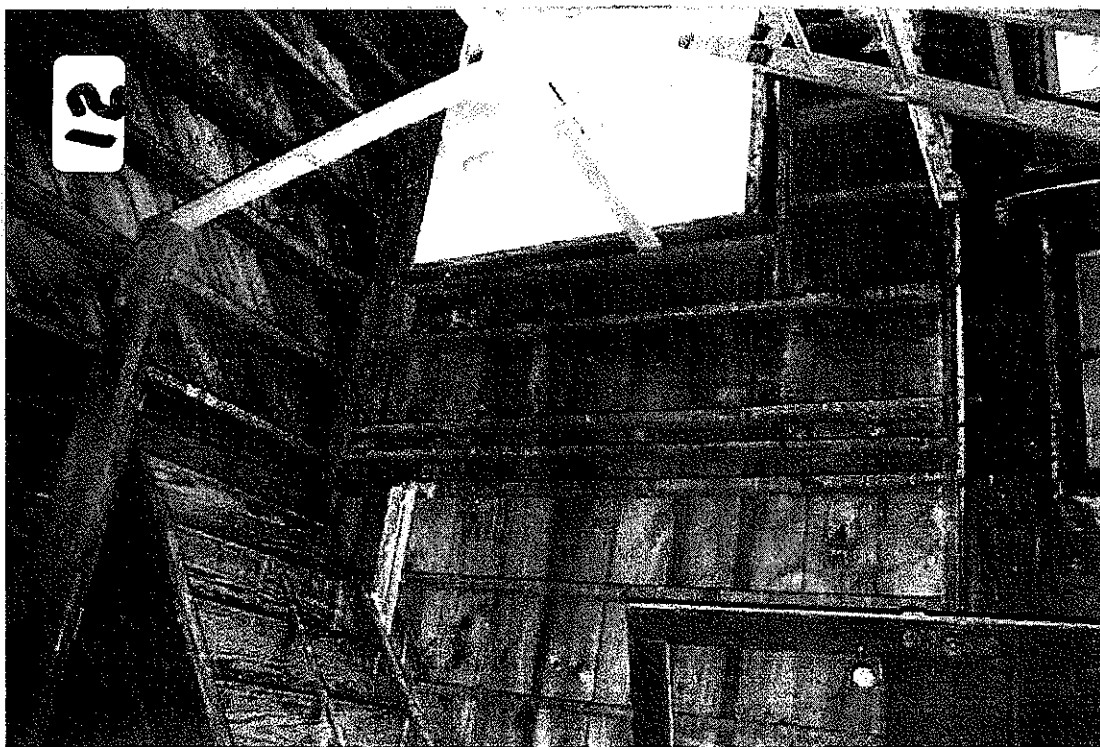


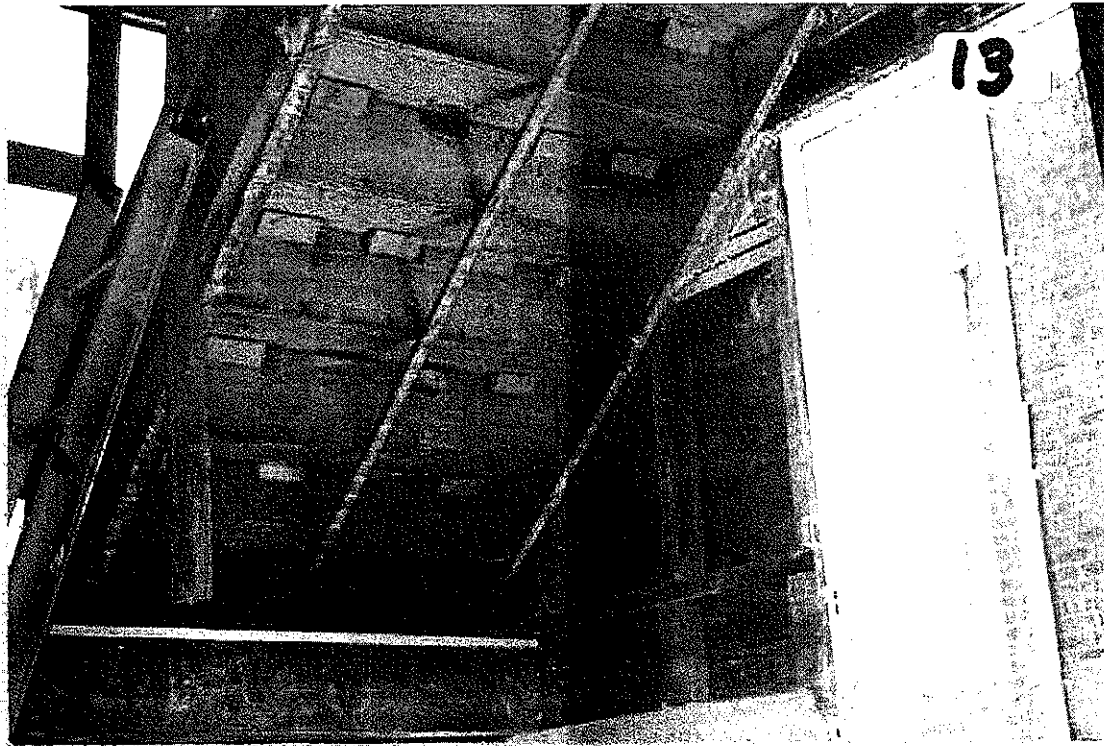
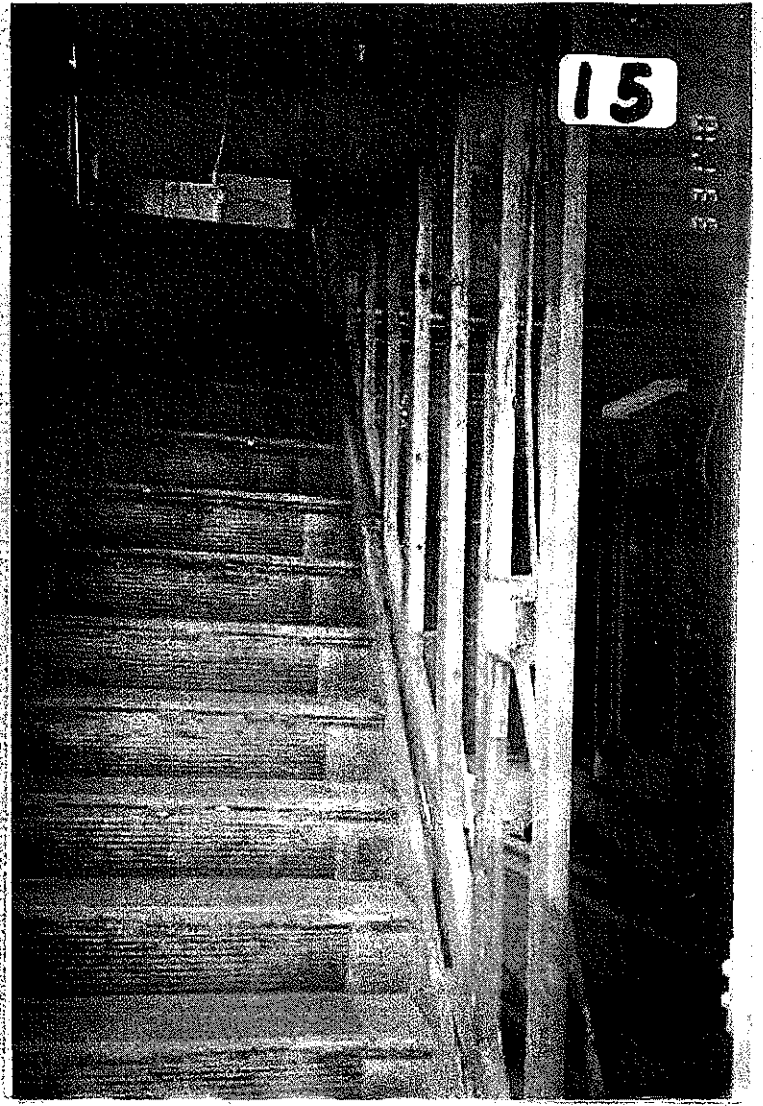
