

**AGENDA**  
**PROPERTY STANDARDS COMMITTEE**

meeting held  
Wednesday, October 6, 2021  
at 3:30 p.m.  
via Zoom video conference

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**1. Call to Order**

**2. Disclosure of Interest**

**3. Adoption of the Minutes**

Adoption of the minutes of the meeting held September 4, 2020 – ***attached***.

**4. Request for Deferral, Referral or Withdrawal**

**5. Appeals**

- 5.1 *MEDDCO Properties Inc.*** against an Order to Repair VY 21-316155 issued July 20, 2021 regarding property at 325 Giles Boulevard West. The Notice of Appeal dated July 27, 2021 was received within the 14 day time frame.

**6. Business Arising from the Minutes**

- 6.1 Alberto and Maria Folino – 280 Aylmer** – Violation Number: VY20-240559

Planning information is provided Kevin Alexander, Planner III relating to the Demolition Control By-law requirements and Mr. Folino's actions to obtain development approval and Council approval to demolish – ***attached***.

The Order to Repair for 280 Aylmer issued January 24, 2020 – ***attached***.

**7. Adjournment**

## **Property Standards Committee**

Meeting held September 4, 2020

A meeting of the Property Standards Committee is held this day commencing at 9:30 o'clock a.m. via Zoom video conference, there being present the following members:

Councillor Rino Bortolin, Chair  
Councillor Chris Holt  
Councillor Ed Sleiman  
Darrel Laurendeau

### ***Regrets received from:***

Matthew Wachna

### ***Guest in attendance:***

Robert Reynolds, Chodola Reynolds Binder, Solicitor for the Appellant, 837690 Ontario Limited

### ***Also present are the following resource personnel:***

John Revell, Chief Building Official  
Dan Lunardi, Manager of Inspections/Deputy Chief Building Official  
Chris Jedlinski, Inspector/Property Standards Officer  
Karen Kadour, Committee Coordinator

## **1. Call to Order**

The Chair calls the meeting to order at 9:38 o'clock a.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

## **2. Adoption of the Minutes**

Moved by Councillor Sleiman, seconded by D. Laurendeau,  
That the minutes of the Property Standards Committee of its meeting held May 19,  
2020 **BE ADOPTED** as presented.  
Carried.

**3. Request for Deferral, Referral or Withdrawal.**

None.

**4. Appeals**

**4.1 837690 Ontario Limited – 251 Goyeau Street**

Robert Reynolds, Solicitor for the Appellant, 837690 Ontario Limited appears before the Property Standards Committee via Zoom media conference regarding property at 251 Goyeau Street, Plan 91 Lot 55 to Lot 61.

D. Lunardi, provides background information relating to the issuance of the Order to Repair for 251 Goyeau Street as follows:

- A fire occurred in November 2019 at 251 Goyeau Street.
- The Building Department was brought onto the scene by an Engineer from Windsor Fire & Rescue Services to review the damage that was caused.
- During the review, it was confirmed the damage was caused by fire and a power outage to the building.
- On November 15, 2019, the Fire Department released the scene back to the owner. At that time, the Building Department issued unsafe Orders. Those unsafe Orders were divided into two separate Orders –One specific to the fire damage in the parking garage and the other specific to the tenanted space and the occupied space in the building.
- On November 20, 2019, two other Orders were issued which prohibited occupancy of the building until such time that the systems were back up and running and the repair to the garage was completed.
- On March 4, 2020, the Order that is before you today was issued by the Property Standards Officer under the Property Standards Bylaw. That Order had a compliance date of April 3, 2020. The Notice of Appeal was received on March 13, 2020.

Robert Reynolds, Solicitor advises they represent various individuals and that most of the legal work is being handled out of Montreal and Toronto. He notes he is present to speak on behalf of the owners and the insurance companies.

Mr. Reynolds provides the following comments relating to 251 Goyeau Street:

- This is a massive project in terms of the number of issues.
- The project initially got started because of the fire, the Fire Department and the various authorities involved.

- Initially, they had to identify the cause of the fire which started on the first level of the parking garage underneath the lower level of the garage.
- There were a number of cars beneath that were burned out shells so the initial question was did the cars cause the fire or did the fire burn the cars.
- That issue had to be identified so those cars could not be removed until the engineers completed those studies.
- Then it had to be determined whether there was an issue from Enwin as they are right past the Enwin property in terms of their cabling.
- The vehicles were moved out of the basement and a number of commercial and residential tenants started threats of a class action law suit. They wanted to bring in their own engineers for studies and an investigation.
- The owner of the property and the insurance companies have retained engineers.
- In terms of the Orders to Repair, their position on the Notice of Appeal was twofold. Not particularly objecting to the first 3 items in terms of the substance of them but the timing of them – 120 days to do the project is not conceivable.
- In speaking with the engineers and the adjusters yesterday, their request to this Committee (in terms of the 3 items) is an additional 90 days. This would allow them to provide the city with an engineering report, retain a contractor and the ability to provide some timelines in terms of the construction.
- Item #4 in the Order relates to repairing the building to its original condition within 120 days of the issuance of the Order. Firstly, they believe this matter does not fall within Section 1.24 as the building was not vacant at the time of the fire and is not vacant now.
- The owner is actively in possession of the building. There are workers and security in the building everyday. It is not occupied for residential or commercial use but it is occupied.

The Chair states that usually in these scenarios, whoever the owners/person who receives the Order, oftentimes they work with the Building Department timelines. He adds that the engineers are requesting more time as 120 days is not realistic and it is the Building Department's view that 120 days are not sufficient, but stipulated by the By-law. As far as the timelines for the first 3 items, he asks Administration to speak to the 120 days original Order and the push to bring it to this Committee.

