

Minutes – Standing Policy Committee on Property and Development – March 6, 2012

APPEAL HEARINGS

**Minute No. 55 The Vacant Building By-law No. 79/2010 – 284 William Avenue
(Point Douglas Ward)
File EX**

Inasmuch as the subject property is contained within the boundaries of the Downtown Winnipeg Zoning By-law No. 100/2004, the appeal will be heard by the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management, in accordance with Subsection 22(1) of the Vacant Buildings By-law No. 79/2010.

SUMMARY

File: EX

Order Number: 1453183

Appellant: Kenneth H. Reiss

Premises Affected: 284 William Avenue

Nature of Appeal: On January 26, 2012, Kenneth H. Reiss appealed the Order 1453183 dated January 17, 2012, issued by the Enforcement Officer, Planning, Property and Development Department, regarding provisions of The Vacant Building By-law No. 79/2010.

EITHER

A. Obtain a Boarded Building Permit from the office of Zoning and permits Administrator, 31-30 Fort Street.

OR

B. Remove all boarding materials and ensure all windows, doors and other openings in the building are secured in accordance with Part I of Schedule "A" of the By-law.

Exhibits Filed:

1. Order 1453183 dated January 17, 2012, issued by the Enforcement Officer, Planning, Property and Development)
2. Notice of Appeal filed by Kenneth H. Reiss received January 26, 2012
3. Notification of Public Hearing dated January 31, 2012

ORDER

VACANT BUILDING – BOARDING VIOLATIONS

BBPM-2

January 17, 2012

REGISTERED MAIL: RW 378 131 758 CA AND RW 378 131 761 CA Order No.: 1453183

5500967 Manitoba Ltd.
Ltd.

AND

5780862 Manitoba

275 MCDERMOT AVENUE
WINNIPEG MB R3B 0S9

275 MCDERMOT AVENUE
WINNIPEG MB R3B 0S9

Dear Sir or Madam;

RE: 284 WILLIAM AVE (FOLDER NO. 07 137206 000 00 VB)
LOT 4 PLAN 33009 6/7 ST J

The subject property fails to comply with the Vacant Building By-law No. 79/2010 (the By-law) in the following respects:

- There is no valid Boarded Building Permit as required by the By-law.

Section 5 of the By-law requires that all vacant buildings must be secured in compliance with Schedule "B" of the By-law. Boarding is an acceptable option but it must be done in compliance with Part II of Schedule "B" of the By-law and a Boarded Building Permit must be obtained. If no current Boarded Building Permit is applicable, the building must be brought into compliance with Part I of Schedule "B" of the By-law. Schedule "B" is attached for your information.

A copy of Parts I and II of Schedule 'B' of the By-law is attached for your information.

Because you have chosen to board your vacant building but have failed to obtain a Boarded Building Permit, as the registered owner of the subject property, **YOU ARE HEREBY**

ORDERED TO:

EITHER

- A. Obtain a Boarded Building Permit from the office of Zoning and Permits Administrator, 31 – 30 Fort Street.

OR

- B. Remove all boarding materials and ensure all windows, doors and other openings in the building are secured in accordance with Part I of Schedule 'B' of the By-law.

The work specified under Option A. or B. must be completed within 14 days of your having been served with this Order. Pursuant to Section 117 of The City of Winnipeg

Charter, this Order will be deemed to have been served 3 days after the day it was mailed. This Order will, therefore, be deemed to have been served on __January 20, 2012__ and the compliance date is __February 8, 2012__. You are required to keep the property secured in compliance with the By-law at all times.

FAILURE TO COMPLY

If you fail to comply with this Order within the time specified above, the City of Winnipeg is authorized to carry out all necessary work to bring the building into compliance with the By-law. The City of Winnipeg hereby gives notice that, should it be necessary to enter onto the above-noted property in order to carry out any of the work referred to above, the City will do so **without further notice to you**. All costs associated with the completion of the work, including project management costs, permit fees and administration fees associated with arranging and contracting this work will be added to your property taxes.

If the City initiates the work necessary to bring the property into compliance, and you subsequently take steps to bring the property into compliance prior to the start or completion of City's compliance activities, the City may charge you for time and expenses incurred in commencing the corrective actions prior to your taking action.