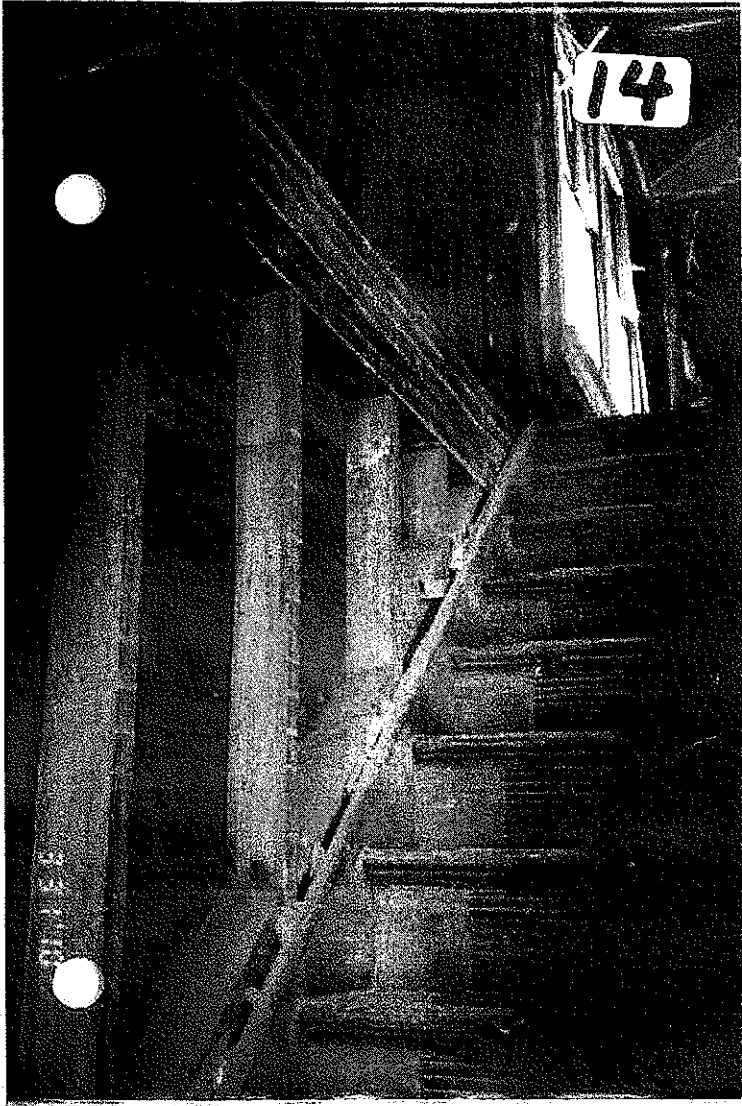
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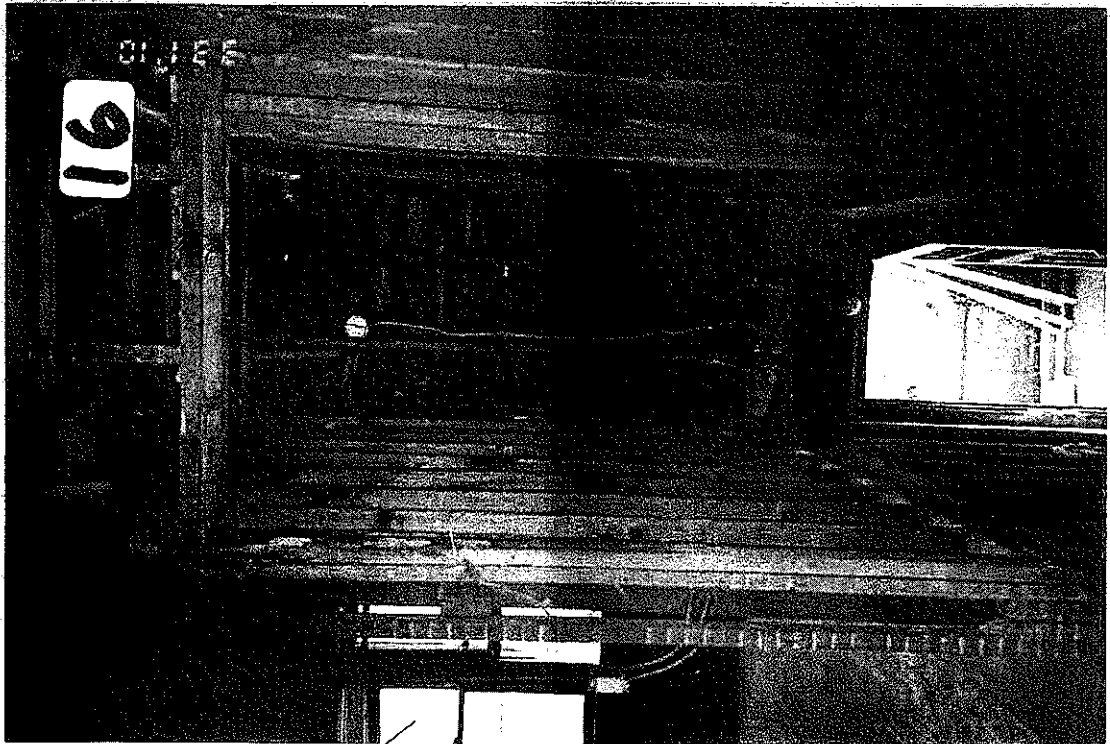