D. Lunardi indicates that the appellants request for an additional 90 days for the first three items is very reasonable as the scope of work is massive. It is a complicated process to get the building back up to where it is safe to move people back in. In terms of item 4, we see the building is vacant for its purpose, and at the time that the order was issued, it was vacant for its purpose. There are workers and security personnel in the building but ultimately the building is vacant and not occupied for the purpose for which it was designed. They are very open to looking at a timeline that is reasonable with the understanding that they do not have the engineers' studies in place. For the purpose of why we're here today, we could establish a date and work within that framework of the stages of reoccupying and repairing the building within that deadline.

R. Reynolds refers to Mr. Lunardi's comments relating to the definition of "vacant" and adds that the Bylaw does not provide that a property has to be occupied for the purposes intended, that's not what it says. Your definition of vacant says that it's neither used nor occupied. It does not say it has to be used for the purpose for which it is intended. There are people in the building, it is being used according to the definition in the City's Bylaw. We are trying to get the building done and follow the proper procedures but by the same token, we don't want an Order against us that we do not feel should be ordered.

The Chair advises with respect to item 4 and the 120 days, would the pulling of permits satisfy item 4 and does the Building Department want to see the re-entry of residents and commercial tenants actually being in the building.

D. Lunardi adds they will work with the owners when the deadline is the only issue that is being discussed. The amount of time is being appealed so without establishing a new amount of time, our order is completely inactionable because there is no violation that will ever happen without a deadline.

D. Laurendeau asks the appellant if a professional engineer has been commissioned to begin work on the reports. R. Reynolds responds there have been multiple engineers issuing multiple reports to date. The problem that have at this time is that they are not the reports requested in the Order. In other words, the report that sets out the scope of work that is going to be done has not been completed. That is why an additional 90 days has been requested.

In response to a question asked by Councillor Sleiman regarding if the owners are working on the building without permits, R. Reynolds responds that the work that was done was the initial clean-up in terms of cleaning the fire damage to areas, to remove the vehicles and to scrub down surface areas. The next process was relocating the tenants. The present issue is whether to replace or repair the electrical system.

The Chair summarizes the discussion thus far as follows:

- Mr. Lunardi has made it clear that the Building Department is willing to work with the appellant for the 90 day extension.
- As it relates to the appellant's comments about not seeing the definition as vacant by the appellant's definition of vacant, no building would ever be vacant.
- The important thing for clarification is there is no need to push that point if there is work and goodwill to rectify the issues.
- Concerned if a legal case is built to support the definition of "vacant". This may mean that they are looking at years of having an empty building.
- This has been a huge issue in the community with a lot of residents out of their homes for a long time.

Moved by D. Laurendeau, seconded by Councillor Holt,  
That an extension of time of 90 days **BE GRANTED** for Items 1, 2, 3 outlined in the Order to Repair for 251 Goyeau Street as follows:

- Obtain and provide a report from a Professional Engineer
- Obtain the services of a Professional Electrical Engineer
- Obtain a Building Permit

Carried.

The Chair asks Administration to provide a “starting point” for Item 4. D. Lunardi replies he would prefer the appellant provide a date as he has not seen any of the engineering studies and does not know the extent of the scope of work.

In response to a question asked by the Chair regarding a date, R. Reynolds states the only timelines that he has heard is more in the 24 month range.

D. Laurendeau indicates because there is not a clear scope of work, they should be consistent with the bylaw’s direction to extend the order for 120 days to complete the work.

The Chair asks if there is any drawback in allowing leeway for the Building Department to provide extensions of time to the appellant. D. Lunardi responds it is not problematic from the perspective of the Building Department, however, from the appellant’s perspective there would always be that uncertainty whether or not they are going to be charged for violating an order when they are trying in good faith to complete the building.

Councillor Holt asks Administration to responds to the appellant’s reference to a 24 month timeline. D. Lunardi concurs that the 24 month timeline could be accurate as there are a lot of systems and networks that have to be assessed, reviewed, analyzed and determined whether to repair or replace.

Councillor Sleiman advises that the construction industry is very strong at this time and notes it may be difficult to acquire the skilled trades during that timeframe.

Moved by D. Laurendeau, seconded by Councillor Holt,  
That an extension of time of twelve (12) months **BE GRANTED** for Item 4 - that the building be repaired to its original condition.

Carried.

The Chair indicates the appellant will work with the Building Department directly. He adds the Building Department will be able to extend that deadline so this is not a deadline to penalize the appellant to set a hard date, but to see action on the file. If indeed 24 months is required, the Building Department can extend those deadlines.

R. Reynolds asks if the ability of the Building Department to extend those timelines will form part of the Order. D. Lunardi replies he doesn't believe so.

Moved by Councillor Holt, seconded by Councillor Sleiman,  
That the Building Department **BE REQUESTED** to work with the Appellant to allow subsequent extensions of time.

Carried.

The Chair states this allows leeway for the Building Department to work with the appellant for subsequent extensions to the original 12 month deadline. If they do not see anything happening, they do not have to grant an extension and this matter will come back to the Committee.

D. Lunardi adds he does not believe this matter can come back to the Committee without a deferral. Once the decision is made, the Appeal is closed. The Building Department only wants to see the building completed properly, safely and reoccupied. The only time that they would progress with any enforcement would be if there is stoppage of the project or abandonment of the efforts.

## 6. Communication

Moved by Councillor Holt, seconded by Councillor Sleiman,  
That the e-mail from the Manager of Inspections dated September 1, 2020 regarding an update relating to the decision to defer the Notice of Appeal for the Order to Repair for 280 Aylmer Avenue – Mr. Folino **BE RECEIVED**.

Carried.

## 7. Adjournment

There being no further business, the meeting is adjourned at 10:27 o'clock a.m.

