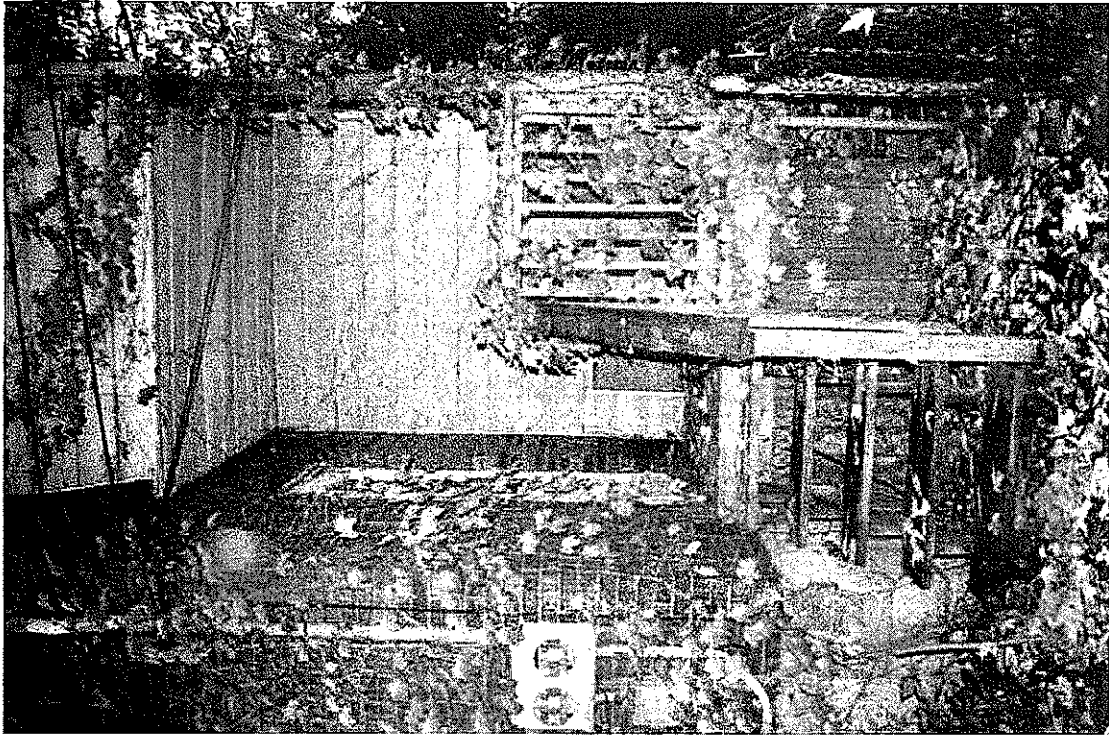


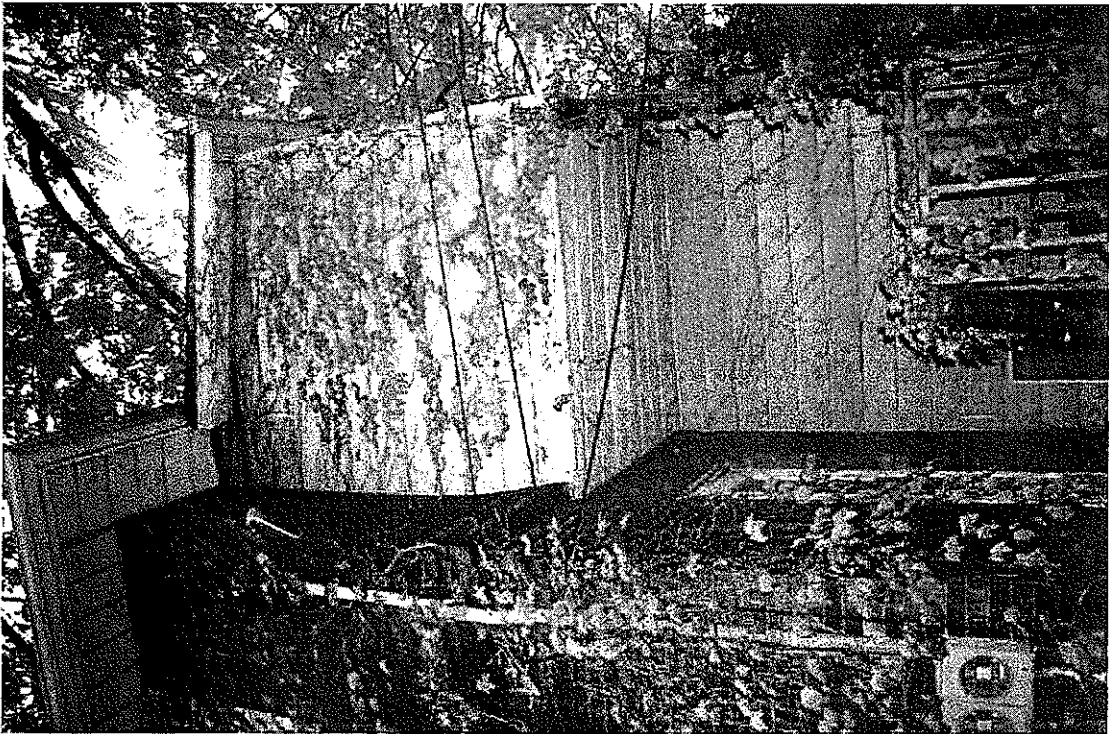
Photograph No. 35:



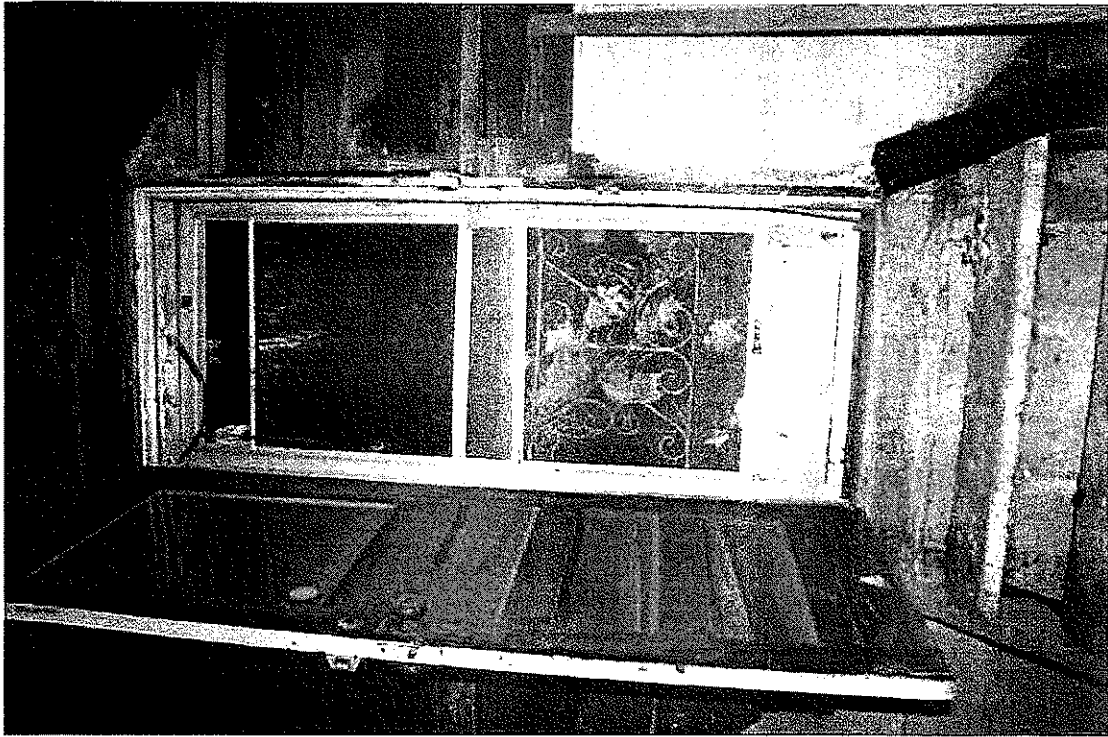
Photograph No. 36:



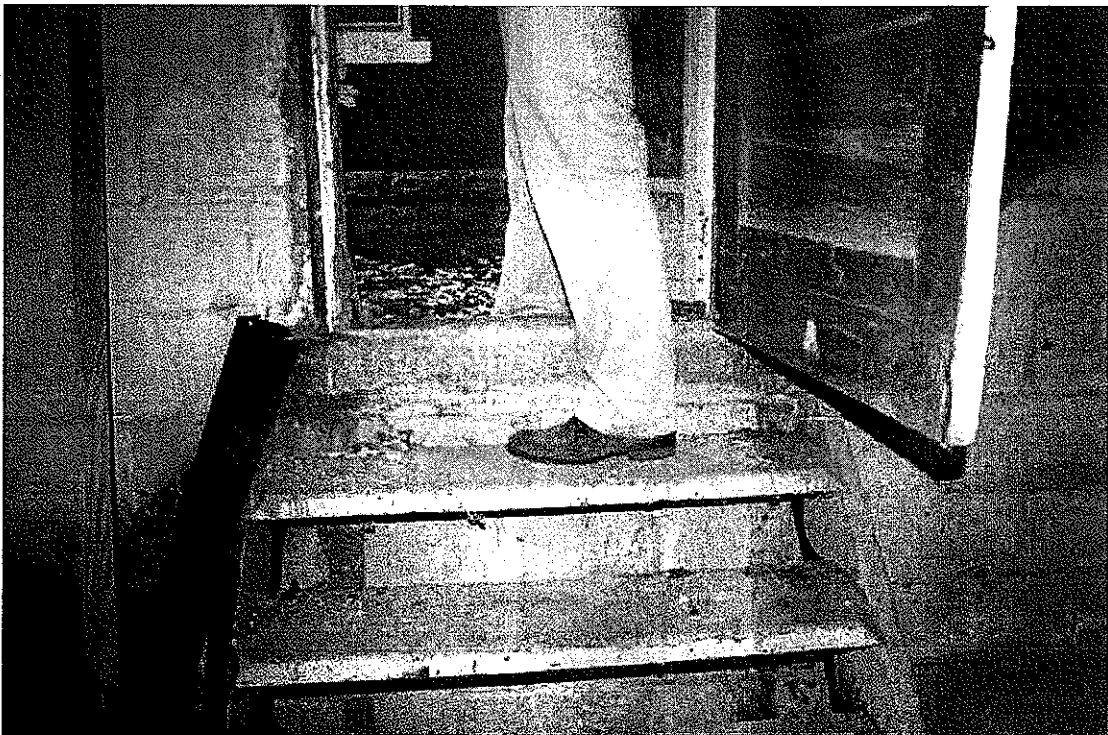
Photograph No. 37:



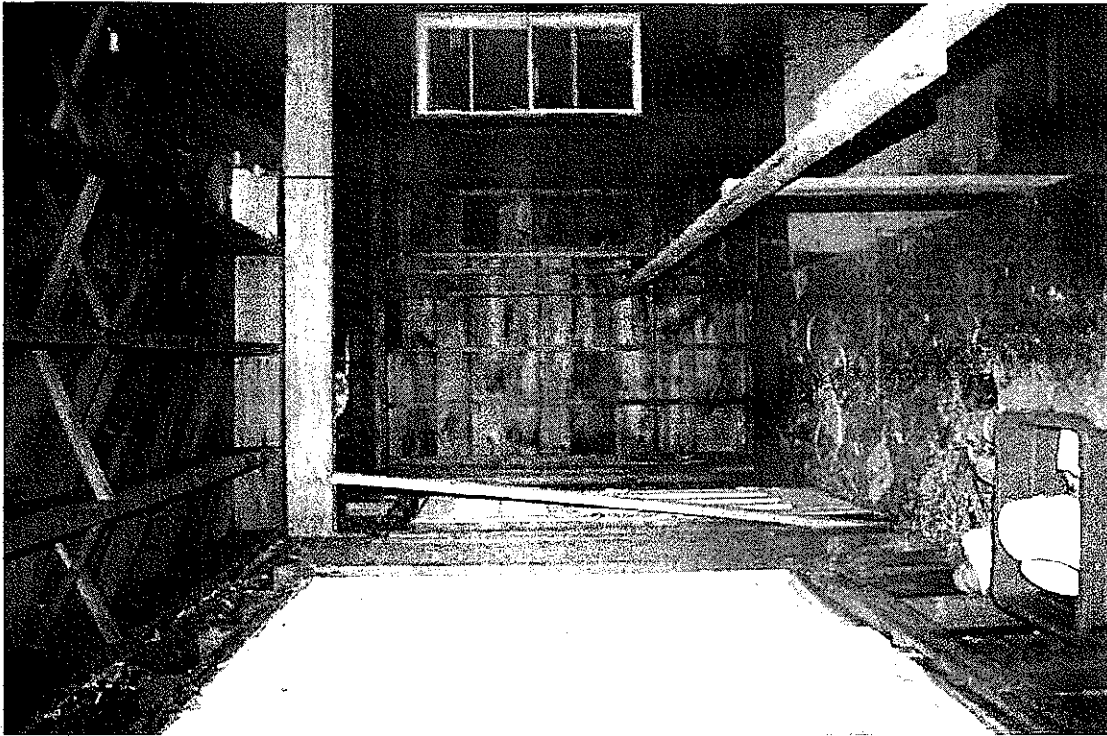
Photograph No. 38:



Photograph No. 39:



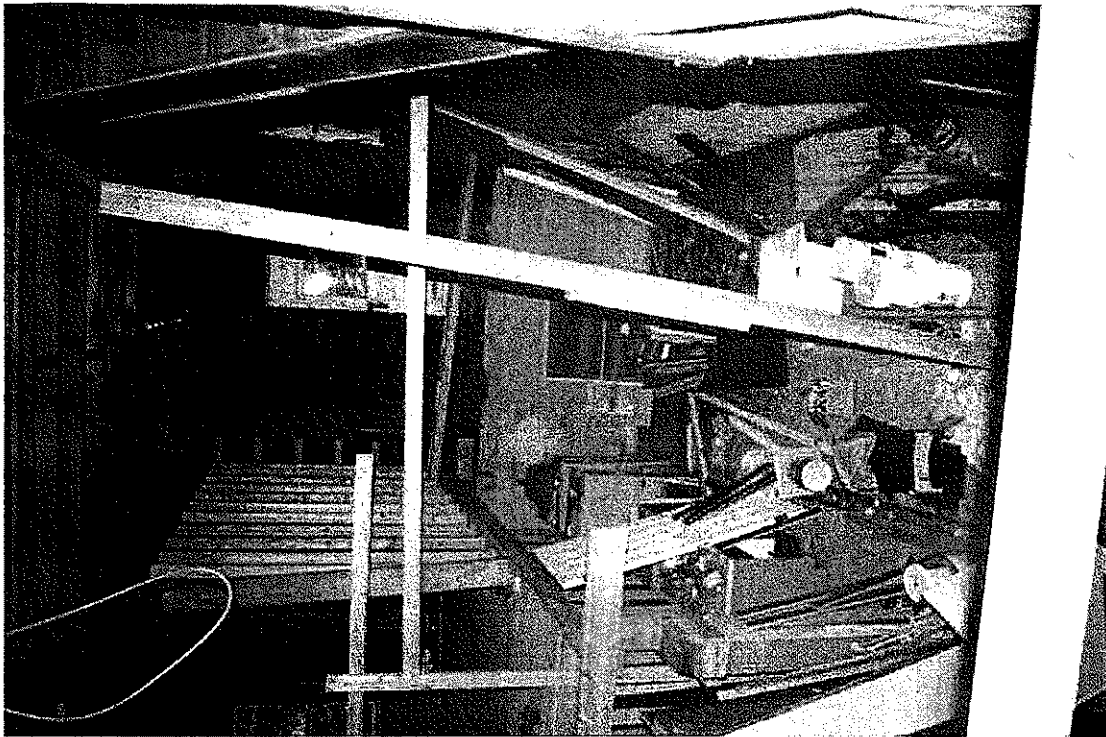
Photograph No. 40:



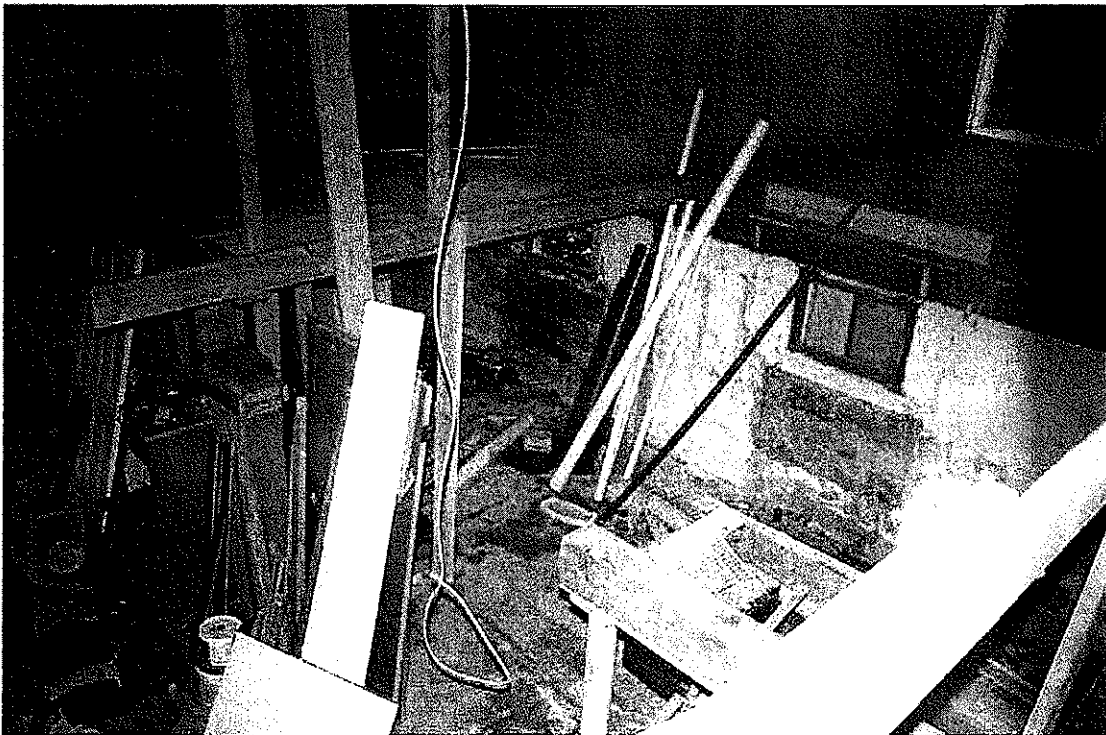
Photograph No. 41:



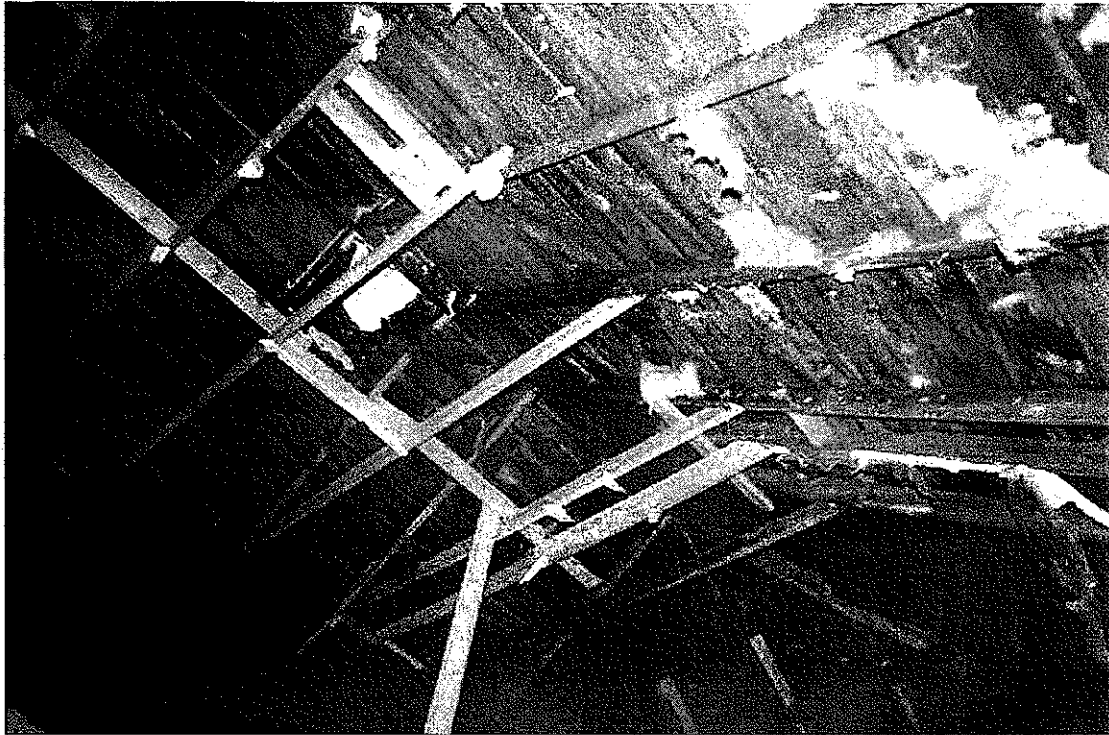
Photograph No. 42:



Photograph No. 43:



Photograph No. 44:



