

Agenda - Standing Policy Committee on Property and Development - March 25, 2008

PUBLIC HEARINGS

**Item No. 3 Appeal - The Vacant and Derelict Buildings By-law No. 35/2004 -
426 Maryland Street
(Daniel McIntyre Ward)
File EX**

On February 7, 2008, Peter Sekera appealed the Order dated January 11, 2008, issued by the Housing and Existing Buildings Administrator, Development and Inspections Division, Planning, Property and Development Department, regarding provisions of The Vacant and Derelict Buildings By-law No. 35/2004 for the premises located at 426 Maryland Street.

The Order stated:

WHEREAS the registered owner of the above-noted property has been found guilty of contravening a derelict building by-law, namely, The Vacant and Derelict Buildings By-law No. 35/2004, and Alan Hill, an enforcement officer with authority to enforce The Vacant and Derelict Buildings By-law No. 35/2004, has certified by statutory declaration that the property continues to be in contravention of the Derelict Building By-law;

THEREFORE, TAKE NOTICE THAT:

The above-noted property is a derelict property as defined in *The City of Winnipeg Charter* and The Vacant and Derelict Buildings By-law No. 35/2004.

The above-noted property may be transferred to The City of Winnipeg if it is not brought into compliance with The Vacant and Derelict Buildings By-law No. 35/2004 within 60 days after this Order has been served on you.

Agenda - Standing Policy Committee on Property and Development – March 25, 2008

Order dated: January 11, 2008

Appellant: Peter Sekera

Premises Affected: 426 Maryland Street

Exhibits Filed:

1. Order dated January 11, 2008, issued by the Housing and Existing Buildings Administrator, Development and Inspections Division, Planning, Property and Development Department
2. Notice of Appeal filed by Peter Sekera received February 7, 2008
3. Notification of Public Hearing dated February 15, 2008
4. Photographs of the subject building dated February 22, 2008, submitted by the Winnipeg Public Service

REPRESENTATIONS:

In Support of Appeal:

In Opposition to Appeal:

For Information on Appeal:

For the City:

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 issued by the Housing and Existing Buildings Administrator, Development and Inspections Division, Planning, Property and Development Department, be confirmed / cancelled.

Moved by Councillor

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

Exhibit "1" for Appeal - The Vacant and Derelict Buildings By-law No. 35/2004 – 426 Maryland Street

In reply please refer to / Référence à rappeler :

Alan Hill
(204) 986-6312
Fax / Téléc. : (204) 942-2008

Vacant and Derelict Buildings By-law No. 35/2004

PRELIMINARY DERELICT BUILDING/PROPERTY ORDER

January 11, 2008

1107766 Alberta Ltd.,
46 Panorama Hills Place,
N.W. Calgary, AB T3K 4R9
Attn: Peter Sekera - Director

Sigmar Mortgage Services Ltd.,
100 – 575 St. Mary's Road,
Winnipeg, MB R2M 2T1

The Canada Trust Company
P.O. Box 5999 STN F,
Toronto, ON M4Y 2T1

Dear Sir or Madam:

**RE: 426 MARYLAND STREET, WINNIPEG
LOTS 72 AND 73 PLAN 4076 WLTO
IN RL 71 PARISH OF ST JAMES**

WHEREAS the registered owner of the above-noted property has been found guilty of contravening a derelict building by-law, namely, The Vacant and Derelict Buildings by-law No. 35/2004, and Alan Hill, an enforcement officer with authority to enforce the Vacant and Derelict Buildings By-law No. 35/2004, has certified by statutory declaration that the property continues to be in contravention of the derelict building by-law;

THEREFORE, TAKE NOTICE THAT:

The above-noted property is a derelict property as defined in *The City of Winnipeg Charter* and The Vacant and Derelict Buildings By-law No. 35/2004.

The above-noted property may be transferred to The City of Winnipeg if it is not brought into compliance with The Vacant and Derelict Buildings By-law No. 35/2004 within 60 days after this Order has been served on you.

You have the right to appeal this Order to the Standing Policy Committee on Property and Development. Your appeal must be in writing and must be received by the Office of the City Clerk, Council Building, 510 Main Street, Winnipeg, Manitoba R3B 1B9 within 31 days after this Order has been served on you.