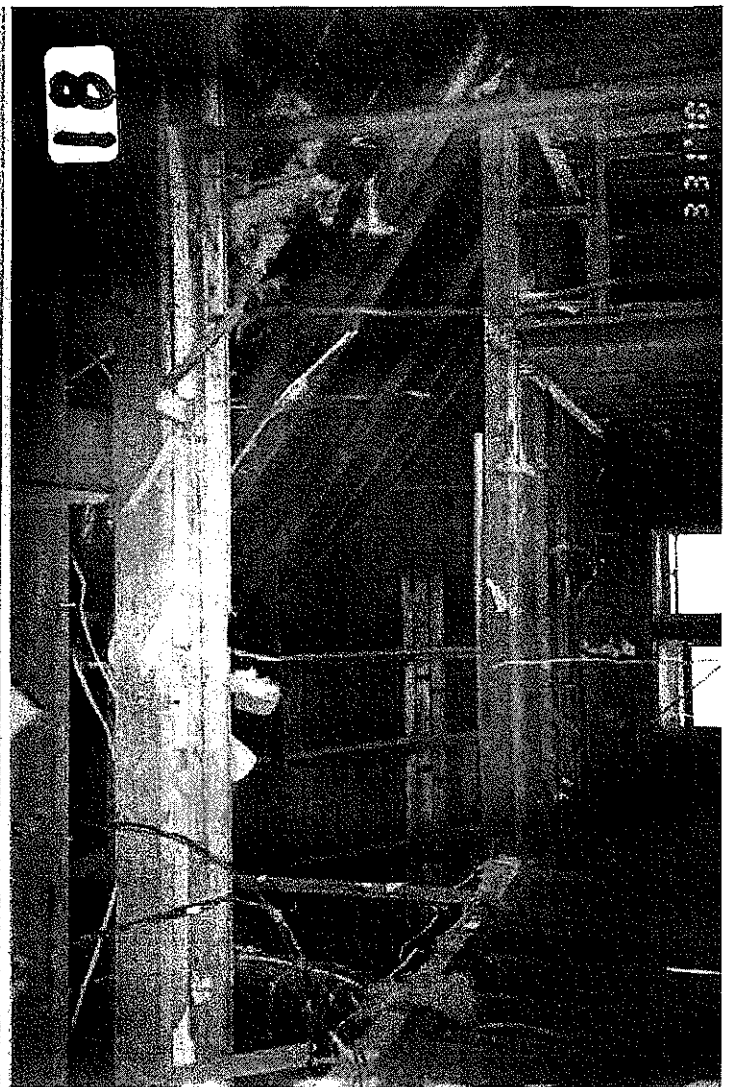
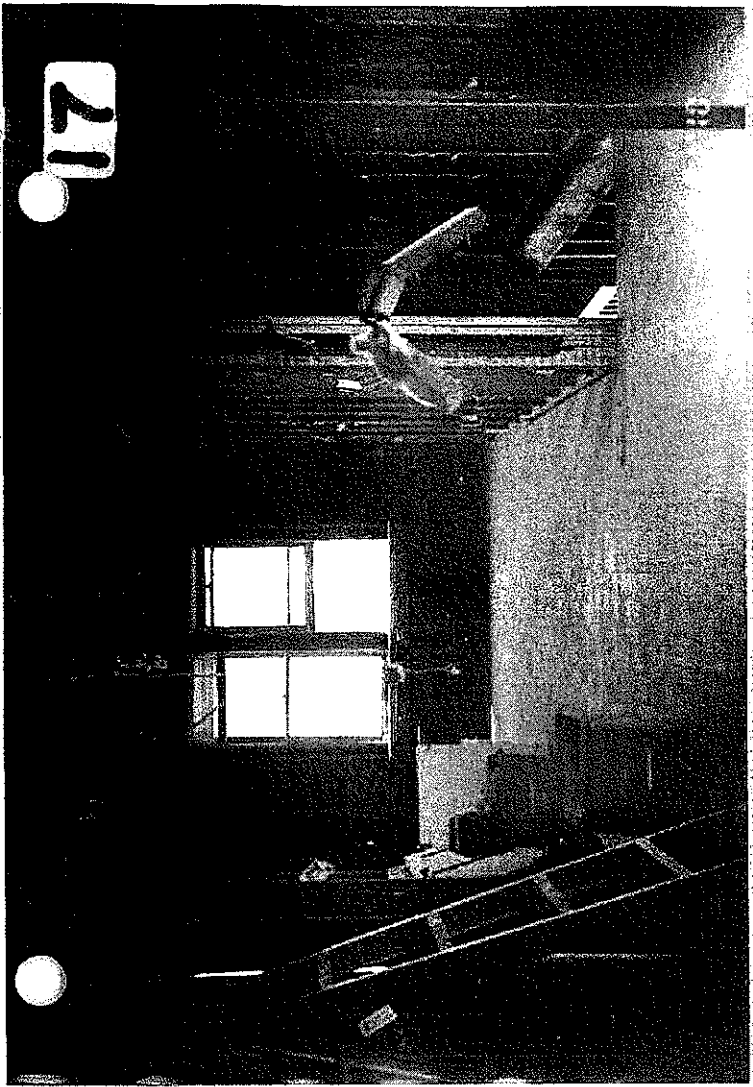


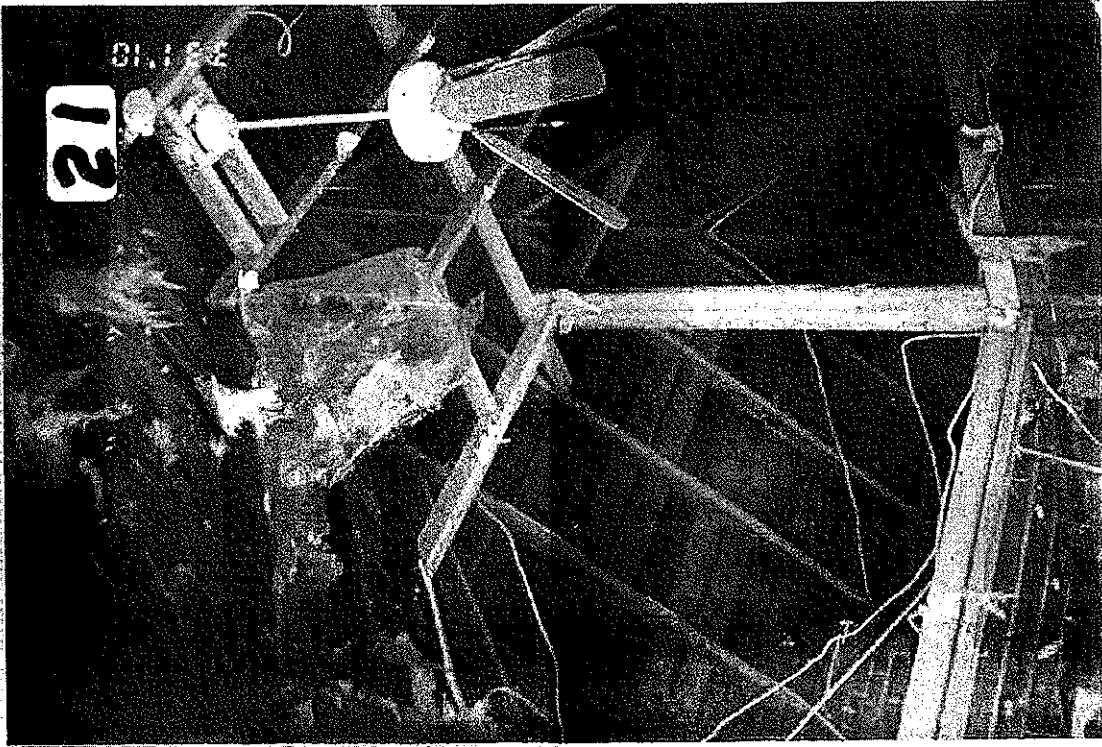
