

Agenda – Standing Policy Committee on Protection and Community Services – July 5, 2012

APPEAL HEARINGS

**Item No. 1 The Neighbourhood Liveability By-law No. 1/2008 – Higgins Avenue
(PCL C Plan 14099 21/24 ST J)
(Point Douglas Ward)
File GL-1.1.1**

On June 4, 2012, Sheldon Blank appealed Order 12 132142 000 00 NO dated May 23, 2012, issued by the By-law Enforcement Officer, Community Services Department, regarding provisions of The Neighbourhood Liveability By-law No. 1/2008 for the premises located at Higgins Avenue (PCL C PLAN 14099 21/24 ST J).

The Order stated:

- All scrap metal, scrap wood, tires, loose litter and any other rubbish on the property.
Section 6(1)-Remove and properly dispose of all garbage on the property.

Agenda – Standing Policy Committee on Protection and Community Services – July 5, 2012

Order Number: 12 132142 000 00 NO

Appellant: Sheldon Blank, President, Gateway Industries Ltd.

Premises Affected: Higgins Avenue (PCL C PLAN 14099 21/24 ST J)

Nature of Appeal: On June 4, 2012, Sheldon Blank appealed Order 12 132142 000 00 NO dated May 23, 2012, issued by the By-law Enforcement Officer, Community Services Department, regarding provisions of The Neighbourhood Liveability By-law No. 1/2008.

The Order stated:

- All scrap metal, scrap wood, tires, loose litter and any other rubbish on the property. Section 6(1)-Remove and properly dispose of all garbage on the property.

Exhibits Filed:

1. Order 12 132142 000 00 NO dated May 23, 2012, issued by By-law Enforcement Officer, Community Services Department
2. Notice of Appeal filed by Sheldon Blank received June 4, 2012
3. Notification of Public Hearing dated June 5, 2012
4. Revised Notification of Public Hearing dated June 12, 2012
5. Communication dated June 13, 2012, from Antoine F. Hacault, Thompson Dorfman Sweatman, on behalf of Gateway Industries Ltd, requesting an adjournment of the public hearing

REPRESENTATIONS:

In Support of Appeal:

In Opposition to Appeal:

For Information on Appeal:

For the City:

Agenda – Standing Policy Committee on Protection and Community Services – July 5, 2012

Moved by Councillor

That the receipt of public representations be concluded.

Moved by Councillor

That the Appeal(s) be allowed / allowed in part / denied and the Order of the By-law Enforcement Officer, Community Services Department, be confirmed / cancelled.

Moved by Councillor

That the public hearing with respect to this appeal be concluded.

Exhibit "1" Appeal – The Neighbourhood Liveability By-law No. 1/2008 – Higgins Avenue
(PCL C PLAN 14099 21/24 ST J)



Community Services Department • Services communautaires
Community By-law Enforcement Services • Services communautaires d'exécution des règlements
18 - 30 Fort Street • 30, rue Fort, bureau 18 • Winnipeg • Manitoba • R3C 4X3
Tel./Tél. : 204-986-2234 • Fax/Télé. : 204-986-4094 • www.winnipeg.ca

NEIGHBOURHOOD LIVEABILITY BY-LAW NO. 1/2008

PART 3- LITTERING AND GARBAGE ORDER

DATE: May 23, 2012

**NOTICE TO: Steven Butt
1324 11 Ave SW 207
CALGARY, AB T3C 0M6**

**RE: HIGGINS AVE
PCL C PLAN 14099 21/24 ST J
Folder: 12 132142 000 00 NO**

An inspection of the premises at Higgins Ave (PCL C PLAN 14099 21/24 ST J) in the City of Winnipeg revealed that you are in contravention of The Neighbourhood Liveability By-law No. 1/2008 in the following respects:

1. **All scrap metal, scrap wood, tires, loose litter and any other rubbish on the property.**
Section 6(1)- Remove and properly dispose of all garbage on the property.

You are hereby ordered to take such actions as are necessary to remedy the above noted contravention(s) by the compliance date stated below.

The City has the right to register this Order by way of caveat against the property at the Land Titles Office.

COMPLIANCE DATE: June 8, 2012

Issued by:


Jordanna Barron

All enquiries regarding this notice and any conditions therein should be made to:
Jordanna Barron, Community By-Law Enforcement Officer at 204-986-6428, e-mail jbarron@winnipeg.ca

Failure to Comply

Please be advised that, if you fail to comply with this order, the City is entitled to:

1. Initiate a prosecution against you in Provincial Judges Court for failing to comply with The City of Winnipeg Neighbourhood Liveability Bylaw No.1/2008, and/or for failing to comply with an order issued under the By-law. If convicted, you could face a penalty of up to \$1000 and six month imprisonment or both (in the case of an individual) and a fine of \$5000 (in the case of a corporation); and/or
2. Take actions or measures referred to in this Order to bring the property into compliance, and add the costs to the property taxes.