IN ADDITION, if you fail to comply with this Order within the time specified above, you could be prosecuted for contravening the By-law or contravening this Order. If you are convicted, the City is entitled to initiate proceedings under Division 4, Part 5 of The City of Winnipeg Charter that could result in your property being taken from you and transferred to the City.

If the City obtains a Boarding Building Permit on your behalf, **you will be charged the specified permit fee** as well as the **\$1,000 penalty** detailed in Section 20 of the By-law and any applicable administrative costs.

*The first Boarded Building Permit fee for a boarded **non-residential** and **multi-family** building is **\$2,000.00** and it is valid for 1 year from the date of issuance. The fee for each subsequent year a Boarded Building Permit is issued for a particular building is **\$1,500.00 more than the previous years fee.***

APPEAL

If you object to this Order, you are entitled to appeal it to the Standing Policy

Committee on Property and Development by the earlier of:

- **the date specified for compliance as indicated above; or**
- **within 14 days of being served with this Order.**

You can do so by indicating your intention to appeal this Order, in writing, to the address shown below. A \$250.00 administrative fee must be paid at the time you file your appeal – your appeal will not be accepted without the administrative fee. It is possible that the appeal body may refund this administrative fee if it concludes that the appeal has been made in good faith and has merit. You must submit your appeal and the \$250.00 administrative fee to:

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

Facsimile: (204) 947-3452 • CLK-Appeals@winnipeg.ca

If you would like further information about this Order, please contact the undersigned. You are also advised to contact the Community By-law Enforcement Services at 986-2234 to inquire about the existence of any additional defects under Schedule 'A' – Maintenance Standards for Vacant Buildings, of the By-law that may require your attention.

COMPLIANCE DATE: February 8, 2012

Bradley N. Bell
Enforcement Officer
Planning, Property and Development Department
Telephone: (204)-228-4943

For a quicker response: bbell@winnipeg.ca

Attachment: City of Winnipeg Schedule B To The Vacant Buildings By-Law (Section 5)

**SCHEDULE B
TO THE VACANT BUILDINGS BY-LAW
(Section 5)**

**SECURITY REQUIREMENTS FOR
VACANT BUILDINGS**

The owner of a vacant building must comply with either Part I or Part II of this Schedule.

PART I

In order to comply with Part I of this Schedule, the owner of a vacant building must ensure that

- (a) all exterior doors to the dwelling are operational, fit tightly within their frames when closed and are 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 building; and
- (d) all windows are in good repair, and properly glazed.

PART II

In order to comply with Part II of this Schedule, the owner of a vacant building must ensure that the following requirements are met:

- (a) all doors, windows and other openings, other than the principal entrance, at the basement and main (first) floor levels must be covered in compliance with this Part with a solid piece of plywood, at least 11 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;
- (b) the principal entrance must be covered in compliance with this Part with a solid piece of plywood, at least 11 millimeters thick, adequately secured with screws at least 50 millimeters in length, spaced not more than 150 millimeters on centre;
- (c) windows, doors and other openings at the second floor level must be covered in compliance with this Part with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;
- (d) windows, doors and other openings at the third floor level or higher must be either
 - (i) secured in accordance with Part I of this Schedule; or
 - (ii) covered in compliance with this Part with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;