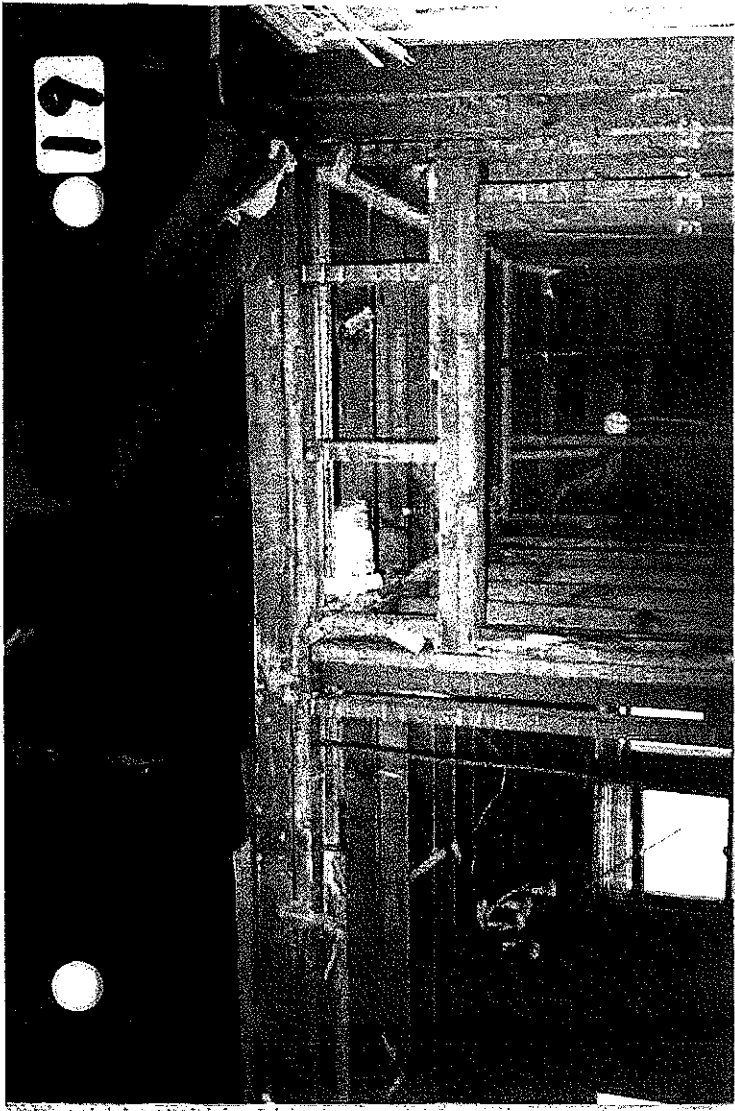
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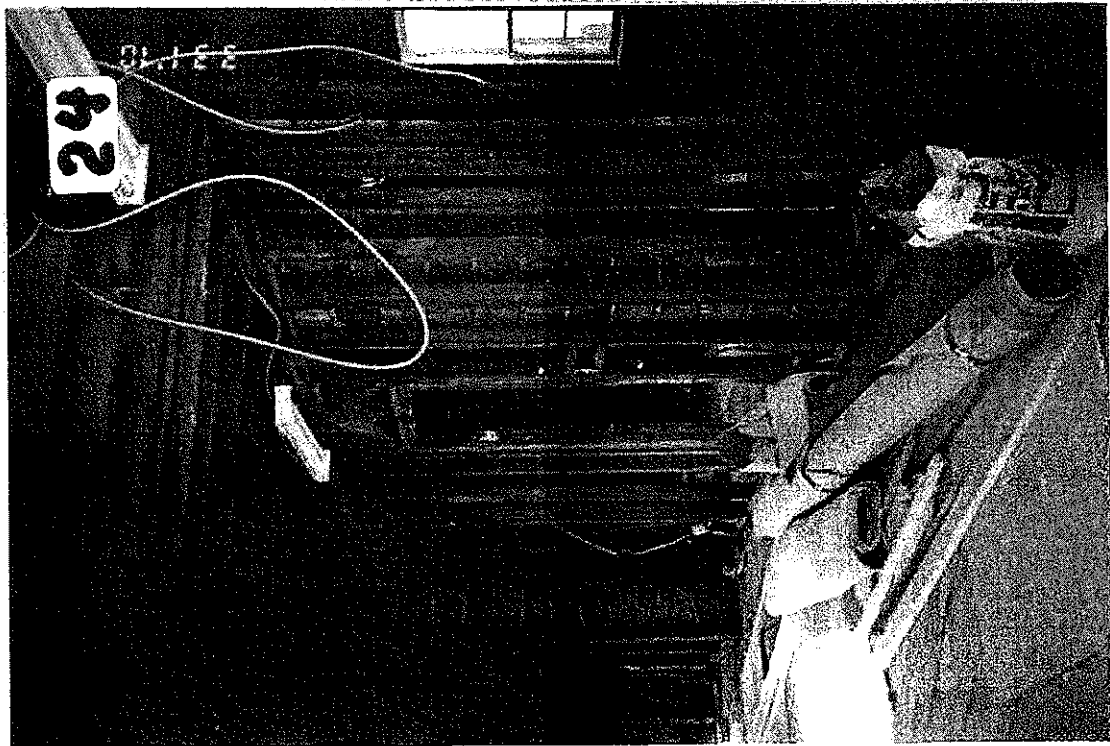