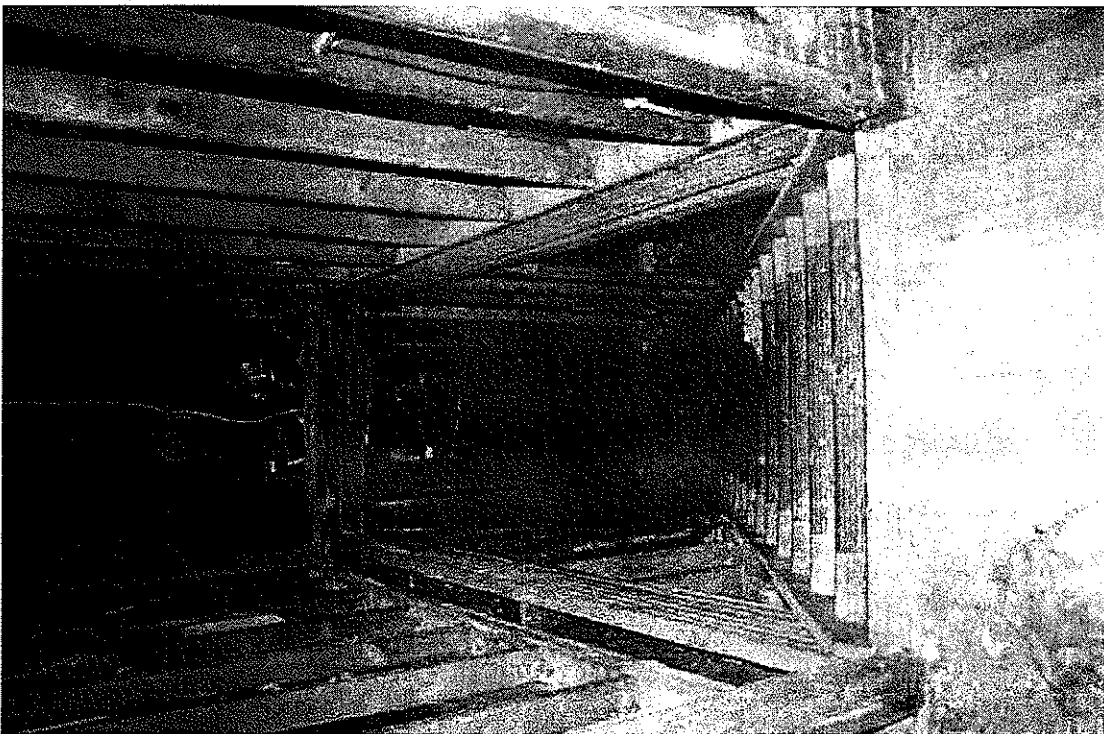
Photograph No. 45:



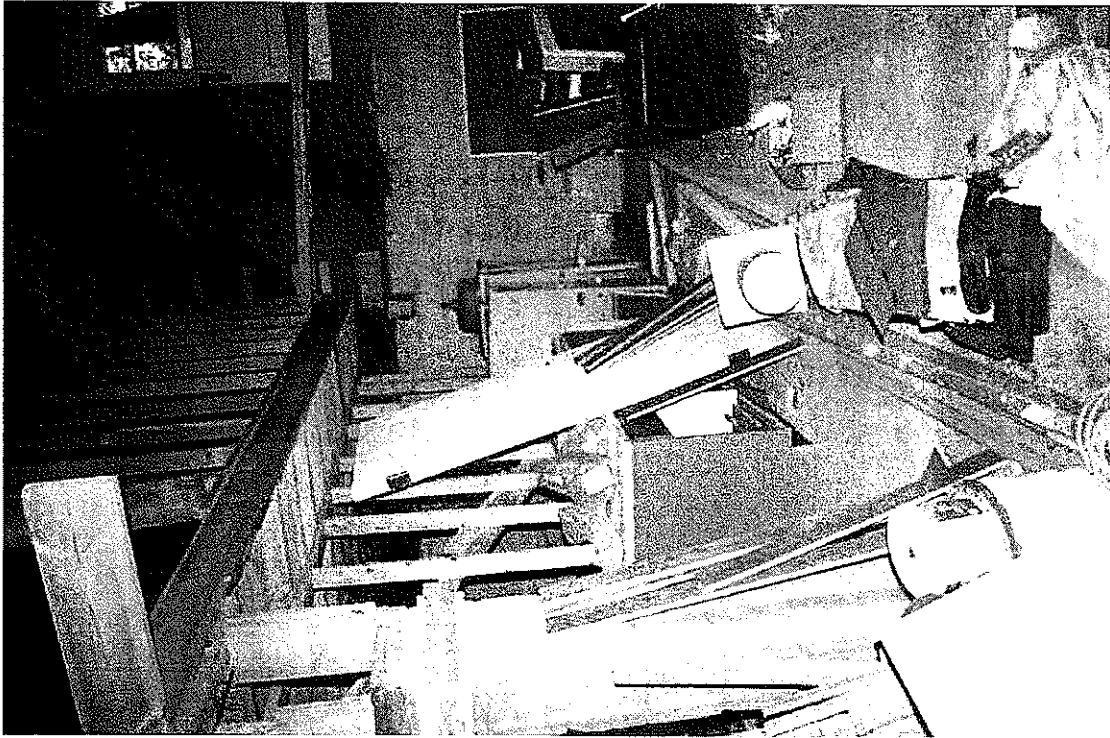
Photograph No. 46:



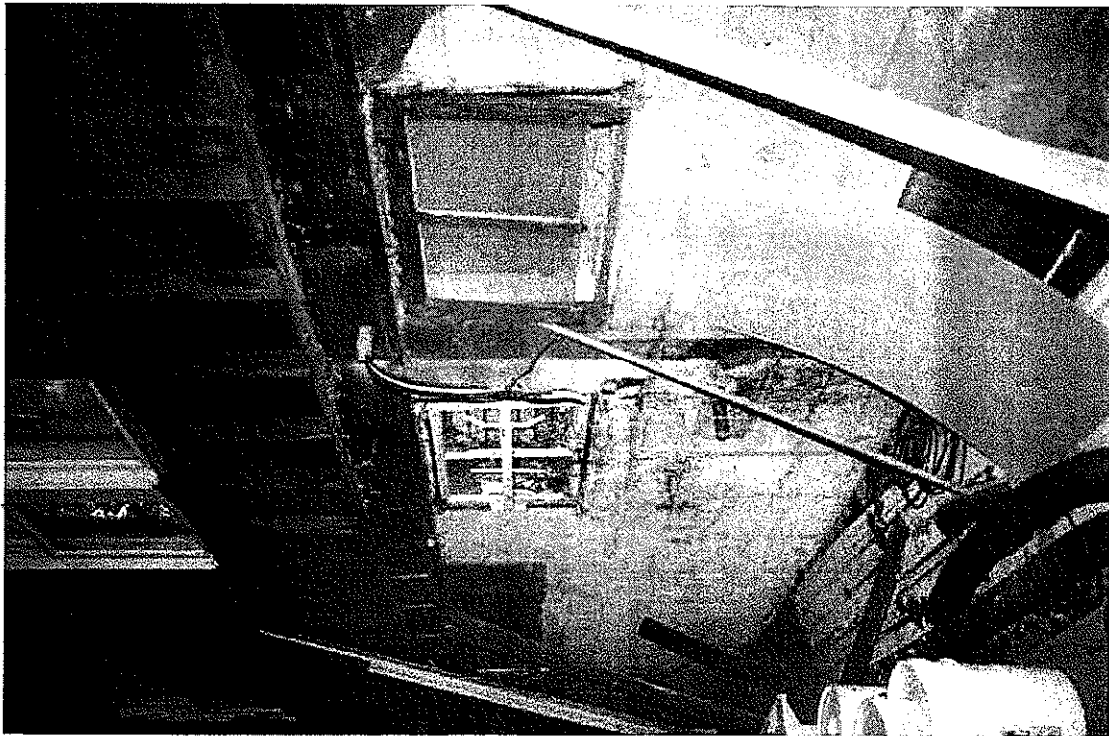
Photograph No. 47:



Photograph No. 48:



Photograph No. 49:



Photograph No. 50:



Photograph No. 51:



Photograph No. 52:



Photograph No. 53:



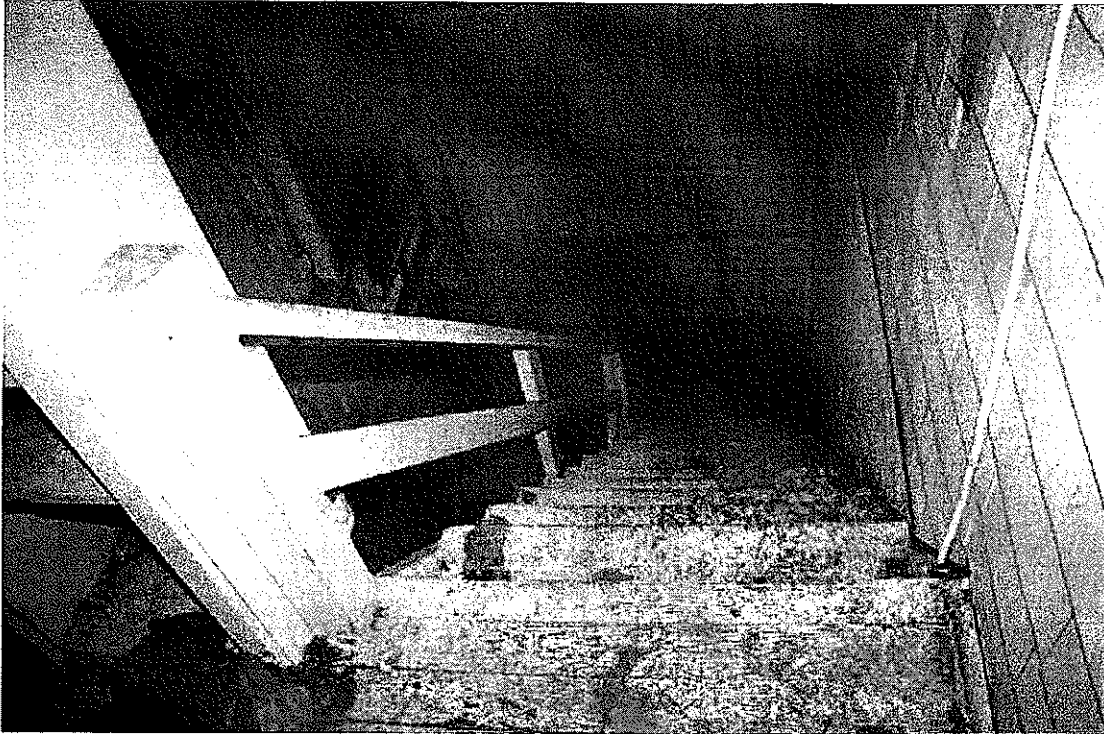
Photograph No. 54:



Photograph No. 55:



Photograph No. 56:



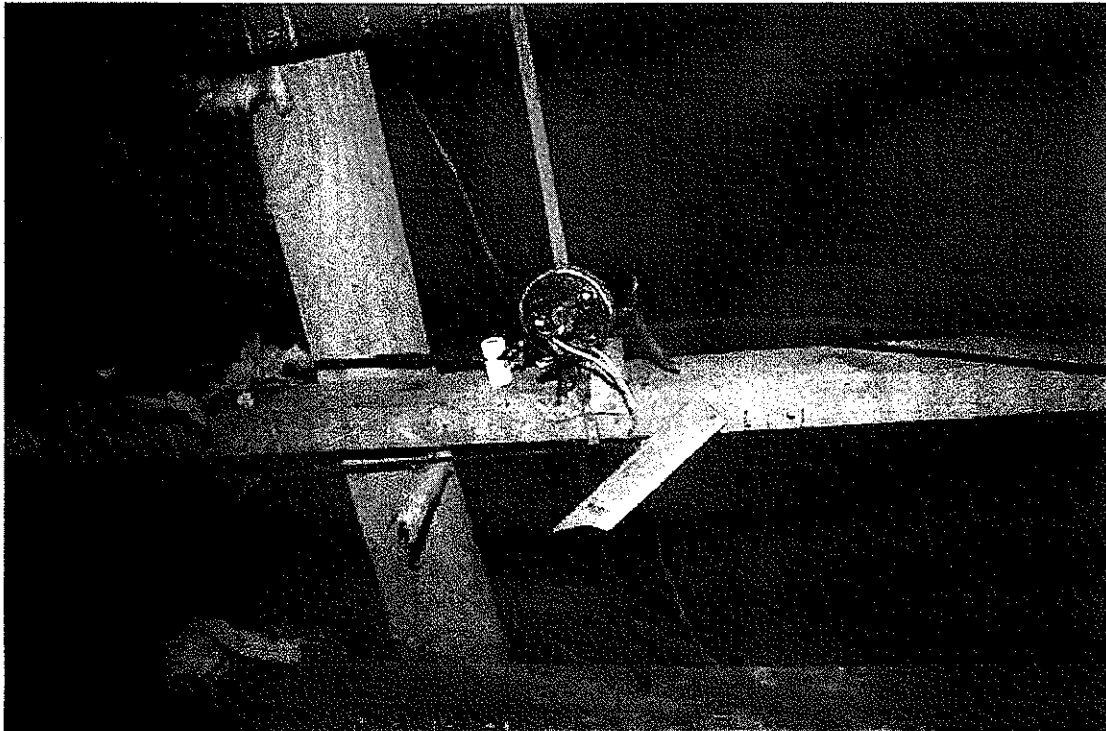
Photograph No. 57:



Photograph No. 58:



Photograph No. 59:



Photograph No. 60:



787 Ouellette Avenue
 P.O. Box 1625, Station A
 Windsor, ON N9A 5T7
 Call Centre: 8:00am to 5:00pm (519)255-2727
 Visit us at: www.enwin.com
 Visit WUC at: www.wuc.on.ca

R-2607-03-102-2013-09-24
 Bill Date: 2013-09-24 Print Date: 2013-09-24
 Bill ID: 477063630296

Account Number
477 0636 512
 Customer Name
Kevin C Flood

Previous Balance \$12.06
Payment - Thank You! 2013-09-09 \$12.06 CR
Balance Forward **\$0.00**

Premise Address: UR-359 Indian Rd (47706365127609201720)

USAGE

Your Usage Details At UR-359 Indian Rd							
Mtr Type	Mtr Nbr.	Curr. Rd Dt	Prv. Rd Dt	Current Read	Previous Read	Actual Usage	Loss %
Electricity	E245039	2013-09-10	2013-08-05	3	-	3 = 0 KWH	3.77%

* = cancelled read

ELECTRICITY
 ENWIN Utilities Ltd.
 519/255-2727
 Business # 867120586

Your Electricity Charges For 2013-08-06 To 2013-09-10

Delivery	\$11.61
Regulatory Charges	\$0.25
HST	\$1.54
Your Total Electricity Charges	\$13.40

Adjustments To Your Account

Ontario Clean Energy Benefit: 10% off applicable electricity charges and taxes*	\$1.34 CR
Your Total Adjustments	\$1.34CR

AMOUNT DUE

Total Amount Due by 2013-10-10 **\$12.06**

Accounts continuously not paid in full by the due date are subject to service disconnection.

MESSAGE CENTRE

- ⚡ EFFECTIVE APRIL 1, 2005: A late payment charge of 1.5% will be assessed on any unpaid monthly balance.
- ⚡ EnWin Utilities is realigning our billing cycles. You may notice some fluctuation in the due dates and the date you receive your bill. This will not affect the length of each billing period or the bill total.
- ⚡ *Ontario Clean Energy Benefit takes 10% off the cost of up to 3,000 kWh/month of electricity use. Some exceptions apply, please see Ontario.ca/OCEB or 1-888-668-4636.
- ⚡ Regulated Price Plan (RPP): Effective May 1, 2013, residential consumers on RPP will pay \$0.078 for their first 600 kWh of electricity usage and \$0.091 for every kWh thereafter. The pricing threshold for commercial customers remains at 750 kWh.

Final Invoice

*Proof: Check Bill Date: 2013-09-24
 Check Electricity Chg. 2013-09-10*

PAYABLE AT MOST FINANCIAL INSTITUTIONS - RETURN THIS PORTION WITH YOUR PAYMENT



787 Ouellette Avenue
 P.O. Box 1625, Station A
 Windsor, ON N9A 5T7
 Call Centre: 8:00am to 5:00pm (519)255-2727
 Visit us at: www.enwin.com
 Visit WUC at: www.wuc.on.ca

Kevin C Flood
 PO Box 118
 Essex ON N8M 2Y1

9/6 U
 xxP1 (L)
 2607

Bill Date:	2013-09-24
Account #:	477 0636 512
Amount Due:	\$12.06
Due Date:	2013-10-10
Amount Paid:	<input type="text"/>

A late payment charge of 1.5% will be assessed on any unpaid monthly balance.

