

**TOWNSHIP OF MELANCTHON
PROPERTY STANDARDS APPEAL COMMITTEE
AUGUST 10, 2023 – 4:00 P.M.
MINUTES**

Members Present

Deputy Mayor James McLean, Chair
Mayor Darren White
Councillor Bill Neilson
Councillor Ruth Plowright

Staff Present

Denise B. Holmes, CAO/Clerk
Sarah Culshaw, Treasurer/Deputy Clerk
Chris Johnston, By-law Enforcement and Property Standards Officer

Appellant Present

David Miller

Appellant's Representatives

Jeff Bogaerts
Mark Tijssen

Call to Order

The meeting was called to order by Chair McLean. Chair McLean advised that the meeting was being recorded and would be posted on the Township website within five business days.

Land Acknowledgement Statement

Chair McLean shared the Land Acknowledgement Statement

Declaration of Pecuniary Interest and the General Nature Thereof

Chair McLean advised that disclosure of pecuniary interest can be declared at this time or anytime throughout the meeting by giving the general nature thereof and that declarations must be submitted to the Clerk in writing. There were no declarations declared.

Approval of Draft Minutes – June 29, 2023

Moved by Neilson, Seconded by White that the Property Standards Appeal Committee approve the minutes of the Hearing on June 29, 2023 as circulated. Carried.

Hearing Matter

Chair McLean advised that the purpose of the meeting today was to deal with the appeal of David Miller on the Order to Remedy Violation for 097545 4th Line SW, issued by the By-law Enforcement and Property Standards Officer, Chris Johnston on July 6, 2023.

Member White asked a question of procedure from our Solicitor, Ted Oldfield, regarding going into Closed Session regarding a health condition of the appellant that could be

identifiable, and Mr. Oldfield provided his opinion on the matter that if there is a specific submission of a health matter that it be in closed, otherwise the meeting should be open to the Public.

Chair McLean called upon the Township's By-law Enforcement Officer, Chris Johnston to present his evidence. The Clerk administered the Oath. Mr. Johnston identified himself as the By-law Enforcement and Property Standards Officer for the Township of Melancthon and provided the background details relating to the Order to Remedy Violation issued on July 6, 2023 – attached as Schedule A to the minutes. When Mr. Johnston attended the property he took several photographs which he presented and reviewed with the Committee. Mr. Johnston advised that there was a former file on this matter (Order to Remedy issued May 4, 2022) that the Township was working on with Mr. Miller, but due to lack of movement with compliance, this file was suspended and a new Order issued on July 6, 2023 after an inspection of the property on July 5, 2023. Mr. Johnston advised that he attended the property again on August 10, 2023 in the morning, to inspect the property before this meeting at 4:00 p.m. and reviewed those photographs with the Committee.

The Appellant was asked by Chair McLean if there were any questions regarding Mr. Johnston's evidence. Mr. Bogaerts, Mr. Miller's Representative, started asking questions regarding the pictures and then discussion ensued about going through all of the pictures. Mr. Bogaerts advised that Mr. Miller wants to have a resolution in this matter to remediate the land and he would prefer to do this, then go through each picture. Mr. Bogaerts then continued on reviewing pictures and asking questions which led Member White to suggest that if all of the pictures were to be reviewed, he would request that this meeting be adjourned to another full day session. Discussion further ensued and then Mr. Bogaerts recommended the following resolution in that Mr. Johnston attend the property on a 30-day rotating basis, to identify what was to be removed and this would be repeated until compliance gained. There was discussion on this, as there would be costs to the Township for this and concerns regarding inspections during the winter months and that this will be a long process. Mr. Johnston advised that this was tried on a quarterly basis in 2022 and progress slowed and that's why this was revisited. Mr. Tijssen spoke on the evidence/documentation that the Committee received from Mr. Bogaerts regarding accommodation. Mr. Oldfield then spoke to the comments of Mr. Tijssen and recommended Mr. Miller provide a schedule/timetable for removal of items.

As it was felt that the discussion was heading into identifying the health issue, the Committee then moved into Closed Session.

5:17 p.m. – Moved by White, Seconded by Neilson that we move into Closed Session for a personal matter regarding an identifiable issue (Section 239 (2)(b)). Carried.

5:30 p.m. – Moved by Neilson, Seconded by Plowright that we rise from Closed Session without Report. Carried.

At this time, there was discussion from Mr. Bogaerts regarding the delay of evidence from the appellant to the Committee and Mr. Miller and Mr. Bogaerts spoke to the clean up that has already been done on the property, which Mr. Johnston acknowledged.

The Committee recessed at 5:34 p.m. so that they could deliberate on the matter. At 5:58 p.m. the Committee reconvened.

The Property Standards Committee decided to:

1. Uphold the Property Standards Order issued on July 6, 2023.

2. Amend the date to bring the property into a condition of compliance in accordance with the Order issued on July 6, 2023 to an undetermined future date.
3. Request that all parties work together in partnership to develop a plan with attainable milestones that comes to a resolution.

Adjournment

Moved by White, Seconded by Neilson that the Property Standards Appeal Committee adjourn this meeting at 5:59 p.m. Carried.