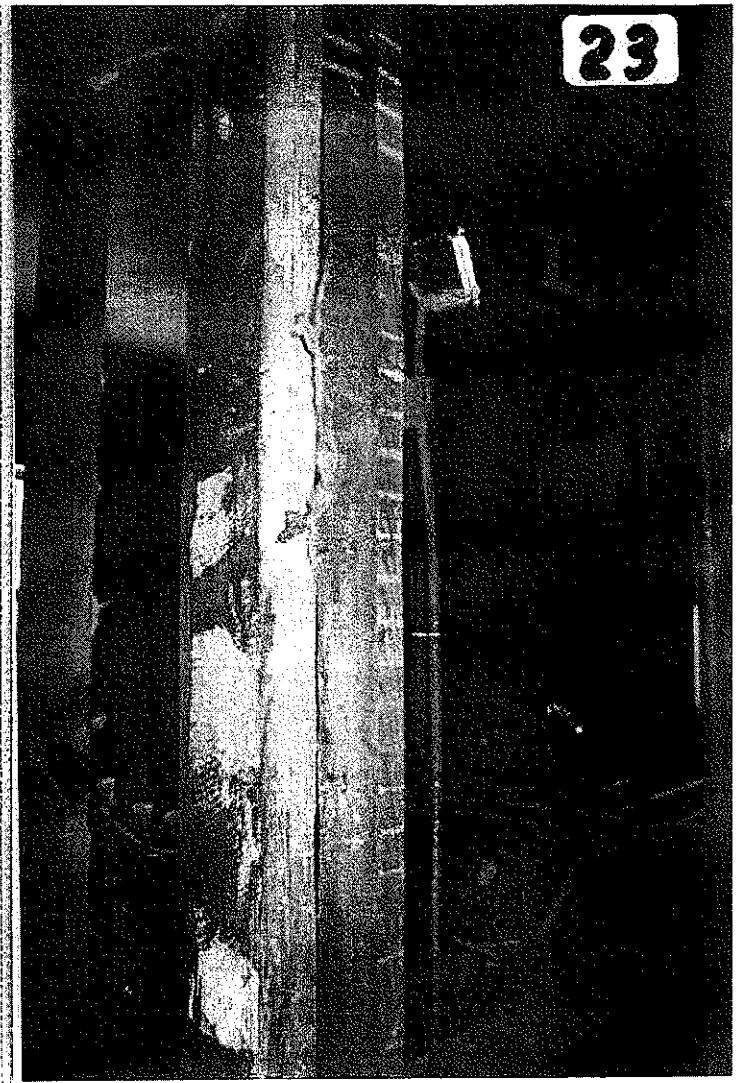
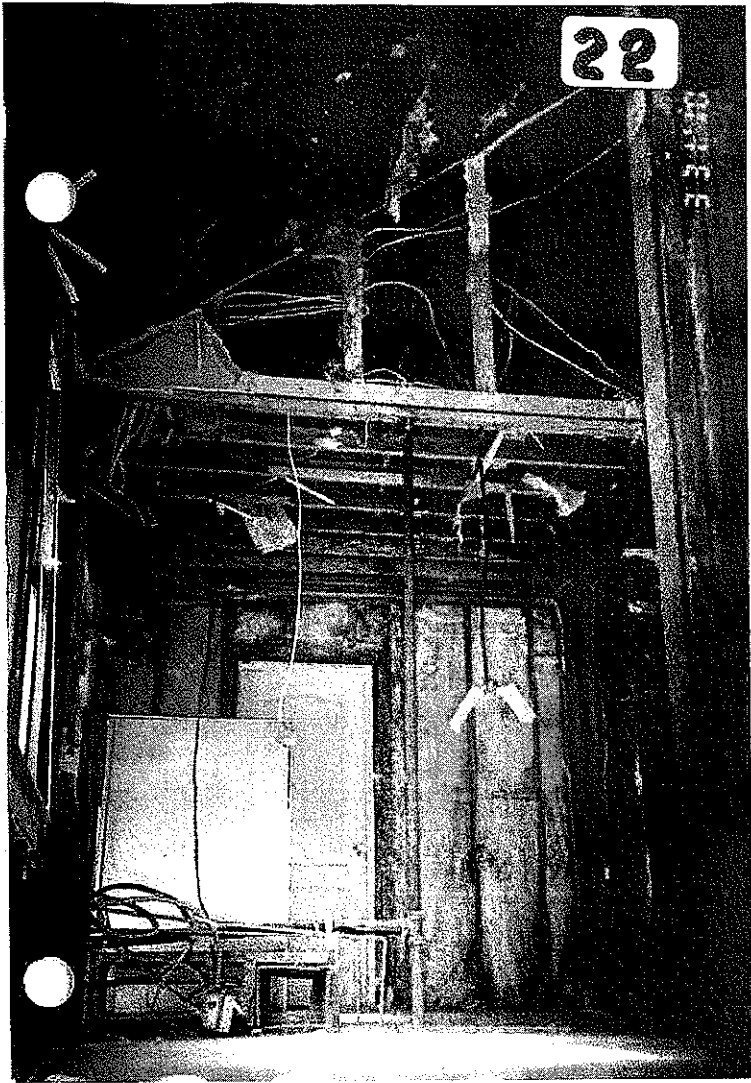






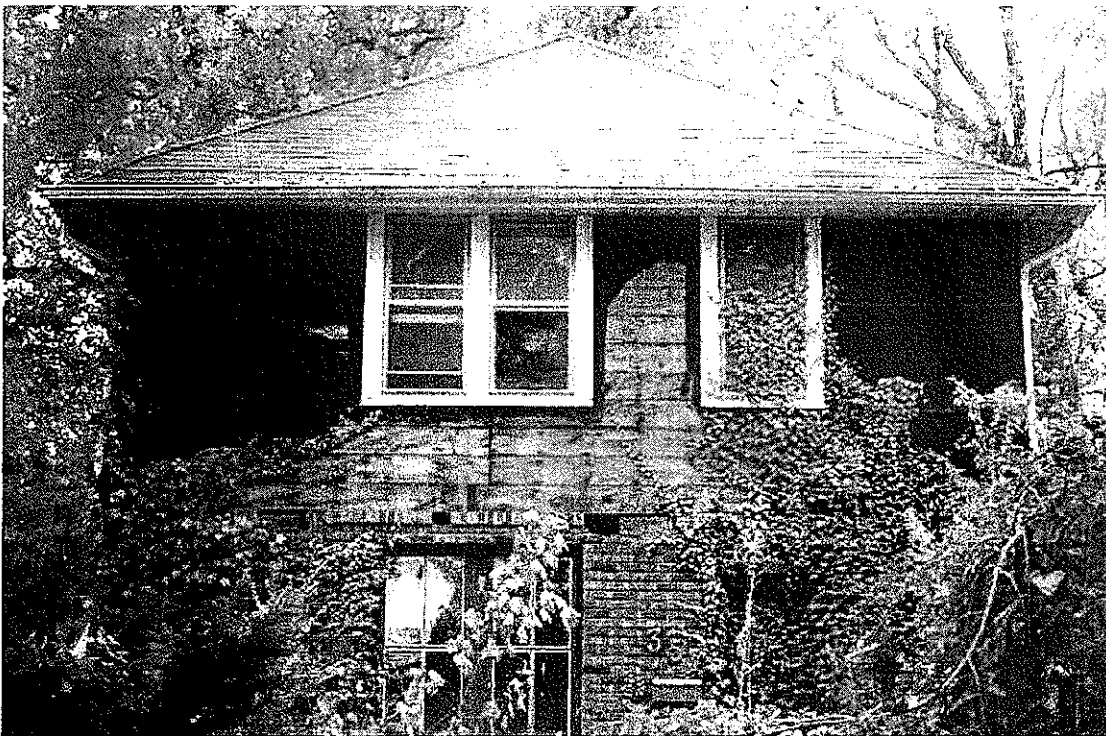