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CHAIR

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COMMITTEE COORDINATOR


**THE CITY OF  
WINDSOR**

Office of the City Clerk  
350 City Hall Square West, 2<sup>nd</sup> Floor • Windsor, Ontario  
N9A 6S1  
Tel: 519-255-6222 ext. 6430

## NOTICE OF APPEAL

IN THE MATTER OF the Maintenance & Occupancy Bylaw 9-2019,  
as amended, of the Corporation of the City of Windsor

BETWEEN:

Meddco Properties Inc.

Appellant

- and -

City of Windsor.

Respondent

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

ORDER TO

REPAIR.

Repair or Demolish; Prohibit Use of Property; Vacate Property; etc.

Made by

Jay McGuire, Inspector / Property Standards Officer

Inspector Name and Title

On the

July

day of

20

, 20 21

RESPECTING THE PROPERTY KNOWN AS:

325 Giles Blvd W

Municipal Number, (if this is a vacant lot provide Registered Plan and Lot Numbers)

BASIS OF APPEAL:

Corrective measures are exploratory and at owner's expense. Time to complete is extremely short. Meddco would like to appeal this order on these two basis.

NOTE:

An Owner or occupant who has been served with an order made under BCA subsection 15.2(2) and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail, or applying in person **within 14 days after being served the order** to the secretary of the committee at 350 City Hall Square West, 1<sup>st</sup> floor, Windsor, Ontario. Pursuant to Section 4.8 of the Property Standards By-Law, a processing fee of **\$390.00** shall be paid at the time the appeal is filed. The deadline for filing a complete application along with the processing fee is August 10, 2021 @ 4:30 PM.

DATED at WINDSOR this

27

day of

July

, 20 21

[Signature]  
Signature of Appellant or Agent or Solicitor

MAILING ADDRESS:

470 Dundas Street Suite 106 London, ON, N6B1W3

EMAIL ADDRESS:

info@yorkproperty.ca

HOME PHONE #:

519 432 2690

ALTERNATE #

519 670 3780

TO: Council Services - Attention: Committee Coordinator 519-255-6222 ext. 6430  
or clerks@citywindsor.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.

CITY OF WINDSOR  
COUNCIL SERVICES

AUG 04 2021

RECEIVED



## ORDER TO REPAIR

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

To: MEDDCO PROPERTIES INC  
470 DUNDAS ST SUITE 106  
LONDON ON N6B 1W3

Description: PLAN 435 LOT 540 TO LOT 543;S PT  
LOT 539; CORNER; 0.42AC 150.00FR 122.50D

Property Address: 325 GILES BLVD W

Roll Number: 040-470-08200-0000

Violation Number: 21 316155

Date of Inspection: July 14, 2021

*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 15A(3) of the *Building Code Act, S.O. 1992, c.23*, as amended;

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

*TAKE NOTICE* that the property, owned by you, situated at: 325 GILES BLVD W  
Does not conform to the standards set forth in By-law Number 9-2019 as amended by By-law 140-2020

**DESCRIPTION OF PROPERTY:**

MULTIPLE UNIT RESIDENTIAL DWELLING WITH UNDERGROUND PAKING GARAGE

**DEFECT - Section 1.1**

Every owner or occupant of a property shall maintain the property or part thereof they occupy or control in a clean, sanitary and safe condition in accordance with this by-law.

**DEFECT - Section 1.2**

Every owner or occupant of a property shall maintain every floor, wall, ceiling and fixture, under his/her/its control in a clean, sanitary and safe condition.

**DEFECT - Section 3.2.2**

Water penetration related to mould - Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which may relate to the creation and growth of mould, shall be repaired or removed. Mould Air Quality Report - If in the opinion of the Property Standards Officer, the mould accumulation is excessive so as to cause a health hazard, the owner will provide, at the owner's expense, a report prepared by a Certified Air Quality Assessment professional, trained and knowledgeable in this field, detailing mould spore samples and related air quality. The owner will undertake the appropriate remediation outlined in the report. The owner will also provide a follow-up report, at their own expense, which confirms that air quality levels consistent with a healthy environment have been attained at the premises, to the satisfaction of the Property Standards Officer.

**CORRECTION**

OBTAIN AT OWNER'S EXPENSE AN INDOOR AIR QAULTY ASSESSMENT REPORT BY A CERTIFIED AIR QUALITY ASSESSMENT PROFESSIONAL. OWNER TO UNDERTAKE THE RECOMMENDATIONS PROVIDED WITHIN THE REPORT AND FOLLOW UP / REPEAT AS REQUIRED TO ENSURE INDOOR AIR QUALITY LEVELS ARE QUALIFIED AS "HEALTHY" PER QUALIFIED PROFESSIONAL'S OPINION AND TO OFFICER'S SATISFACTION.

REPORT TO BE COMPREHENSIVE OF UNDERGROUND GARAGE, LOWER ACCESS CORRIDOR AND WEST INTERIOR ACCESS STAIRS, IN ADDITION TO ANY OTHER AREAS RECOMMENDED BY QUALIFIED PROFESSIONAL TO ENSURE HEALTHY AND SAFE CONDITIONS.

**NO PERMIT REQUIRED - COMPLIANCE REVIEW BY BUILDING BYLAW OFFICER**

DEFECT - Section 1.4

Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight, the loads due to the use and occupancy, and the loads imposed by natural causes such as wind, rain and snow as set out in the Building Code regulations made under Section 34 of the Act.

DEFECT - Section 1.5

Where, in the opinion of the Officer, there is doubt as to the structural condition or adequacy of the building or part thereof, the Officer may order that a building or structure or part thereof be examined by a professional engineer qualified to perform such inspections and licensed to practice as an engineer in Ontario, at the owner's expense, and that a written report, which may include drawings detailing recommended remedial work, be provided to the Officer.

DEFECT - Section 1.6

In every building or structure, the foundations, piers, posts or other similar supports shall be maintained in good repair and structurally sound. Where necessary, foundation walls shall be extended to a depth of 1,070 mm below finish grade, provided with subsoil drains at the footings, shored, waterproofed, and treated or repaired to prevent moisture penetration or footing settlement. Every foundation wall, basement, cellar or crawlspace shall be maintained so as to protect the building against deterioration, including that due to weather, water entry, dry rot, and infestation by rodents, vermin or insects. The perimeter of slab on grade type foundations shall be maintained to prevent rodent infestation.

DEFECT - Section 1.9

All stairs, porches, landings, loading docks, balconies, canopies, awnings, fire escapes together with any guard, balustrade, railing, screen or other appurtenance attached thereto shall be maintained in good repair and in a safe and structurally sound condition.

DEFECT - Section 1.14

All roofs, including chimneys, stacks, masts, lightning arresters, antennas, fascia, soffits, flashings, solar panel and supports, and other roof structures shall be maintained in good repair, watertight and structurally sound condition. Such maintenance may include, but is not limited to: a) removal of loose, unsecured objects or materials b) keeping roofs and chimneys weather tight and free from leaks and/or defects.

CORRECTION

OBTAIN THE SERVICES OF A QUALIFIED ENGINEER LICENSED TO PRACTICE IN ONTARIO TO REVIEW AND PROVIDE REPORT AT OWNER'S EXPENSE OF THE DEFECTIVE / DETERIORATED CONDITIONS OBSERVED AT THE FOLLOWING LOCATIONS:

- THROUGHOUT BUILDING TO DETERMINE SOURCE OF WATER INFILTRATION INTO BUILDING INTERIOR.
- COLUMN AT WEST INTERIOR ACCESS STAIRS TO UNDERGROUND GARAGE DISPLAYING SIGNIFICANT DAMAGE / MISSING STRUCTURAL MATERIAL/METAL STRUCTURAL CORROSION.
- UNDERGROUND GARAGE STRUCTURE (COMPREHENSIVE) FOR DAMAGE DUE TO WATER INFILTRATION / MATERIAL FAILURE/METAL STRUCTURAL CORROSION/SECTION LOSS.
- BALCONIES THROUGHOUT BUILDING DUE TO DEFECTIVE CONCRETE AND EXPOSED STEEL REBAR.
- CRACKED BRICK MASONRY OBSERVED AT SOUTHEAST CORNER OF BUILDING.

ENGINEER'S REPORT TO ACCOMPANY PERMIT APPLICATION AND TO INCLUDE DETAILED DRAWINGS AND SCOPE OF WORK SUFFICIENT TO OUTLINE REQUIRED REPAIRS BASED UPON RECOMMENDATIONS MADE IN ENGINEER'S REPORT. COMPLETE ALL REPAIRS OUTLINED IN THE ENGINEER'S REPORT AND PERMIT APPROVAL TO SATISFACTION OF THE ENGINEER OF RECORD AND THE OFFICE OF THE CHIEF BUILDING OFFICIAL.

**BUILDING PERMIT REQUIRED – PLANS REQUIRED WITH APPLICATION, PROFESSIONAL DESIGN / SCOPE OF WORK REQUIRED.**

DEFECT - Section 1.7

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. Appropriate measures shall be taken to remove any stains or other defacement occurring on the exposed finished exterior surfaces and, where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the staining or defacement occurred.

CORRECTION

- REPAIR / REPLACE ANY DEFECTIVE / DETERIORATED EXTERIOR WALL FINISHES THROUGHOUT BUILDING SO THAT EXTERIOR WALLS ARE HELD IN GOOD REPAIR AND WATER TIGHT.
- REPAIR / REPLACE ANY DEFECTIVE / DETERIORATED / MISSING GRILLES AT EXTERIOR THROUGH-WALL VENTS / EXHAUSTS TO ENSURE WALLS ARE WATER TIGHT AND PREVENT ACCESS TO PESTS.
- REPAIR / REPLACE ANY DEFECTIVE / DETERIORATED / MISSING AIR CONDITIONER WALL SLEEVES AND CAP PANELS AT EXTERIOR THROUGH-WALL TO ENSURE WALLS ARE HELD IN GOOD REPAIR AND WATER TIGHT CONDITION.
- OBTAIN THE SERVICES OF A PROFESSIONAL MASONRY RESTORATION CONTRACTOR TO RESTORE / REPLACE ANY DETERIORATED CONCRETE WINDOW SILLS, DETERIORATED BRICKS, DETERIORATED MORTAR, CAULKING AS REQUIRED TO ENSURE WALLS ARE HELD IN GOOD REPAIR AND WATER TIGHT CONDITION.

**NO PERMIT REQUIRED – COMPLIANCE REVIEW BY BUILDING BYLAW OFFICER**

DEFECT - Section 1.8

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

CORRECTION

- REPAIR/ REPLACE ANY DEFECTIVE EXTERIOR DOORS AND ASSOCIATED HARDWARE TO ENSURE DOORS ARE HELD IN GOOD REPAIR. RESTORE DEFECTIVE WEATHERSTRIPPING. ENSURE THRESHOLDS ARE SMOOTH AND FREE OF DETERIORATED MATERIAL. PROBLEMATIC EXTERIOR DOORS INCLUDING, BUT NOT LIMITED TO, THOSE AT FRONT LOBBY AND AT WEST SIDE OF BUILDING (X2 NEAR UNDERGROUND GARAGE GRADE ENTRANCE)

*NO PERMIT REQUIRED – COMPLIANCE REVIEW BY BUILDING BYLAW OFFICER*

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DEFECT - Section 1.16

All properties provided with designed mechanical ventilation systems shall operate the system on a continuous basis. The system controls, louvers and associated equipment shall be maintained in safe working order.