Appeal



Community Services Department • Services communautaires

Community By-law Enforcement Services • Services communautaires d'exécution des règlements

18 - 30 Fort Street • 30, rue Fort, bureau 18 • Winnipeg • Manitoba • R3C 4X3

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If you object to this Order, you are entitled to appeal it to the Standing Policy Committee on Protection and Community Services. Your appeal must be in writing, and the appeal plus the administration fee of \$250.00 must be received by the City Clerk within (a) the date specified for compliance or (b) within 14 days of being served with this Order, whichever is earlier. Your appeal should be addressed to:

The Standing Policy Committee on Protection and Community Services

The City Clerk, Council Building, 510 Main Street

Winnipeg, Manitoba R3B 1B9

Inquiries can be made to CLK-Appeals@winnipeg.ca or phone: 311

An appeal may not be accepted until the fee has been paid to the City Clerk. The Standing Policy Committee has the discretion to refund this fee. Late submissions will not be heard. Appeals must identify this Order and must include your name and address and should indicate what part of the Order you are appealing. A hearing date will be set by the City Clerk's Office and communicated to you. You are entitled to attend the appeal hearing and speak to the issues raised.

Exhibit "2" Appeal – The Neighbourhood Liveability By-law No. 1/2008 – Higgins Avenue
(PCL C PLAN 14099 21/24 ST J)

GATEWAY INDUSTRIES LTD.

Telephone: (204) 957-5544

#2 Point Douglas Avenue, Winnipeg, Manitoba R3B 0C7

RECEIVED
CITY CLERK
WINNIPEG
Fax: (204) 957-9529

The standing Policy Committee on Protection and Community Services
The City Clerk, Council Building, 510 Main Street
Winnipeg, Manitoba R3B 1B9

12 JUN -4 P3:56

Hand Delivered

Re: Higgins Ave
PCL CPlan 14099 21/24 St.J
Folder: 12 132142 000 00 NO
Part 3 – Littering and Garbage Order

This is an appeal to the above noted order (enclosed). The appeal is in regards to the entire order and to the conduct of the enforcement officer, Ms Jordanna Barron.

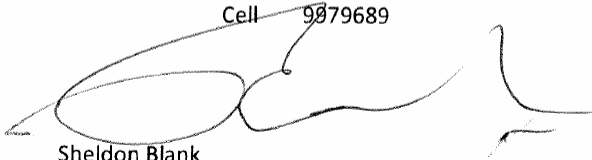
A theft occurred on the property, but the thieves were apprehended. According to the thieves, Ms Barron gave them authorization to remove thousands of dollars of equipment and materials from the above noted location. The thieves also explained that Ms Barron had advised them that the owners owed millions of dollars in back taxes and had abandoned the property.

When I told Ms Barron what the thieves told me, she denied having any involvement and, also, denied having told the thieves anything about the property. There are more questions to be answered, but Ms Barron refused to answer and, also, refused to give me the phone number of the department supervisor.

Enclosed is the required \$250.00 administration fee in the form of a certified check in the required amount.

I can be reached at my office: Gateway Industries
2 Point Douglas Avenue

Or by phone: Office 957-5544
Cell 9879689


Sheldon Blank
President

Cc: Mr Steven Butt

Exhibit “3” Appeal – The Neighbourhood Liveability By-law No. 1/2008 – Higgins Avenue
(PCL C PLAN 14099 21/24 ST J)



City Clerk's Department • Bureau du greffier

REGISTERED MAIL RW 609 543 694 CA

REGISTERED MAIL RW 609 543 677 CA

REVISED NOTICE

June 12, 2012

File GL-1.1.1

Sheldon Blank, President
Gateway Industries Ltd.
2 Point Douglas Avenue
Winnipeg, MB R3B 0C7

Steven Butt
1324 – 11 Avenue SW 207
Calgary, AB T3C 0M6

Appeal – Neighbourhood Liveability By-law No. 1/2008 – Higgins Avenue (PCL C PLAN 14099 21/24 ST J)

Further to our letter on June 6, 2012, this will acknowledge receipt of your communication dated June 4, 2012, from Sheldon Blank, appealing the Order from the By-law Enforcement Officer, Community By-law Enforcement Services, Community Services Department, dated May 23, 2012, regarding provisions of the Neighbourhood Liveability By-law No. 1/2008 for the premises located at Higgins Avenue (PCL C PLAN 14099 21/24 ST J).

Please be advised ***that in order for the appeal to be heard*** by the Standing Policy Committee on Protection and Community at its meeting on Thursday, July 5, 2012, at 9:00 a.m. in the Council Building, 510 Main Street, ***a letter from Steven Butt (registered owner) authorizing Sheldon Blank to appeal the order, must be received by our office prior to the meeting.***

The purpose of the appeal hearing is to allow interested persons to make submissions, ask questions or register objections with respect to this matter.

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Information or documents concerning this matter and a description of the procedure to be followed at the hearing are available for inspection in the City Clerk's Department, 510 Main Street or can be accessed on the Internet site: www.winnipeg.ca/CLKDMIS.

A handwritten signature in black ink, appearing to read 'Josie Marques', with a large, stylized initial 'J'.

Josie Marques
Senior Committee Clerk
Telephone 204-986-4228
Email jmarques@winnipeg.ca

- c. Mr. C. Wightman, Director of Community Services
Mr. P. de Graaf, Manager, Community By-law Enforcement Services Division, Community Services Department
Ms J. Barron, Community By-law Enforcement Officer, Community Services Department
Mr. H. Dick, Solicitor, Legal Services Department