- (e) windows, doors and other openings at the third floor level or higher may be secured from inside the building; plywood applied to all other openings must be secured from the exterior;
- (f) plywood applied to openings must be installed and maintained in a way that is weather-tight and must be protected from the elements with at least two coats of white paint;
- (g) plywood applied to openings must be installed and maintained as follows:
 - i) for conventional, wood framed windows, the plywood must be installed on top of the sill and snugly between the brickmoulds on the sides and top with fasteners penetrating the actual frame of the window;
 - ii) for windows that have components that are flush with the face of the brickmould (e.g. wood storm windows), the plywood must be installed on top of the sill and flush with the outer edge of the brickmoulds on the sides and top with fasteners penetrating the face of the brickmoulds;
 - iii) for windows that have components that protrude past the face of the brickmould (e.g. aluminum storm windows), the brickmoulds must be built out flush to the outer edge of the brickmoulds with solid, dimensional lumber, painted white, as required to clear the protruding window components. The plywood shall then be installed on top of the sill (where possible) and flush with the outer edge of the built-up frame;
 - iv) for PVC windows, the area directly adjacent to the outer edge of the PVC brickmould and sill must be framed with solid, dimensional lumber, painted white, as required to clear the PVC components. The plywood must then be installed flush with the outer edge of the built-up frame;
 - v) for conventional doors without storm doors, the plywood must be installed on top of the sill and snugly between the brickmoulds on the sides and top with fasteners penetrating the actual door jamb and header of the door. A hole must be cut in the plywood just large enough for the door hardware to protrude;
 - vi) for entrance doors with storm doors, the area directly adjacent to the outer edge of the brickmould and sill must be framed out with solid, dimensional lumber, painted white, as required to clear all storm door components. The plywood must then be installed flush with the outer edge of the built-up frame. A hole must be cut in the plywood just large enough for the door hardware to protrude where necessary;
- (h) all floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters or guarding them in some other manner acceptable to an enforcement officer;
- (i) all areaways must be adequately secured either by:
 - (i) filling them with concrete or unshrinkable fill; or
 - (ii) covering opening to them with a metal plate of at least 8 millimeters thick and securing it so as to prevent it from shifting;

- (j) electricity, natural gas and water must not be cut off if they are necessary to maintain fire protection systems or fire alarms; and
- (k) where they are not necessary to maintain fire protection systems or fire alarms, electricity, natural gas and water must not be cut off except in a manner satisfactory to an enforcement officer.

Exhibit "2" Appeal – The Vacant Building By-law No. 79/2010 – 284 William Avenue



Bedford Investments

Bedford Building
275 McDermot Avenue
Winnipeg, Manitoba
Canada R3B 0S9

Telephone
(204) 942 7370
Facsimile
(204) 943 7617

January 24, 2012

Via Email: CLK-Appeals@winnipeg.ca
(Original by mail)

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

To Whom It May Concern:

Re: Appeal - Order No. 1453183 dated January 17, 2012

Please be advised that 5500967 Manitoba Ltd. and 5780862 Manitoba Ltd. o/a Bedford Investments, hereby appeal the above referenced Order, which we are in receipt of as of January 20, 2012.

Enclosed is our cheque in the amount of \$250.00CDN, representing the required appeal administrative fee.

Should you have any questions, please advise.

Yours truly,

BEDFORD INVESTMENTS

Per:

Kenneth H. Reiss

cc: Mr. Brian Timmerman, Executive Director, Exchange District Biz (email)

Exhibit “3” Appeal – The Vacant Building By-law No. 79/2010 – 284 William Avenue



REGISTERED MAIL RW 464 740 822 CA
REGISTERED MAIL RW 464 740 840 CA

REGISTERED MAIL RW 464 740 836 CA

January 31, 2012

File EX

5500967 Manitoba Ltd.
275 McDermot Avenue
Winnipeg, MB R3B 0S9

5780862 Manitoba Ltd.
275 McDermot Avenue
Winnipeg, MB R3B 0S9

Mr. Kenneth Reiss
Bedford Building
275 McDermot Avenue
Winnipeg, MB R3B 0S9

Appeal – Vacant Building – Boarding Violations – 284 William Avenue

This will acknowledge receipt of your communication dated January 24, 2012, appealing the Order from the Enforcement Officer, Planning, Property and Development Department, dated January 17, 2012, regarding provisions of the Vacant Building By-law No. 79/2010 for the premises located at 284 William Avenue.

Please be advised that the appeal will be heard by the Standing Policy Committee on Property and Development at its meeting on Tuesday, March 6, 2012, at 9:00 a.m. in the Council Building, 510 Main Street.

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

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: <http://www.winnipeg.ca/clerks>.



Carlos Gameiro
Senior Committee Clerk
Telephone 204-986-6631
Email cgameiro@winnipeg.ca

- c. Mr. B. Thorgrimson, Acting Director of Planning, Property and Development
- Mr. L. Strijack, Director of Legal Services and City Solicitor
- Mr. S. Dueck, Manager of Development and Inspections Division, Planning, Property and Development Department
- Mr. G. Solkoski, Housing and Existing Buildings Administrator, Planning, Property and Development Department
- Mr. B. Bell, Enforcement Officer, Planning, Property and Development Department