



RECORD OF PROCEEDING

PROPERTY STANDARDS COMMITTEE HEARING

THE CORPORATION OF THE CITY OF MISSISSAUGA

MONDAY, JULY 30, 2012 – 10 A.M.

**COMMITTEE ROOM A
SECOND FLOOR, CIVIC CENTRE
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1
www.mississauga.ca**

MEMBERS PRESENT: Tony Jasinski, Chair and Citizen Member
Steve Nanan, Vice-Chair and Citizen Member
George Shalamay, Citizen Member
Debbie Willchuk, Citizen Member
Merle Zoerb, Citizen Member

APPELLANT: Stan Frederick Parkes, Agent for Brynley Parkes and Mary Parkes,
Registered Owners of 54 Bay Street

PROSECUTOR: Heather Bourgeois, Prosecutor, Prosecution Office

STAFF: Jim Fowler, Municipal Law Enforcement Officer
Julie Lavertu, Committee Secretary, Property Standards Committee

CONTACT PERSON: Julie Lavertu, Committee Secretary, Property Standards Committee
Office of the City Clerk, Telephone: 905-615-3200, ext. 5471; Fax: 905-615-4181
Julie.Lavertu@mississauga.ca

This is the Record of Proceeding of the Property Standards Committee Hearing in the matter of an appeal of the Property Standards Order issued on December 16, 2011 by Jim Fowler, Municipal Law Enforcement Officer, against Brynley Parkes and Mary Parkes (the “Appellants”), being the Registered Owners of the property municipally known as 54 Bay Street, Mississauga, Ontario, L5H 1C5 (Ward 1).

An appeal was submitted by Brynley Parkes and Stan Frederick Parkes, Agent for Brynley Parkes and Mary Parkes, Registered Owners of 54 Bay Street, with respect to the above-mentioned Property Standards Order on February 29, 2012.

CALL TO ORDER – The Chair presided and called the Hearing to order at 10:05 a.m.

DECLARATIONS OF DIRECT OR INDIRECT PECUNIARY INTEREST – Nil

INTERLOCUTORY ORDERS PRESENTED INTO EVIDENCE

10:21 a.m. **Exhibit A:** Undated photographs, provided to the Committee by Stan Frederick Parkes, Agent for Brynley Parkes and Mary Parkes, Registered Owners of 54 Bay Street, taken sometime in 2011 prior to the issuance of the Property Standards Order on December 16, 2011 by Jim Fowler, Municipal Law Enforcement Officer (NOTE: Exhibit A was not disclosed to the City of Mississauga prior to the Hearing. However, the City of Mississauga raised the issue of Exhibit A and the Committee allowed Exhibit A to be admitted as an Interlocutory Order Presented into Evidence).

WITNESSES

10:06 a.m. Opening Statement by Heather Bourgeois, Prosecutor, Prosecution Office

10:08 a.m. Opening Statement by Stan Frederick Parkes, Agent for Brynley Parkes and Mary Parkes, Registered Owners of 54 Bay Street

The Chair administered the Oath or Affirmation as the case may be, to the individuals set out below at the time that the individuals were called to give evidence for the respective parties.

- The following individuals testified on behalf of the Appellant:

10:13 a.m. Stan Frederick Parkes, Agent for Brynley Parkes and Mary Parkes, Registered Owners of 54 Bay Street

- The following individuals testified on behalf of the City of Mississauga:

10:46 a.m. Jim Fowler, Municipal Law Enforcement Officer

At 11:05 a.m., Jim Fowler, Municipal Law Enforcement Officer, displayed his City of Mississauga identification badge, as requested by Stan Frederick Parkes, Agent for Brynley Parkes and Mary Parkes, Registered Owners of 54 Bay Street. The Chair advised that this matter was for Mr. Parkes's interest only and, as such, would not constitute an Interlocutory Order Presented into Evidence, but should be recorded in the Record of Proceeding for information.

11:21 a.m. Closing Statement by Stan Frederick Parkes, Agent for Brynley Parkes and Mary Parkes, Registered Owners of 54 Bay Street

11:27 a.m. Closing Statement by Heather Bourgeois, Prosecutor, Prosecution Office

EVIDENCE PRESENTED

10:21 a.m. **Exhibit A:** Undated photographs, provided to the Committee by Stan Frederick Parkes, Agent for Brynley Parkes and Mary Parkes, Registered Owners of 54 Bay Street, taken sometime in 2011 prior to the issuance of the Property Standards Order on December 16, 2011 by Jim Fowler, Municipal Law Enforcement Officer (NOTE: Exhibit A was not disclosed to the City of Mississauga prior to the Hearing. However, the City of Mississauga raised the issue of Exhibit A and the Committee allowed Exhibit A to be admitted as an Interlocutory Order Presented into Evidence).