If you have any questions concerning this Order or the consequences of failing to bring the property into compliance with The Vacant and Derelict Buildings By-law No. 35/2004, please contact Garry Solkoski, Housing & Existing Buildings Administrator at 986-5552.

Deepak Joshi
Designated Employee

Date

cc: Alan Hill, Inspector

Exhibit "2" for Appeal - The Vacant and Derelict Buildings By-law No. 35/2004 – 426 Maryland Street

FROM: PETER SEKERA

FAX NO.

Feb. 07 2008 01:27PM P1

Peter Sekera

Feb 7, 2008

RE : 426 Maryland Street
Vacant and Derelict Buildings By-Law

TO : Office of the City Clerk
CC: Garry Solkoski, Housing and Existing Buildings Administrator

I hereby appeal the Jan. 11, 2008 Order which I just received today due to the address that you served for 1107766 was in error.

My appeal is on the basis that the company has contracted to sell the building to a buyer who has applied for construction permits to bring the building back to a liveable state, which I have been told was the objective of the City. It is my understanding that Construction funds from Sigmar Mortgage in the order of \$250,000 are sitting in trust with Richard Stefanyshyn pending documentation and permits, and I have been told that additional funds will be available when those funds have been expended on the building.

It is our desire not to spend funds to mothball the building but direct all funds to bring the building to a liveable state in compliance with those regulations. Immediately upon permits being issued construction will begin, and construction staff will monitor the building daily. Completion will happen as soon as possible.

The person acting as buyer, construction manager and the one co-ordinating the construction is Ray, his number is 204-951-6750. He is authorized to speak on my companies behalf on the matter of 426 Maryland.

Any problems or questions can be brought to my attention.

Peter Sekera



8 FEB -7 PM 12:19

RECEIVED
CITY CLERKS
WINNIPEG

Exhibit “3” for Appeal - The Vacant and Derelict Buildings By-law No. 35/2004 – 426 Maryland Street



REGISTERED MAIL RW 205 450 829 CA

February 15, 2008

File EB

1107766 Alberta Ltd.
116 Sutherland Close
Calgary, Alberta
T3R 1H1

Attention: Peter Sekera

Appeal – The Vacant and Derelict Buildings By-law No. 35/2004 – 426 Maryland Street

This will acknowledge receipt of your communication dated February 7, 2008, appealing the Order from the Manager of Development and Inspections, Planning, Property and Development Department (Designated Employee), dated January 11, 2008, regarding provisions of The Vacant and Derelict Buildings By-law No. 35/2004 for the premises located at 426 Maryland Street.

Please be advised that the appeal will be heard by the Standing Policy Committee on Property and Development at its meeting on Tuesday, March 25, 2008, 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: www.winnipeg.ca/CLKDMIS.

A handwritten signature in black ink, appearing to read "Carlos Gameiro".

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

- c. Mr. J. Paterson, Acting Director, Planning, Property and Development Department
Mr. D. Joshi, Manager of Development and Inspections, Planning, Property and Development Department
Mr. G. Solkoski, Housing and Existing Buildings Administrator, Planning, Property and Development Department
Mr. A. Hill, Inspector, Planning, Property and Development Department
1107766 Alberta Ltd., 46 Panorama Hills Place, N.W. Calgary, Alberta, T3K 4R9, Attention: Mr. P. Sekera, Director
Sigmar Mortgage Services Ltd., 100 – 575 St. Mary's Road, Winnipeg, Manitoba, R2M 2T1
The Canada Trust Company, P.O. Box 5999 STN F, Toronto, Ontario, M4Y 2T1

Embrace the Spirit • Vivez l'esprit

Council Building, 510 Main Street • Immeuble du Conseil, 510, rue Main • Winnipeg • Manitoba R3B 1B9
tel/tél. (204) 986-2171 • fax/télec. (204) 947-3452 • www.winnipeg.ca

Exhibit “4” for Appeal - The Vacant and Derelict Buildings By-law No. 35/2004 – 426 Maryland Street