47706365120000000000001206

PAID 2477 OCT 05 2013

⑆07950⑆900⑆

96

81

R.G. COLAUTTI LAW
PROFESSIONAL CORPORATION
BARRISTER AND SOLICITOR

In association with
David G. Greenaway
Peter K. Hrastovec
Frank Saroli
Anita E. Landry
Ursula Miletic

File No. 13027

November 14, 2013

Via Email

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

Attention: Karen Kadour, Committee Co-Ordinator

Dear Ms Kadour:

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

I have been retained to act for Anne-Marie Laniak and Kevin Flood in relation to this appeal, and will be appearing on their behalf at this hearing.

I acknowledge receipt of a letter from Christopher Williams, who indicates that he has been retained by the City of Windsor regarding Mr. Flood's appeal to the Property Standards Committee set for the PSC's agenda for November 20, 2013.

I also acknowledge receiving an email from your office that, as a result of receiving Mr. William's letter, Mr. Flood's appeal was adjourned or deferred and would not be proceeding on November 20th. Later in the day, I received another email indicating that the matter would be proceeding as scheduled on November 20th.

I wish at this time to go on record to advise, on behalf of my clients, that they insist on proceeding with this appeal as scheduled.

We agree with Mr. Williams, as stated in his letter that, as the appellants had submitted an application for a demolition permit on September 3, 2013, and as that application had not yet been dealt with by City Council, or the OMB, it was not open to the Chief Building Official of the City of Windsor to issue the Work Orders at issue on the appeal. However, we disagree with Mr. Williams' contention that the Property Standards Committee should not deal with the appeal.

It is the appellants' position that the PSC should deal with this appeal now. I wish to make it

Suite 300, 2510 Ouellette Avenue, Windsor, Ontario N8X 1L4 • Ph 519-966-1300 Fax 519-966-1079

R.G. COLAUTTI LAW
PROFESSIONAL CORPORATION
BARRISTER AND SOLICITOR

In association with

David G. Greenaway
Peter K. Hrastovec
Frank Saroli
Anita E. Landry
Ursula Miletic

clear that the appellants assert that the City of Windsor acted in bad faith in issuing these work orders when the appellants had already applied for a demolition permit. We take the position that the PSC should quash these orders outright. In view of the City's conduct in this matter, the appellants assert that they should be refunded the inspection fee which has been levied, engineering fees that have been incurred by the appellants to obtain an Engineering Report for use on the appeal, and their reasonable legal fees and disbursements incurred.

Furthermore, it is the appellant's position that the structure at issue constitutes a danger to the health and safety of the community and should be immediately demolished. I will be forwarding to the Committee an Engineering Report in support of this request. It will be our submission that s. 33(17) of the *Planning Act* overrides s. 33(18) if the PSC comes to the conclusion on the facts that health and safety issues apply. Please see the attached schedule which sets out ss. 33(17) and (18) of the *Planning Act*.

Consequently, on the appeal on November 20, 2013, we will be submitting that the PSC has the following options to consider in disposing this appeal:

- It can quash the Work Orders and order that the structure be demolished if it is satisfied that public health and safety are at risk;
- It can quash the Work Orders and defer the request for a demolition permit to City Council to process if it considers that public health and safety are not at immediate risk;
- in any event, it can award the appellants their reasonable legal and engineering costs and order the return of the inspection fee and the fee paid to lodge this appeal.

On November 6, 2013, I wrote a letter to the City Clerk and Lee Anne Doyle requesting production of the following materials in order to prepare for this appeal:

- all file materials of the Inspector Bill Szekeley including all notes, emails, photos, etc. used or generated in connection with his inspection of the subject premises on September 19, 2013;
- all emails, notes memoranda generated or created as a result of a decision to order an inspection of this property;
- any file or files kept by the Building Department related to this premises including all applications and the processing of all applications for Building permits and/or demolition permits submitted by or on behalf of my clients;
- any file or files kept by the Planning Department related to this premises including all applications and the processing of all applications for Building permits and/or demolition permits submitted by or on behalf of my clients;
- all emails, notes memoranda generated or created in respect to communications between

R.G. COLAUTTI LAW
PROFESSIONAL CORPORATION
BARRISTER AND SOLICITOR

In association with
David G. Greenaway
Peter K. Hrastovec
Frank Saroli
Anita E. Landry
Ursula Miletic

- the Planning Department, the Heritage Conservation Committee and the Building Department related to the processing of these applications; and
- all emails, notes memoranda generated or created in respect to decisions made or communicated to the Building Department by any other City of Windsor staff, or the Office of the Mayor with respect to causing an inspection to be made of the subject property.

To date, I have had no response. I would like to bring this fact to the Committee's attention. Failure to produce this material should be taken into account by the Committee on this appeal, and may constitute yet another ground for quashing the Work Orders.

I will forward our Engineering Report as soon as I receive it, which should be within the next 24 hours.

Yours truly,

Raymond G. Colautti

Raymond G. Colautti

RGC:glw

c: *Lee Anne Doyle*

Christopher J. Williams

Kevin Flood and Anne-Marie Laniak

encl.

rcolautti@colauttilaw.com

Electronically signed

Planning Act
R.S.O. 1990, CHAPTER P.13

Standards for health and safety remain in force

33. (17) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control. R.S.O. 1990, c. P.13, s. 33 (3-17).

Certain proceedings stayed

(18) 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* or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection (4), until the Municipal Board has heard the appeal and issued its order thereon. R.S.O. 1990, c. P.13, s. 33 (18); 1997,