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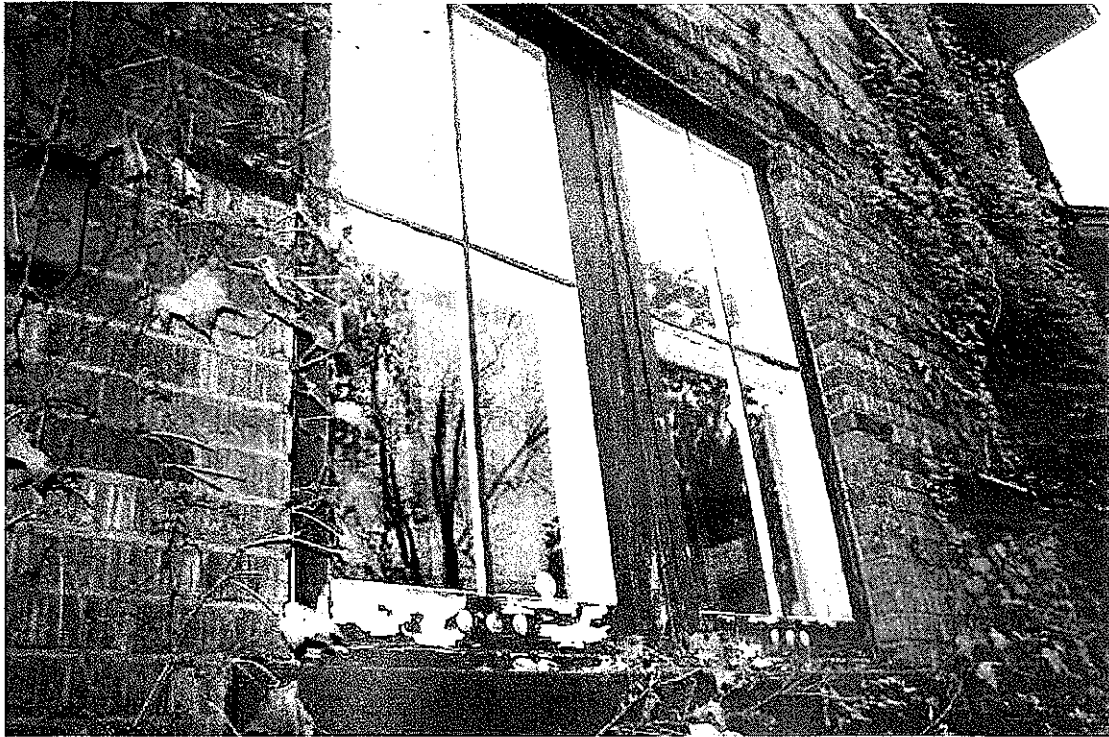
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