10:50 a.m. **Exhibit B:** Documents Brief prepared by Heather Bourgeois, Prosecutor, Prosecution Office, served to the Appellant via Courier Service on July 12, 2012, containing the following documents:

TAB 1 Copy of the Notice of Appeal from Stan F. Parkes, on behalf of Brynley and Mary Parkes, to Julie Lavertu, Secretary of Property Standards Committee dated February 29, 2012.

TAB 2 Copy of the Property Standards order issued by Property Standards Officer Jim Fowler dated December 16, 2011.

TAB 3 Copy of Parcel Register for Property Identifier, PT LT 10 N/S BAY STREET, WCR PL PCQ (SHOWN ON PLAN 300), PORT CREDIT AS IN VS40928, identified as 54 Bay Street on December 16, 2011.

TAB 4 Copy of Deed dated May 26, 1967 indicating Brynley and Mary Parkes as owner of 54 Bay Street, Mississauga.

TAB 5 Copy of Assessment Roll compiled in the Year 2011 for Taxation in the Year 2012 showing Brynley and Mary Parkes as the owner of 54 Bay Street, Mississauga.

TAB 6 Copy of Property Standards Officer Jim Fowler's notes dated December 15, 2011.

- TAB 7 Copy of three (3) photographs taken on December 15, 2011 by Property Standards Officer Jim Fowler of the property located at 54 Bay Street, Mississauga.
- TAB 8 Copy of Canada Post Tracking History for Tracking Number 79590921919 dated December 16, 2011.
- TAB 9 Notice pursuant to Section 35 of the *Evidence Act* of Ontario.

ADJOURNMENT – 12:32 p.m. (M. Zoerb)



PROPERTY STANDARDS ORDER

Issued Pursuant to section 1992, 15.2(2) & 15.8(1) of the Building Code Act, R.S.O. 1992, c.23

City of Mississauga
 Enforcement Division
 300 City Centre Drive
 Mississauga, ON L5B 3C1
 Tel: 905 896-5655
 Fax: 905-615-3374

Location: PLAN 300W PT LOT 10	Officer: Jim Fowler	Telephone No.: (905) 615-3200 Ext. 5665
Municipal Address: 54 Bay St, Mississauga, ON	Compliance Date: January 4, 2012	
Owner: BRYNLEY PARKES MARY PARKES 54 BAY ST MISSISSAUGA, ON L5H 1C5	Issued To: Owner <input checked="" type="checkbox"/> Tenant <input type="checkbox"/> Other <input type="checkbox"/> Delivery Type: Registered Mail <input checked="" type="checkbox"/> Personal Service <input type="checkbox"/> Other <input type="checkbox"/> Date 2011-12-16	

No.	Section of By-law Contravened	Description of Non Conformity, Location, and Required Action
1.	28	<p>All exterior property areas, including vacant land, shall be maintained in a clean and reasonable condition so as to prevent fire, accidents or health hazard, and more particularly:(162-03)</p> <p>(4) Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition, deleterious to the neighbouring environment, shall be removed.</p> <p>In order to rectify this violation you are required to remove the make shift structure, located in the north west corner, from the property and leave the area in clean and reasonable condition and maintain.</p>
2.		



PROPERTY STANDARDS ORDER

YOU ARE HEREBY ORDERED to carry out repairs necessary to correct the defects as set out in this Order. This order shall be complied with and the property brought into a condition of compliance with the prescribed standards or the site cleared of all buildings, structures, debris or refuse and left in a graded or levelled condition in accordance with any permits required by law **on or before January 4, 2012**

WHERE it has been determined that the necessary repairs or demolition have not been completed in accordance with this Order as confirmed or modified, in addition to any possible court action the City of Mississauga may cause the property to be repaired or demolished and the costs of such actions may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the assessment roll and collected in the same manner and with the same priorities as municipal real property taxes.

YOU ARE HEREBY ADVISED that if you are not satisfied with the terms or conditions of the order, **you may appeal** this Order to the Property Standards Committee by sending a Notice of Appeal by registered mail to the

Secretary of the Property Standards Committee
Office of the City Clerk,
2nd Floor, Civic Centre,
300 City Centre Drive
Mississauga, ON L5B 3C1

on or before January 4, 2012, stating your grounds for appeal along with a non-refundable appeal fee of \$368.00 plus \$47.84 HST, equalling \$415.84 payable to the City of Mississauga. In the event that no appeal is taken within the prescribed time, this Order shall be deemed to be confirmed and shall be final and binding on you, requiring you to comply with the terms within the time and the manner specified in this Order.

To assist you with the appeal process please see the Property Standards Committee Rules of Practice and Procedure available on the City of Mississauga web site <http://www.mississauga.ca/file/COM/propertystandardsrulesjune07.pdf>

2011-12-16

Date Order Issued

Property Standards Officer



PROPERTY STANDARDS ORDER

Please note that this Order does not represent an exhaustive list of possible violations of other applicable statutes and by-laws.

You are responsible for ensuring compliance with the *Ontario Fire Code*, the *Ontario Building Code*, the *Planning Act* and other applicable statutes or regulations such as Zoning By-laws in relation to this property, whether any such requirements have been identified in this Order or not.

Rev. 601

VIA REGISTERED MAIL THURS FEB 29TH 2012

Julie Lavertu in correspondence to the letter that the property standards committee sent to us dated Thursday, February 9th 2012 it is a complete (insult) towards me. Julie the (non-refundable) appeal cheques have all been in my name with this address on all my cheques. Julie I have signed the registered letters that have come to this address, all the letters that I sent to everyone including Janice M. Baker, FCA city manager and Chief Administrative officer, Jim tovey councillor, Ward I, newspapers and all other parties have been signed by myself, my mother + I or both my parents and I. Julie what happened to Laura Wilson? Who use to do this job. My parents and I still do not understand why the property standards committee (do not) sent appeal forms out to the residence of the citizens who have the right to appeal any decision. Julie where does this (non-refundable) appeal fee go? And please do not say to us that it goes into a reserve fund. Julie how many years has the city of Mississauga been collecting this (non-refundable) fee from the citizens of Mississauga and does the federal government know about this? Julie the city of Mississauga is charging \$368.00 plus \$47.84 HST for a total of \$415.84 (non-refundable) appeal fee? Julie we have awful lot of V.I. Questions to ask these individuals including the city of Mississauga by-law enforcement officers who have been in and out of this property like they own it, as in paying our taxes for us. Julie when a citizen from the city of Mississauga goes to court and should the honourable judge award the citizen to be correct, Then why does the city of Mississauga keep the \$368.00 plus \$47.84 HST for a total of \$415.84 non-refundable appeal fee? My parents and I cannot wait to finally address this V.I. issue with the honourable judge on the set trial date, as I have stated from the beginning. The first property standards order that was sent to us dated May 15, 2011 and signed by former police officer and now a member of the city of Mississauga by-law enforcement division Terry Carew and as usual led by Daryl Bell (supervisor). Julie in this property standards order there is no mention to remove the shed located on this property. Julie there was and never was anything wrong with this shed located on this property; we will address this issue on the set trial date. Julie in your letter dated to us on February 9th, 2012 you are asking us to send a copy of the property standards order appealed from? Julie here are photo copies of this order that came from 300 city centre drive Mississauga ON L5B 3C1 the same building that you are in? Julie is there no communication between the property standards committee and the city of Mississauga by-law enforcement officers or anyone else for that matter including Janice M. Baker, FCA city manager and Chief administrative officer, Jim Tovey councillor, Ward I and others involved with this V.I. issue. Julie why is the city of Mississauga

one of the only area's in Ontario that don't require officers to wear uniforms and there vehicles not properly I identified? P.S: we have yet to see a badge from any of the officers! Julie back on Thursday December 15th 2011 the city of Mississauga by-law enforcement officers were back on this property and as usual hiding their vehicles up the road and again not knocking on this door! This is the first and only conversation I had with the city of Mississauga by-law enforcement officers concerning this V.I. issue. Julie I did not direct any verbal abuse towards these officers Daryl Bell (supervisor) and Jim Fowler who replaced Terry Carew who now is in ward 7 and there was never any mention of the shed or is to why they were back on this property again. My father told me that he asked every officer to leave this property and if they do come back please bring back the peel regional police with a search warrant! If Janice Baker calls this verbal abuse then we are all in trouble living in the city of Mississauga! Julie I will be asking Janice Baker a lot more questions when we finally get to court. Julie here is a copy of the letter I sent to the city of Mississauga enforcement division back on January 3rd, 2012 explaining our grounds for appeal, in which you sent this letter back to us in your letter dated February 9th, 2012? Julie your letter dated February 9th, 2012 also states that a(non-refundable)fee prescribed is the transportation and works fee and charges by-law in the amount of \$415.84 make payable to the city of Mississauga? Julie how did this all of a sudden come about? In the property standards order dated May 15th, 2012 and January 9th, 2012. There is no mention of the transportation and work fee and charges by-law. ~~Is~~ there property standards order that are signed by officers Terry Carew and Jeff Fowler and as usual led by Daryl Bell (supervisor) why is this? Julie my parents + I thought that it was absolutely justified to register this letter on bully day! Julie my parents and I would dearly appreciate that the city of Mississauga by-law enforcement officers and any member of the city of Mississauga staff involved with this V.I issue, please stay off this property located at 54 Bay St Port Credit ON, L5H 1C5 the city of Mississauga until we address this V.I. issue with the honourable judge.

