



RECORD OF PROCEEDING

PROPERTY STANDARDS COMMITTEE HEARING

THE CORPORATION OF THE CITY OF MISSISSAUGA

MONDAY, NOVEMBER 5, 2012 – 10 A.M.

COMMITTEE ROOM C

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:

Malcolm Camps, Property Manager

APPELLANT'S
LEGAL COUNSEL:

Martin P. Zarnett, Sandler Gordon, Barristers and Solicitors

PROSECUTOR:

Frank Capizzano, Prosecutor, Prosecution Office

STAFF:

Terry Carew, 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 June 6, 2012 by Terry Carew, Municipal Law Enforcement Officer, against Apriori Investments Ltd. (Attn. Mr. G. Diflorio, c/o Bert F. Grant Management Limited), being the registered owners of the property municipally known as 25 Paisley Boulevard West in Mississauga, Ontario, L5B 1E3 (Ward 7).

An appeal was submitted by Martin P. Zarnett, the Appellant's Legal Counsel, with respect to the above-mentioned Property Standards Order on June 20, 2012.

CALL TO ORDER – The Chair presided and called the Hearing to order at 10:18 a.m.

**WITH THE AGREEMENT OF THE APPELLANT,
THE APPELLANT'S LEGAL COUNSEL, AND THE PROSECUTOR,
THE COMMITTEE MODIFIED THE PROPERTY STANDARDS ORDER
BY EXTENDING THE COMPLIANCE DATES AS NOTED BELOW:**

- **Item 2: Parking Garage**
 - Chemically inject all leaking and stained cracks in parking garage: End of 2014
- **Item 3: Balconies**
 - Rehabilitate deteriorated concrete balcony slabs and shear walls: End of 2014
- **Item 6: Swimming Pool**
 - Removal of existing swimming pool and re-grading of lands: End of 2013
- **Item 7: Exterior Walls**
 - All exterior walls will be painted with restoration and repair: End of 2014

ADJOURNMENT – 10:28 a.m. (M. Zoerb)



RECEIVED JUN - 7 2012

PROPERTY STANDARDS ORDER

By-law No. 654-98

City of Mississauga
Enforcement Division
300 City Centre Drive
Mississauga, ON L5B 3C1
Tel: 905-615-3411
Fax: 905-615-3823

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

Location: PLAN 757 PT BLK A	Officer: Terry Carew	Telephone No.: (905) 615-3200 Ext. 4273
Municipal Address: 25 Paisley Blvd West. Mississauga, On.,	Compliance Date: 2012- 07-20	
Owner: Apriori Investments Ltd Attn: Mr. G Diflorio C/O Bert F. Grant, Management Limited 1135 Leslie Street Don Mills, ON M3C 2K7	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: 2012-06-06	

No.	Section of By-law Contravened	Description of Non Conformity, Location, and Required Action
1.	7	STRUCTURAL CAPACITY Every building or structure or part of a building or structure shall be structurally sound and maintained in that condition so that it has sufficient structural capacity to resist safely and effectively all loads and the effects of loads and influences that may reasonably be expected, having regard to its expected use and service life. <u>Actions:</u> Provide a Structural Engineers report in accordance to the Ontario Building Code for the Underground Garage
2.	35(2)(5)	PARKING GARAGES All ventilation systems within parking garages shall be maintained in good working order at all times And Every floor, wall, ceiling and stairwell of a parking garage shall be kept clean and free from debris, objects or other conditions that might create a hazard, obstruction or unsightly condition.



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3.	12(1)(3)	<p><u>Actions:</u> Repair all ventilation fans for the Underground garage.</p> <p>And</p> <p>Repair all walls and ceilings in accordance with the Structural engineers report for the Underground garage.</p> <p>BALCONIES</p> <p>Balconies shall be structurally sound and shall not allow the ponding of water. All balconies shall be enclosed by a sound, safe, clean railing which is firmly fastened to the main structure.</p> <p>All railings shall be sound, rust free, properly treated or painted.(162-03)</p> <p><u>Actions:</u> Provide a Structural Engineers report in accordance to the Ontario Building Code for the balconies of the building.</p> <p>Repair/paint all balconies for the building in accordance with the Structural engineers report.</p>
4.	19(1)(2)(3)	<p>INTERIOR CEILINGS AND WALLS</p> <p>The interior ceilings and walls of every building and structure shall be maintained in a safe and sound condition and in a good state of repair, free of loose plaster.</p> <p>All paint, or other wall covering, which is stained or deteriorated shall be repainted and repaired, missing or loose ceiling or wall tiles shall be repaired or replaced.</p> <p>Repairs made to interior walls and ceilings shall be completed in a workmanlike manner and each repair shall be finished to match the existing wall or ceiling.</p> <p><u>Actions:</u> Repair/paint all stained or deteriorated walls and ceilings throughout the building including hallways and stairways/landings on all floors of the building.</p> <p>Also repair any loose or missing plaster/wall tiles/holes in the ceilings or walls throughout the building.</p>



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4.	28(3)	<p>LAND</p> <p>Every hard surfaced walkway, driveway, parking area or laneway shall be evenly graded and maintained free of potholes or uneven sections.</p> <p><u>Actions:</u> Repair all potholes/cracks/unlevel areas of the entire driveway surface area including the entrance to the underground garage and the rear yard walkway.</p>
5.	23(1)(2)	<p>23. SWIMMING POOLS</p> <p>(1) All swimming pools, wading pools and artificial ponds, and any accessory or parts thereof shall be maintained in good repair free from leaks, mechanical or structural disrepair, or any other defects, accumulations of stagnant water, and free from any safety or health hazard. (162-03)</p> <p>(2) All swimming pools, wading pools and artificial ponds, and any accessory or parts thereof which are not operated shall be removed, or fitted with a suitable cover so as to prevent visual blight, the entrance of elements, and/or the infestation of pests or insects. (162-03)</p> <p><u>Actions:</u> Repair/paint the exterior above ground swimming pool and replace the existing deteriorated/rotting plywood cover with a suitable cover so as to prevent a visual blight.</p>
6.	9(1)(3)	<p>9. EXTERIOR WALLS</p> <p>(1) The exterior walls of every building or structure or part of a building or structure must be structurally sound, weather proof and free of loose and unsecured objects and materials. Improperly secured objects and materials shall be either removed, repaired or replaced.</p> <p>(3) The exterior wall of every building and structure shall be properly painted or otherwise treated.</p> <p><u>Actions:</u> Repair/paint all areas of the exterior walls that are in need of repairs/paint.</p>



PROPERTY STANDARDS ORDER

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of the Building Code Act, R.S.O. 1992, c.23

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7.	34	<p>ELEVATING DEVICES</p> <p>Elevating devices in multiple occupancy residential buildings, including all parts thereof, shall be maintained in good repair in accordance with the Elevating Devices Act, R.S.O. 1990, c.E.8, as amended, and shall be operational, except for such reasonable period of time as may be required for the purpose of repairing such elevating devices.</p> <p><u>Actions:</u> Repair Elevator # 1 and all parts/components thereof. Maintain all elevators in a good state of repair at all times.</p> <p>Maintain the property in a clean and reasonable condition at all times in relation to the neighbouring properties</p>
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PROPERTY STANDARDS ORDER

By-law No. 654-98

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: 905-615-3411
Fax: 905-615-3823

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 2012-07-20**

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.

If the property owner or occupant is not satisfied with the terms or conditions of the Property Standards Order, they may appeal to the Property Standards Committee by sending a Notice of Appeal **on or before 2012-06-25** to the Secretary of the Property Standards Committee (full address below) by **registered mail or personal delivery** with the following:

- (a) A copy of the Property Standards Order
- (b) A statement setting out the grounds for the appeal;
- (c) The name, telephone number, email address, and address for service of the Appellant or the Appellant's Representative if represented; and
- (d) A non-refundable appeal fee prescribed in the Transportation and Works Fees and Charges By-law in the amount of \$442.96 made payable to the City of Mississauga by cheque or cash (**Note:** Cash is only accepted as a form of payment when appeals are made by personal delivery).

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

For more information about the Property Standards Committee and the appeal process, please visit the following web links:

<http://www.mississauga.ca/file/COM/propertystandardsrules.pdf>
<http://www.mississauga.ca/portal/cityhall/propertystandards>

In the event that no appeal is taken within the prescribed time, this Property Standards Order shall be deemed confirmed, final, and binding, requiring the property owner to comply with the terms within the time and the manner specified.



PROPERTY STANDARDS ORDER

By-law No. 654-98

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Mississauga, ON L5B 3C1
Tel: 905-615-3411
Fax: 905-615-3823

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

2012-06-06

Date Order Issued (YYYY-MM-DD)

A handwritten signature in black ink, appearing to be "J. Khan", written over a horizontal line.

Property Standards Officer

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

SANDLER, GORDON
BARRISTERS AND SOLICITORS

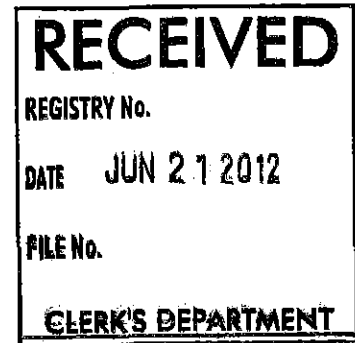
1027 YONGE STREET • SUITE 260 • TORONTO, ONTARIO • M4W 2K9
TELEPHONE (416) 971-5102 • FAX (416) 971-5305

PLEASE REPLY TO
MARTIN P. ZARNETT
EXT. 11

June 20, 2012

DELIVERED VIA REGISTERED MAIL

Property Standards Committee
City of Mississauga - Office of the City Clerk
Civic Centre, 2nd Floor
300 City Centre Drive
Mississauga, Ontario
L5B 3C1
Attention: Julie Lavertu, Property Standards Committee Secretary



Dear Ms. Lavertu:

Re: Bert F. Grant Management Limited agent for Apriori Investments Ltd.
Appeal of Property Standard Order to the Property Standards Committee
25 Paisley Blvd., West, Mississauga
Legal Description: Plan 757 PT BLK A
City of Mississauga
Our File No. 8770/12

Further to your letter of June 15, 2012, we enclose herewith an Amended Notice of Appeal.

We confirm unless we hear from you to the contrary that the attached Amended Notice of Appeal is satisfactory.

This is an Amended Notice of Appeal to the Property Standards Committee. We refer to an Order under the Building Code Act dated June 6, 2012. Attached is a copy of the Order that we have in our possession, which our client is appealing.

In accordance with Section 15.1 of the Building Code Act, our client appeals to the Property Standards Committee and hereby appeals the Order pursuant to this Notice of Appeal.

The owner requests:

- (a) that the Order dated June 6, 2012 (the "Order") be quashed and/or rescinded;

- (b) in the alternative, that the Property Standards Committee extend the time for complying with the Order upon terms that the Property Standards Committee deems just;
- (c) Such further and other grounds as the owner or its counsel may advise and that this Honourable Property Standards Committee may accept.

The grounds for the Appeal are as follows:

1. There is no violation of Section 7 of By-Law 654-98. There are not sufficient or reasonable particulars of the repairs to be made set out in the Property Standards Order that would permit the owner to respond to any allegation of any deficiency with By-Law 654-98. In the absence of said reasonable particulars the Order does not comply with the Building Code Act, S.O., 1992, c. 23.
2. There is no violation of Section 35(2)(5) of By-Law 654-98. There are not sufficient or reasonable particulars of the repairs to be made set out in the Property Standards Order that would permit the owner to respond to any allegation of any deficiency with By-Law 654-98. In the absence of said reasonable particulars the Order does not comply with the Building Code Act, S.O., 1992, c. 23.
3. There is no violation of Section 12(1)(3) of By-Law 654-98. There are not sufficient or reasonable particulars of the repairs to be made set out in the Property Standards Order that would permit the owner to respond to any allegation of any deficiency with By-Law 654-98. In the absence of said reasonable particulars the Order does not comply with the Building Code Act, S.O., 1992, c. 23.
4. There is no violation of Section 19(1)(2)(3) or Section 28(3) of By-Law 654-98. There are not sufficient or reasonable particulars of the repairs to be made set out in the Property Standards Order that would permit the owner to respond to any allegation of any deficiency with By-Law 654-98. In the absence of said reasonable particulars the Order does not comply with the Building Code Act, S.O., 1992, c. 23.
5. There is no violation of Section 23(1)(2) of By-Law 654-98. There are not sufficient or reasonable particulars of the repairs to be made set out in the Property Standards Order that would permit the owner to respond to any allegation of any deficiency with By-Law 654-98. In the absence of said reasonable particulars the Order does not comply with the Building Code Act, S.O., 1992, c. 23.
6. There is no violation of Section 9(1)(3) of By-Law 654-98. There are not sufficient or reasonable particulars of the repairs to be made set out in the Property Standards Order that would permit the owner to respond to any allegation of any deficiency with By-Law 654-98. In the absence of said reasonable particulars the Order does not comply with the Building Code Act, S.O., 1992, c. 23.
7. There is no violation of Section 34 of By-Law 654-98. There are not sufficient or reasonable particulars of the repairs to be made set out in the Property Standards Order

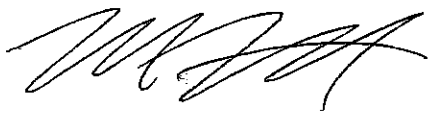
that would permit the owner to respond to any allegation of any deficiency with By-Law 654-98. In the absence of said reasonable particulars the Order does not comply with the Building Code Act, S.O., 1992, c. 23.

The writer has significant pre-booked dates before various Courts, Boards and Committees.

We would request that you contact the writer prior to scheduling a date for the hearing so that the date can be set to a convenience date so that we are available to represent our client before the Property Standards Committee.

Yours truly,

SANDLER, GORDON

A handwritten signature in black ink, appearing to read 'MPZ', with a stylized flourish at the end.

Martin P. Zarnett

MPZ/cll

Encl.

cc. Bert F. Grant Management Limited agent for Apriori Investments Ltd.



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 25 Paisley Boulevard West, Mississauga, Ontario, L5B 1E3

This gives notice that in response to receipt of a Notice of Appeal dated June 20, 2012 with respect to the Property Standards Order dated June 6, 2012 issued against the property municipally known as 25 Paisley Boulevard West, Mississauga, Ontario (Ward 7), **a Hearing by the City of Mississauga's Property Standards Committee has been scheduled for Monday, November 5, 2012 at 10 a.m. in Committee Room C, 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 Monday, October 1, 2012 to the following parties, and sent by Canada Post Registered Mail, to:

Property Owner(s)/Occupant(s)/Representative(s):

VIA REGISTERED MAIL

Apriori Investments Ltd.
Attn. Mr. G. Diflorio
c/o Bert F. Grant Management Limited
1135 Leslie Street
Don Mills, ON M3C 2K7

VIA REGISTERED MAIL

Martin P. Zarnett
Sandler, Gordon
Barristers and Solicitors
1027 Yonge Street, Suite 260
Toronto, ON M4W 2K9



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
25 Paisley Boulevard West, Mississauga, ON, L5B 1E3, Ward 7

THAT, further to the hearing on November 5, 2012 of an appeal of the Property Standards Order dated June 6, 2012, with a compliance date of July 20, 2012, to Apriori Investments Ltd. (Attn. Mr. G. Diflorio, c/o Bert F. Grant Management Limited) being the Registered Owners of the property municipally known as 25 Paisley Boulevard West, Mississauga, Ontario, the subject Order be modified.

AND THAT the Property Standards Order dated June 6, 2012 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:

AND FURTHER, as agreed to by the parties (please refer to the attached document), the dates of compliance of the Property Standards Order, dated June 6, 2012, be extended as follows:

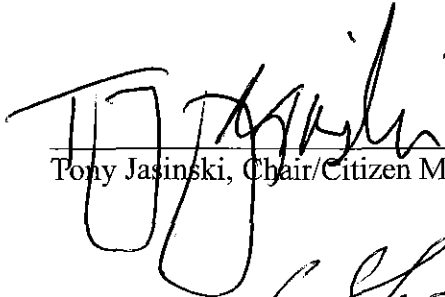
- **Item 2: Parking Garage**
 - Chemically inject all leaking and stained cracks in parking garage: End of 2014
- **Item 3: Balconies**
 - Rehabilitate deteriorated concrete balcony slabs and shear walls: End of 2014
- **Item 6: Swimming Pool**
 - Removal of existing swimming pool and re-grading of lands: End of 2013
- **Item 7: Exterior Walls**
 - All exterior walls will be painted with restoration and repair: End of 2014

**NOTICE OF DECISION of the PROPERTY STANDARDS COMMITTEE
IN THE MATTER OF AN APPEAL to the City of Mississauga Property Standards Order**

against 25 Paisley Boulevard West

heard on Monday, November 5, 2012

Dated at the City of Mississauga this 5th of November, 2012.



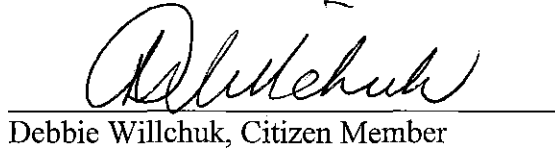
Tony Jasinski, Chair/Citizen Member



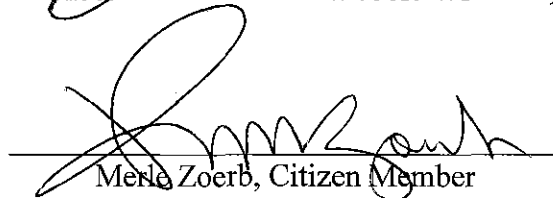
Steve Nanan, Vice-Chair/Citizen Member



George Shalamay, Citizen Member



Debbie Willchuk, Citizen Member



Merle Zoerb, Citizen Member

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

As per our conversation November 1, 2012, regarding the subject matter, I confirm the following:

That the Property Standards Order dated June 6, 2012 regarding **25 Paisley Blvd West**, scheduled for an appeal hearing Monday November 5, 2012, will be **modified** on a consent agreement for an extension of time to complete the remaining items found in the Property Standards Order dated June 6, 2012 and in your client's Engineer's report dated June 21, 2012.

- Item 1: **Structural Capacity,**
Engineers report required- **Completed**
- Item 2: **Parking Garage:**
Ventilation- **completed**
Delaminated concrete along beam in parking garage- ~~October 2012~~ *completed*
Chemically inject all leaking and stained cracks in parking garage- ~~November 2014~~ *end of*
- Item 3: **Balconies:**
All loose/delaminated concrete- **completed**
All detached infill and divider panels- **completed**
Rehabilitate deteriorated concrete balcony slabs and shear walls- ~~November 2014~~ *end of*
- Item 4: **Interior Ceilings and Walls:**
Repair all plaster and paint all common elements corridors and ceilings- ~~October 2012~~ *completed*
- Item 5: **Land:**
Repairs to pot holes and cracks or unlevel areas of driveway surface- **Completed**
- Item 6: **Swimming Pool:**
Remove of existing swimming pool and re-grading of lands- ~~November 2013~~ *end of*
- Item 7: **Exterior Walls:**
All exterior walls will be painted with restoration and repair- ~~November 2014~~ *end of*
- Item 8: **Elevating Devices:**
Elevators are completely operational and maintained- **Completed**

I trust the above is satisfactory and I look forward to your reply,

Respectfully Submitted,

Frank Capizzano
Prosecutor
Legal Services, City of Mississauga
905-615-3200 ext.4012
Fax: 905-615-4505
frank.capizzano@mississauga.ca

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