DEFECT - Section 1.40

Parking garages and parking structures shall be: (a) maintained in a clean, structurally sound, free from defects and safe condition; (b) adequately ventilated at all times to provide (3.8L/s/m<sup>2</sup>) of floor area minimum if ventilated by mechanical means unless the system is controlled by a Carbon Monoxide detection system; (c) the ventilation systems referenced in sentence (b) shall be maintained in proper working order, free from defects; (d) where the officer has doubts to the effectiveness of the ventilation and/or carbon monoxide detection system, can at the owners expense order testing to confirm compliance with sentence (b); (e) adequately lighted at all times, so that the number and arrangement of light fixtures is such as to provide an average level of illumination of at least 54 lux at floor level over the entire floor area with a minimum level of 11 lux at any location on the floor; and (f) equipped with wire screens or other suitable means of protection for lighting fixtures, so as to prevent accidental or malicious damage. (g) shall be provided with an effective fire separation and barrier to the passage of gas and exhaust fumes from any part of the parking garage into any other part of the building used or intended to be used for human occupancy.

DEFECT - Section 1.47

All equipment, components and supplies or replacement equipment, components and supplies must be Canadian Standards Association approved or otherwise listed in a manner consistent with the Ontario Building Code as amended or other authority having jurisdiction.

DEFECT - Section 3.21

In dwellings, every laundry room, garbage room corridor, boiler room, storage garage and all parts of the building used by the tenants in common shall be adequately ventilated, and where a system of mechanical ventilation is used it shall be maintained in good working condition.

CORRECTION

OBTAIN BUILDING PERMIT AND THE SERVICES OF A QUALIFIED ENGINEER LICENSED TO PRACTICE IN THE PROVINCE OF ONTARIO OR A SUITABLY QUALIFIED PROFESSIONAL MECHANICAL CONTRACTOR TO REPLACE / RESTORE THE DEFECTIVE UNDERGROUND PARKING GARAGE'S MECHANICAL EXHAUST SYSTEM.

**BUILDING PERMIT REQUIRED – PLANS REQUIRED WITH APPLICATION, PROFESSIONAL DESIGN / SCOPE OF WORK REQUIRED.**

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DEFECT - Section 3.2.1

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

CORRECTION

REPAIR ANY DAMAGED / DEFECTIVE INTERIOR CLADDING DAMAGED BY WATER INFILTRATION OR OTHERWISE.

*NO PERMIT REQUIRED – COMPLIANCE REVIEW BY BUILDING BYLAW OFFICER*

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DEFECT - Section 3.13

All plumbing, including drains, water supply pipes inside a building and outside a building, water closets, back water valves, and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

CORRECTION

OBTAIN THE SERVICES OF A QUALIFIED PLUMBER TO FIX VARIOUS LEAKS AT STORM DRAIN PIPING IN UNDERGROUND GARAGE WITH APPROVED MATERIALS FOR THIS TYPE OF BUILDING.

*NO PERMIT REQUIRED – COMPLIANCE REVIEW BY BUILDING BYLAW OFFICER*

**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:** August 19, 2021 – to submit engineer reports.  
September 18, 2021 – to obtain permits.  
November 17, 2021 – to complete repairs.

Dated at Windsor, Ontario, on July 20, 2021

John Revell, MCIP, RPP  
Chief Building Official

Per:



Jay McGuire  
Inspector/Property Standards Officer  
Building Department  
Telephone: (519) 818-0184  
e-mail: jmcguire@citywindsor.ca

**NOTICE:**

1. If the owner or person against whom an Order has been made or their agent wishes to appeal such Order, they must **within FOURTEEN (14) DAYS from the service of the Order upon him**, file a Notice of Appeal, duly completed, with the Secretary of the Property Standards Committee.
2. Attached hereto is a Notice of Appeal form.
3. In the event that you do not appeal this Order, the said Order shall be deemed confirmed.
4. A photocopy of this document may be offered in evidence to the Court, should a trial result from a charge, which may be filed in an enforcement procedure. Copies of these documents may be obtained or examined at Building Department, City Hall, on workdays between 8:30 a.m. and 4:30 p.m.
5. If such repair or clearance is not done within the time specified in this Order, the Corporation may carry out the repair or clearance at the expense of the owner.
6. This Order is pursuant to Section 15.2(2) of the BUILDING CODE ACT, S.O. 1992, c.23, as amended.
7. **OBTAIN THE PROPER BUILDING PERMITS FOR ALL REPAIRS / DEMOLITION.**
- 7.1 Every property owner who has a property subject to corrective measures under this by-law shall obtain a building permit unless exempted in writing by the Chief Building Official or designate.
- 7.2 The minimum permit fee is as per the "City of Windsor User Fee Schedule", as passed by and amended by Council from time to time. Additional inspections where the minimum permit fee has been used, shall be billed in accordance with the "City of Windsor User Fee Schedule" as passed by and amended by Council from time to time.



Planning and Building Department  
 Building Division  
 350 City Hall Square W., 2nd Floor, P.O. Box 1607  
 Windsor, Ontario N9A 6S1  
 Tel: 519 255-6267

## ORDER TO REPAIR

### UNDER THE MAINTENANCE AND OCCUPANCY BY-LAW 9-2019

To: MARIA FOLINO  
 2380 MARK AVE  
 WINDSOR ON N9E 3X9  
 ALBERTO FOLINO  
 2380 MARK AVE  
 WINDSOR ON N9E 3X9

Description: PLAN 126 LOT 2 BLK 8

Property Address: 280 AYLMER AVE

Roll Number: 030-070-06100-0000

Violation Number: 20 240559

Date of Inspection: January 13, 2020

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

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

**AND WHEREAS** The Corporation of the City of Windsor has passed By-law 9-2019, 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: 280 AYLMER AVE  
 Does not conform to the standards set forth in By-law Number 9-2019

#### DESCRIPTION OF PROPERTY:

SINGLE UNIT DWELLING

#### DEFECT Section 1.1

Every owner or occupant of a property shall maintain the property or part thereof they occupy or control in a clean, sanitary and safe condition in accordance with this by-law.

#### DEFECT Section 1.33

Retaining walls, signs and all structures appurtenant to a property shall be maintained in good repair, free from unsafe conditions including fire hazards and capable of safely performing the function for which they were designed.

#### DEFECT Section 4.1.1

GENERAL: In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this bylaw, the owner of a vacant building, shall:

- (a) ensure that all utilities serving the building, which are not required for safety or security are properly disconnected or otherwise secured, to prevent damage to the building or adjoining property.
- (b) Ensure that the property is kept free of rodents, vermin and other harmful pests and any conditions that would allow such pests to harbour in or about the building;

#### CORRECTION:

- REMOVE OR REPAIR ACCESSORY STRUCTURES TO BE FREE FROM DAMAGED, DETERIORATED OR MISSING MATERIALS AND COMPONENTS.
- ACCESSORY STRUCTURES TO BE MAINTAINED IN GOOD REPAIR, PROPERLY SECURED AND USED IN A SAFE MANNER FOR WHICH THEY WERE DESIGNED, AND TO BE LOCATED IN ACCORDANCE WITH ZONING BY-LAW 8600.

(NO PERMIT REQUIRED – COMPLIANCE REVIEW BY BUILDING BY-LAW OFFICER)

#### DEFECT Section 1.8

Exterior doors, windows and skylights shall be maintained in good repair and weather tight. Rotted and defective doors, door frames, window frames, sashes and casings shall be renewed and defective door and window hardware, weather stripping, caulking and broken glass shall be replaced. Repairs to windows shall be

- i) reglazing, or refitting with panes of transparent glass; or
- ii) the use of other materials which are compatible in finish and colour with the remainder of the facade of the building on which the broken window is located, provided such other material are of an appropriate thickness, have sufficient structural support, and are installed so that no broken glass is visible for the exterior of the building. Replace defective, damaged or missing hardware and locking devices: sash controls.

**DEFECT Section 3.4**

Cracked and broken glass in door panels, missing screens, and missing windows shall be replaced with approved glass or similar materials. All operable windows and all doors shall be capable of being opened from the inside without the use of specialized tools and maintained in good repair. All materials referred to in this section shall be to the satisfaction of the Officer to provide an acceptable level of fire protection.

**CORRECTION:**

- REPAIR OR REPLACE ALL MISSING/BROKEN GLASS AND SCREENS;
- REPAIR OR REPLACE MISSING OR DEFECTIVE DOORS, DETERIORATED WOOD, DEFECTIVE HARDWARE AND WEATHER STRIPPING ON DOORS AS PER INDUSTRY STANDARDS AND ENSURE ALL OPERABLE WINDOWS AND DOORS FUNCTION AS DESIGNED.

*(NO PERMIT REQUIRED – COMPLIANCE REVIEW BY BUILDING BY-LAW OFFICER)*

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**DEFECT Section 1.9**

All stairs, porches, landings, loading docks, balconies, canopies, awnings, fire escapes together with any guard, balustrade, railing, screen or other appurtenance attached thereto shall be maintained in good repair and in a safe and structurally sound condition.

**CORRECTION:**

- REMOVE ANY DETERIORATING MATERIALS FROM FRONT AND SIDE PORCHES AND STAIRS, AND REPLACE WITH NEW.
- ENSURE PORCHES AND STAIRS ARE MAINTAINED IN GOOD REPAIR

*(NO PERMIT REQUIRED – COMPLIANCE REVIEW BY BUILDING BY-LAW OFFICER)*

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**DEFECT Section 1.14**

All roofs, including chimneys, stacks, masts, lightning arresters, antennas, fascia, soffits, flashings, solar panel and supports, and other roof structures shall be maintained in good repair, watertight and structurally sound condition. Such maintenance may include, but is not limited to: a) removal of loose, unsecured objects or materials b) keeping roofs and chimneys weather tight and free from leaks and/or defects.

**CORRECTION:**

- REPLACE DETERIORATING ASPHALT SHINGLES, INSTALLED IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS AND OBC REQUIREMENTS, REPLACE ANY ROTTED SHEATHING,
- REMOVE ROTTED FASCIA AND SOFFITS AND REPLACE WITH NEW MATERIALS.
- ROOF TO BE MAINTAINED IN GOOD REPAIR AND IN WATERTIGHT CONDITION.

*(NO PERMIT REQUIRED – COMPLIANCE REVIEW BY BUILDING BY-LAW OFFICER)*

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**DEFECT Section 1.15**

Water runoff from roof surfaces shall discharge into an eaves trough or gutter and thence to a downpipe, discharging directly to grade with an appropriate extension away from the building to prevent flooding, erosion and other nuisance to neighboring properties. Discharge into the municipal storm system may be permitted if approved or authorized by the City Engineer or Chief Building Official or his/her designate.

**DEFECT Section 1.32**

The storm water run-off from all downspouts, sump pump discharges or impervious surfaces shall be designed and maintained so as to discharge water run-off away from the building and to prevent flooding, erosion and other nuisance to neighboring properties.

**CORRECTION:**

- REPLACE ANY DAMAGED OR MISSING EAVES TROUGH AND DOWNSPOUTS, ENSURING THEY ARE INSTALLED IN GOOD WORKING CONDITION AS PER MANUFACTURER'S INSTRUCTIONS, TO PROPERLY MANAGE WATER RUNOFF FROM ROOF SURFACE, WATER FROM DOWNSPOUTS TO DISCHARGE ONTO OWNER'S PROPERTY, AWAY FROM FOUNDATION WALLS AND SIDEWALKS, TO A POINT OF DISPOSAL ACCEPTABLE TO THE OFFICER.

*(NO PERMIT REQUIRED – COMPLIANCE REVIEW BY BUILDING BY-LAW OFFICER)*

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***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: February 23, 2020**

**Dated at Windsor, Ontario, on January 24, 2020**

John Revell, MCIP, RPP  
Chief Building Official

Per:



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Nicole Brush  
Property Standards Officer  
Building Department  
Telephone: (226)-350-8414  
e-mail: nbrush@citywindsor.ca

**\*\*\* CONTACT ISSUING OFFICER ONCE REPAIRS ARE COMPLETE\*\*\***

**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.



**THE CORPORATION OF THE CITY OF WINDSOR**  
**PLANNING AND BUILDING DEPARTMENT**  
*PLANNING DIVISION*

Thom Hunt, MCIP, RPP  
 City Planner/Executive Director

September 28, 2021

Property Standards Committee  
 c/o Committee Chair – Councillor Rino Bortolin,  
 Council Services Department  
 Suite 530 - 350 City Hall Square West  
 Windsor, ON N9A 6S1

Dear Councillor Bortolin,

The Building Division requested the Planning Division to provide background information related to the Demolition Control By-law for this property and the actions to date by the owner to comply with Demolition Control By-law 11806.

Requirements of Demolition Control By-law 11806

As part of obtaining, a Building Permit for Demolition in a Demolition Control By-law area the applicant is required to submit the following:

- A redevelopment plan as a condition of approval for a demolition permit as identified in Section 11.11 of the City's Official Plan;
- Section 11.11.1.2 requires that *Redevelopment plans shall include plans for:*
  - (a) *Replacement Buildings;*
  - (b) *Replacement of Demolished dwelling units and;*
  - (c) *Landscaped open space.*
- The redevelopment plan is submitted to the Planning Division and a report is drafted to City Council with the redevelopment plan and conditions as outlined in Demolition Control By-law 11806.

Below are sections of Demolition Control By-law 11806 pertaining to obtaining a Building Permit for Demolition.

Section 3 of the Demolition Control By-Law 11806 (attached) states that “...no person shall demolish the whole or any part of any residential property in the control area described in Section 2 hereof unless the person is the holder of a demolition permit issued by the Council.” The decision to issue (or not to issue) a demolition permit is at City Council's sole discretion.

Section 5 of the Demolition Control By-Law 11806 states that “...Council shall, on an application for a demolition permit, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property to be demolished.” Section 6 states that a demolition permit may be issued with the following conditions:

- (a) *That the applicant for the demolition permit construct and substantially complete the new building to be erected on the site of the residential property to be demolished by not later than such date as may be determined by Council, provided, however, that such date is not less than two years from the day demolition of the existing residential property is commenced;*
- (b) *That, on failure to complete the new building within the time specified in the permit issued under Section 5, the Clerk shall be entitled to enter on the collectors roll, to be collected in like manner as municipal taxes, such sum of money as may be determined by Council but not in any case to exceed the sum of Twenty Thousand Dollars (\$20,000.00) for each dwelling unit contained in the residential property in respect of which the demolition permit is issued, and such sum shall, until*



*payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.*

Section 33 *Demolition Control Area* of the *Planning Act* provides municipalities with the legislative tool to pass a Demolition Control Area and By-law such as By-law 11806 described above.

The Owners (Mr. Alberto Folino) actions to date to seek development approval

The Planning and Building Department has addressed inquiries and reached out to Mr. Alberto Folino on numerous occasions dating back to at least June 2018 regarding the vacant property at 280 Aylmer Avenue. The property is within Demolition Control By-law Area 11806 and a Building Permit for Demolition cannot be issued without an exemption from Windsor City Council or unless the building is deemed to be an 'unsafe building' pursuant to BCA S. 15.9(2) and there is no immediate danger to the health or safety of any person outside the building. Below are some key dates regarding discussions between the owner and Planning Division with respect to the subject property (280 Aylmer Avenue).

- From 2018 to 2020, the Planning and Building Department including myself have had several conversations with Mr. Folino to discuss what would be required to obtain a demolition permit. Option 1: A redevelopment plan as identified in Section 11.11 of the City's Official Plan or Option 2: Evidence that the building can be deemed 'unsafe building' pursuant to BCA S. 15.9(2) and there is an immediate danger to the health or safety of any person outside the building.
- In the summer of 2020, Mr. Folino decided that he would hire an Engineering firm to write a Structural Condition Report regarding 280 Aylmer to prove that the building is unsafe and an Emergency Order should be issued to demolish the building. On August 20<sup>th</sup>, 2020, Manager of Inspections/Deputy CBO Rob Vani and I received an email from Mr. Folino with the Structural Conditions Report from Aleo Associates Inc..
- On September 18, 2020, I received an email from, Manager of Inspections/Deputy CBO Rob Vani stating that the Building Division is in general agreement with the engineer's technical assessment that the building may be unsafe pursuant to BCA s. 15.9. However, we do not support the recommendation that the building requires immediate demolition. The building is secure and not occupied so no hazard exists to persons in the normal use of the building or persons outside the building. Useful lifespan arguments are financial arguments for demolition over repair. My understanding of the demolition control bylaw is that financial arguments are not justification for demolition alone. If the owner and his engineer's argument to demolish is financial, the option to demolish would be permitted with an approved redevelopment plan.
- On October 16<sup>th</sup>, 2020, I received an email from Mr. Folino as a follow-up to our telephone conversation regarding what was required to proceed with obtaining a Building Permit for Demolition. On October 20<sup>th</sup>, 2020, I sent Mr. Folino an email regarding what was required as per the City's Official Plan (Section 11.11) and Demolition Control By-law 11806 regarding a redevelopment plan for 280 Aylmer Avenue, given that the review of the Structural Building Condition Report by the Building Division does not support an 'Emergency Order' for demolition.
- On November 23<sup>rd</sup>, 2020, I received an email from Mr. Folino regarding his concern that the Demolition Control By-law does not mention anything about Safety and his concern that someone will be hurt if the Planning and Building department do not grant him a Building Permit for Demolition.
- On several occasions, internally we discussed writing a Report to Council regarding Mr. Folino's request for an exemption from Demolition By-law 11806 and that Administration's recommendation would be that the request BE DENIED because the owner to date has not provided an approved redevelopment plan. In response to Mr. Folino's email of November 23<sup>rd</sup>, Manager of Inspections/Deputy CBO Rob Vani sent Mr. Folino an explaining that although the condition of the building meets the definition of an 'unsafe building', it is currently secure to unauthorized persons, and there is no immediate danger to the health or safety of any person outside the building. Additionally, the current building condition did NOT meet the threshold for the issuance of an 'Emergency Order' pursuant to BCA S. 15.10(1).
- Around this time, Mr. Folino started discussing the idea of a redevelopment plan with Administration for 280 Aylmer Avenue and adjacent properties he owned. With such a redevelopment plan

Administration could possibly support a Report to Council supporting an exemption from the Demolition Control By-law as long as a new development is constructed in a specified time frame.

- On January 1<sup>st</sup>, 2021, Mr. Folino sent an email requesting that I respond to the November 23<sup>rd</sup>, 2020 email that Manager of Inspections/Deputy CBO Rob Vani had responded to on November 27<sup>th</sup>, 2020. I called Mr. Folino on January 12<sup>th</sup> to discuss a redevelopment plan with him.
- On January 12<sup>th</sup>, 2021 we received an email from Councillor Chris Holt regarding 280 Aylmer Avenue and Mr. Folino's request for a demolition permit. Both Manager of Inspections/Deputy CBO Rob Vani and I responded to Councillor Holt regarding the requirements of the Planning Act, Demolition Control By-Law 11806, requirements of the Building Code and the Structural Condition Report, and enforcement of the Property Standards By-law. I also, informed Councillor Holt that the Planning and Building Department had been working with Mr. Folino to put together a redevelopment plan for 280 Aylmer Avenue and other adjacent properties owned by Mr. Folino and we also discussed possible economic incentives under the Downtown Windsor Community Improvement Plan (CIP). I informed Councillor Holt that Mr. Folino appeared willing to consider the option and was going to contact Administration in a couple of weeks to let Administration know if he would like to proceed with the option of putting together a redevelopment plan.
- On January 12<sup>th</sup>, 2021, I sent a follow-up email to Mr. Folino summarizing our discussion regarding a redevelopment and phasing plan for his property including 280 Aylmer Avenue, possible economic incentives through the Downtown CIP, and I reminded him of contacting me once he found out the information he was requesting regarding servicing for the property.
- On February 25<sup>th</sup>, 2021, I received an email from Mr. Folino's Architect Joseph Passa inquiring about 280 Aylmer Avenue, the Demolition Control By-law and a development scheme for the property. I called Joseph Passa shortly after his email to explain the Demolition Control By-law, the City's Official Plan and requirements of a redevelopment plan.
- On February 26<sup>th</sup>, 2021, I consulted with our Legal Department regarding Mr. Folino's plan to obtain a Building Permit for a new building on one of his adjacent properties so that he could obtain a Building Permit for Demolition for 280 Aylmer Avenue. Section 5 of Demolition Control By-law 11806 and Section 33 (6) of the *Planning Act* state *that the building permit has to be issued "to erect a new building on the site of the residential property to be demolished"* and this does not include adjacent sites.
- On March 9<sup>th</sup>, 2021, I emailed Architect Joseph Passa and Mr. Folino to advise them of the requirements of the Official Plan, Demolition Control By-law 11806, and the *Planning Act* regarding erecting a building on a site that is not the subject of a Demolition Permit application as identified in my February 26<sup>th</sup>, 2021 note above. I have not heard anything back from Mr. Passa or Mt. Folino regarding a redevelopment plan since I sent this email.
- On April 16<sup>th</sup>, 2021, Mr. Follino informed me that there had been a fire at the building located at 280 Aylmer Avenue. According to Building Division records the small fire was caused by a squatter who had broken into the property and lit a fire inside a contained vessel. On April 19<sup>th</sup>, 2021, Manager of Inspections, Roberto Vani at the request of the owner inspected the property, and found that the building was secure, showed no signs from the outside that the building is in structural distress and did not meet the threshold for issuance of an emergency order pursuant to Building Code Act s. 15.10(1). We have not heard from the owner (Mr. Follino) since this incident, our records would indicate there is no formal redevelopment application for Planning's consideration. Therefore, Planning is unable to prepare a report to City Council requesting waiver of the demolition control bylaw.

Sincerely,



Kevin Alexander, MCIP, RPP  
Senior Planner - Special Projects

cc Clerk's office and Building Division

Manager of Inspections/Deputy CBO Rob Vani  
Chief Building Official  
City Planner / Executive Director of Planning & Building  
Manager of Urban Design  
Deputy City Solicitor