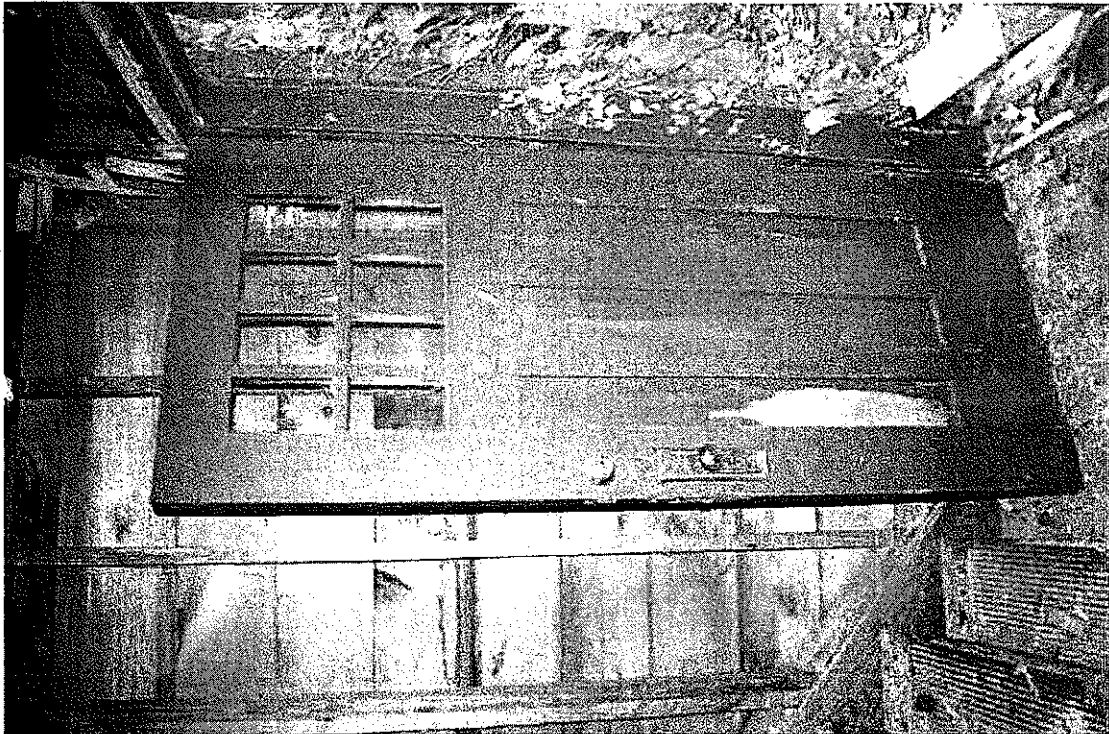
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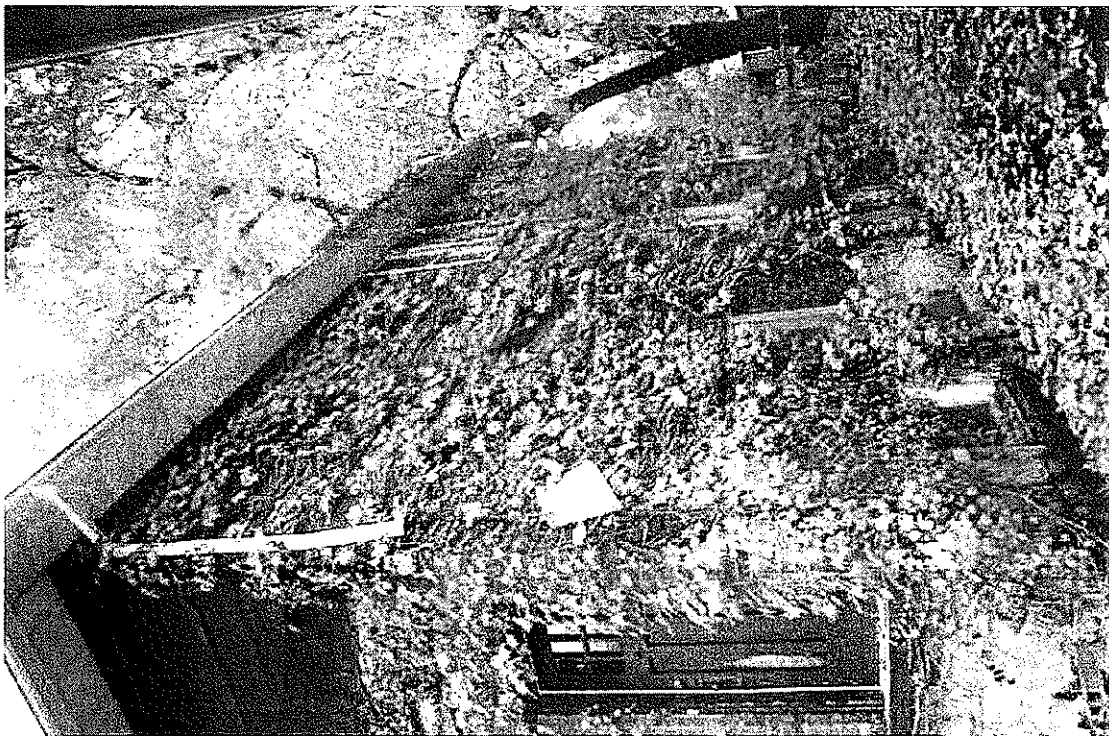
Photograph No. 29:



Photograph No. 30:



Photograph No. 31:



Photograph No. 32:



Photograph No. 33:



Photograph No. 34: