Minutes - Standing Policy Committee on Property and Development - April 8, 2003

REPORTS

Minute No. 229 Appeal - Vacant Dwellings By-law - 98 and 98½ Lusted Avenue File EX (Vol. 14)

STANDING COMMITTEE DECISION:

The Standing Policy Committee on Property and Development denied the appeal and upheld the Order issued by the Enforcement Officer, Planning, Property and Development Department, dated February 26, 2003, regarding provisions of the Vacant Dwellings By-law for the premises located at 98 and 98½ Lusted Avenue.

Minutes - Standing Policy Committee on Property and Development - April 8, 2003

DECISION MAKING HISTORY:

Gordon Kapelus, private citizen, appealed the Order issued by the Enforcement Officer, Planning, Property and Development Department, dated February 26, 2003, regarding provisions of the Vacant Dwellings By-law No. 7983/2002 for the premises located at 98 and 98½ Lusted Avenue.

The Order stated:

1. Properly secure the building; by March 10, 2003.
   The Order outlined two options for securing the dwelling:

   Option 1: (Section 4 of the By-law)
   Ensure that:
   A. every exterior door to the dwelling is operational; fits tightly within its frame when closed and is locked so as to prevent entry;
   B. all windows are either permanently sealed or locked so as to prevent entry;
   C. all windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the structure;
   D. every window is kept in good repair, and properly glazed.

   Option 2:
   Board the dwelling in compliance with schedule "B" of the By-law, a copy of which is attached and obtain a Boarded Building Permit.

2. Obtain a Boarded Building Permit from the Office of the Zoning and Permits Administrator, 31 - 30 Fort Street, Winnipeg, Manitoba, or alternatively, remove the material covering the windows and doors of the dwelling and bring the dwelling into compliance with section 4 of the By-law (Option 1) by March 14, 2003

The Manager of Development and Inspections and Rick Trenter, Enforcement Officer, both of the Planning, Property and Development Department, submitted photographs of the condition of the subject property for consideration by the Standing Policy Committee on Property and Development.

Moved by Councillor Eadie,

That the appeal be denied and the Order issued by the Enforcement Officer, Planning, Property and Development Department, dated February 26, 2003, regarding provisions of the Vacant Dwellings By-law for the premises located at 98 and 98½ Lusted Avenue be upheld.

Carried

In reply please refer to / Référence à rappeler : R. Trenter

(204) 986-8386
Fax: (204) 942-2008

ORDER

The Vacant Dwellings By-law No. 7983/2002

REGISTERED MAIL RT 474 643 326

February 26, 2003

Gordon Kapelus
2785 West 21st Avenue
Vancouver, B.C.
V6L 1K4

Dear Sir:

RE: 98 & 98½ LUSTED AVENUE (FOLDER NO. 02 230937 VB)

The above-noted property fails to comply with The Vacant Dwellings By-law No. 7983/02 in the following respects:

- The dwelling is not secured in a manner permitted by the By-law; and
- The dwelling lacks a Boarded Building Permit as required by the By-law.

Details of non-compliance with the By-law:

- The second floor windows are broken and open;
- The main floor east and west side windows require boarding;
- **All** exterior openings are to be boarded.

Accordingly, as the owner, **YOU ARE HEREBY ORDERED TO:**

- Properly secure the building; ***by March 10, 2003.***

- Obtain a Boarded Building Permit from the Office of the Zoning and Permits Administrator, 31 - 30 Fort Street, Winnipeg, Manitoba, or alternatively, remove the material covering the windows and doors of the dwelling and bring the dwelling into compliance with section 4 of the By-law (Option 1, below), ***by March 14, 2003.****

*NOTE: You have two options for securing the dwelling:

Option 1: (Section 4 of the By-law) Ensure that:

A. every exterior door to the dwelling is operational; fits tightly within its frame when closed and is locked so as to prevent entry;
B. all windows are either permanently sealed or locked so as to prevent entry;
C. all windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the structure;
D. every window is kept in good repair, and properly glazed.

Option 2: Board the dwelling in compliance with schedule "B" of the By-law, a copy of which is attached and obtain a Boarded Building Permit.

Please note that any construction activity with respect to the dwelling may require a Building Permit.

If you fail to comply with this Order, you will be prosecuted.

In addition, if you fail to comply with this Order, the City may carry out the work necessary to bring the dwelling into compliance with the By-law, at your expense.

APPEAL

If you object to this Order, you are entitled to appeal it to the Standing Policy Committee on Property and Development within (a) the date specified for compliance or (b) within 14 days of being served with this Order, whichever is earlier. You can do so by indicating in writing your intention to appeal the Order. You must send your appeal by personal delivery, regular mail, fax or email to:

The Standing Policy Committee on Property and Development
Office of the City Clerk
Council Building, 510 Main Street
Winnipeg, Manitoba R3B 1B9
Fax: (204) 947-3452
Email: jpark@city.winnipeg.mb.ca

If you would like further information about this Order, contact the Enforcement Officer whose name and phone number are provided below.

_____ _____(Date)

R. Trenter
Enforcement Officer
Phone (204) 986-8386

cc: R. Chamberland, Fire Prevention
/doc:/data/feb/98&98.5lusted-v&b

RECEIVED
CITY CLERK'S
WINNIPEG

18th Ave.
Vancouver, B.C.
V6L 1B9

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The Standing Policy Committee on Property and Development
Office of the City Clerk
Council Building, 510 Main Street
Winnipeg, MB
R3B 1B9

Dear Sirs/Mesdames:

Re: 98 & 98½ Lusted Ave, Winnipeg, MB (Folder No. 02 230937 VB)

Further to your Order pursuant to The Vacant Buildings By-law No. 7983/2002, this writer objects to same and hereby gives notice of his intention to appeal same.

It is understood that there will be an opportunity to make submissions at the appeal hearing and you are accordingly asked to fix a date in April when this writer plans to be in Winnipeg. You will be advised of the exact period once travel plans are arranged and confirmed.

Yours very truly,

Gordon A. Kapelus

GAK

c.c. - R. Trenter

Faxed to: (204) 947-3452