Thank you,
Yours truly

STAN F. PARKES
Stan F. Parkes
Stan F. Parkes
Stan F. Parkes



NOTICE OF HEARING
of the
PROPERTY STANDARDS COMMITTEE
established pursuant to subsection 15.1 (3) of the *Building Code Act*, S. O 1992, c. 23

IN THE MATTER OF AN APPEAL
to the City of Mississauga Property Standards Order
against 54 Bay Street, Mississauga, Ontario, L5H 1C5

This gives notice that in response to receipt of a Notice of Appeal dated February 29, 2012 with respect to the Property Standards Order dated December 16, 2011 issued against the property municipally known as 54 Bay Street, Mississauga, Ontario (Ward 1), **a Hearing by the City of Mississauga's Property Standards Committee has been scheduled for Monday, July 30, 2012 at 10 a.m. in Committee Room A, 2nd floor, Civic Centre, 300 City Centre Drive, Mississauga, Ontario, L5B 3C1.**

The subject appeal will be heard in accordance with the provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22. If the appellant and/or Representative authorized under the *Law Society Act* for the appellant is not present or represented at the scheduled Hearing, the Property Standards Committee may proceed in your absence and you will not be entitled to any future notice of the stated Hearing.

Please be advised that under the *Building Code Act*, S.O. 1992, c. 23, the Committee in addition to exercising all powers and functions of a Property Standards Officer may confirm, modify, quash, or extend the time for complying with the Order under appeal provided that, in the opinion of the Committee, the general content and purpose of the by-law and of the official plan or policy statement, are maintained.

Issued by the City of Mississauga on Wednesday, June 6, 2012 to the following parties, and sent by Canada Post Registered Mail, to:

Property Owner(s)/Occupant(s):

Brynley, Mary, and Stan F. Parkes
54 Bay Street
Mississauga, ON L5H 1C5



NOTICE OF DECISION
of the
PROPERTY STANDARDS COMMITTEE
established pursuant to subsection 15.1 (3) of the *Building Code Act*, S. O 1992, c. 23

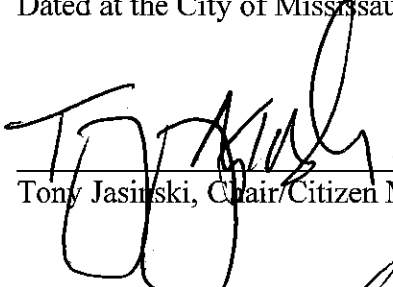
IN THE MATTER OF AN APPEAL
to the City of Mississauga Property Standards Order against
54 Bay Street, Mississauga, ON, L5H 1C5, Ward 1

THAT, further to the hearing on July 30, 2012 of an appeal of the Property Standards Order dated December 16, 2011, with a compliance date of January 4, 2012, to Brynley Parkes and Mary Parkes being the Registered Owners of the property municipally known as 54 Bay Street, Mississauga, Ontario, the subject Order be modified.

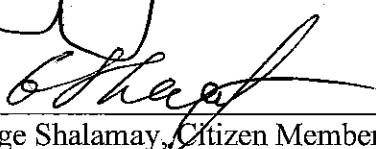
AND THAT the Property Standards Order dated December 16, 2011 shall be fully complied with in accordance with City of Mississauga By-law 654-98, and amendments thereto, and to the satisfaction of the City of Mississauga, as follows:

THAT the date of compliance of the Property Standards Order, dated December 16, 2011, be extended to Friday, August 31, 2012 at 12:00 a.m.

Dated at the City of Mississauga this 30th of July, 2012.



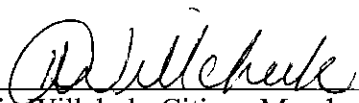
Tony Jasinski, Chair/Citizen Member



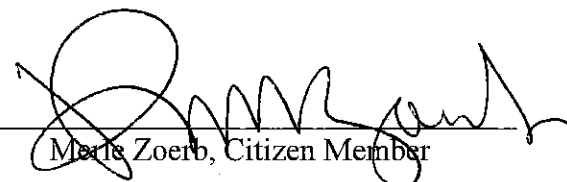
George Shalamay, Citizen Member



Steve Nanan, Vice-Chair/Citizen Member



Debbie Willchuk, Citizen Member



Marie Zoerb, Citizen Member

This Decision may be appealed to the Superior Court of Justice.
