

Good Evening

I live at 41 Emmett Street but tonight I am going to talk about 42 Emmett Street and the mismanagement of this home by Town Staff.

I can say its been a long year of frustration in having the Town administration to ensure the house at 42 Emmett street be held accountable for creating a duplex without going through the proper processes, policies and Town bylaws.

And since its been a year for this Town to finally admit recently in the newspaper where they apologized that it is a duplex.

Lets put this into perspective

Is it a duplex?

Item 1A claims the home is still a single family dwelling as the main floor have an interconnected staircase and have doors that don't meet fire or building code requirements for separate entrances.

Place holder

I want everyone if this Council Chambers and the residents of this Town to know that this home does not share an interconnected staircase the tenant that lives in the upper apartment enters the front door and the staircase is open to her apartment the son of the owners that lived In the main floor apartment did not use this staircase and did not enter through the same entrance the son entered through a separate entrance located at the side of the home as did his family when they attended the home.

Now the report that I will go through is intertwined but I think even though there is now admission of the duplex its very important to go through the process of what has occurred over the last year and the mismanagement of this home by a senior level administrative officer who was given the duty of inspections.

Contradictory Records?

Item 1B the permit clearly states that the permit was for a bathroom on the main floor where the son would move into and to install a load bearing wall to support 40lbs/ft on the second floor.

The value of this work as per the homeowners was a mere \$5,000

And I'm going to say this because I can because family built over 10 homes which we subcontracted and the cost to install a beam to support a load bearing wall on the second floor is way more expensive than \$5,000 its one of the most expensive things you do in a renovation.

On September 23, 2019 it was reported by Town administrators that 3 Town staff attended the site for an inspection. However, after we received FOI information from the Town only two inspectors provided reports.

Item 1C is from the first inspector report we received which states that at that inspection there was signs of a duplex, but no one was living on the main floor level and that the owner says only one person paying rent. Of course, because the son was not required to pay rent on the main floor apartment of the duplex and as stated by a member of Council since he doesn't pay rent its not a duplex. However, going back to Item 1A it states the home did not have fire or building code doors for a duplex.... yet nothing was mentioned on the report from either department even though they knew that they were creating a duplex.

As discussed, the permit was for a \$5,000 renovation in the home.

Item 1F provides you with pictures that were on the realtor.ca website when the home was being sold and ultimately purchased by the homeowners. The pictures are of the main floor of the home where the son resided.

Item 1G shows some renovations that were done outside of the original permit on the main floor of the home.

In the newspaper it was noted under Item 1H by the Town CAO that when staff go into an inspection and notice work done outside of the permit, they must inform the owner they need to apply for a zoning amendment.

On September 23, 2019 this did not happen.

The reports received under FOI have been done on multiple different forms with no consistency as Item 1C uses a form with a date and formal Pelham form, Item 1D does not have a Pelham logo or a date of the inspection and relates more to an emergency event rather than a zoning violation.

Item 1E also makes reference to the possibility of a duplex existing but stated not to be used as a duplex or multi unit home. Again on this report from the second

inspector that did a report nothing was mentioned about the doors not meeting requirements and as per the article in the paper something was to be said to the homeowners about applying for a zoning amendment and additional permits for the main floor apartment.

The Province of Ontario dictates the legislation whereby the Town creates policy and legislation at the municipal level. You will note under Item 4A section 2.1 (b) that the owner was to identify what the intended use of the building was. This did not happen.

Also, under item 4B where town inspectors attended the home on September 23, 2019 the legislation clearly states that you are required to obtain a permit when you make renovations or repairs to a property. As stated previously they saw signs of a duplex and saw signs of repairs outside of the permit but again nothing was done.

Finally, under item 4B again as legislated a permit is to be displayed in a window or other place where it can be easily seen. This did not happen during at 42 Emmett and at each inspection the Town administrators again did not make the homeowners display the permit which is against legislation. And as per the construction inspections the owners did not inform the Town staff of changes nor did the inspectors make them accountable for them.

Following the inspection on September 23, 2019 the owners son moved back in the very next day in the main floor apartment.

Follow up with Town Administration

Once neighbours knew the son had moved into the main floor apartment and entered the side separate entrance to his apartment and did not share a staircase with the upper tenant we began drafting a report under Item 2 A for a meeting that was held by neighbours and Town Administration.

At that meeting which was held on November 1st, the information in the report was rejected as neighbours were told that residents don't do the jobs for Town Administrators.

However at the end of the meeting Town administrators that met with the neighbours told them to prove it's a duplex.

Following this many Town vehicles drove by the home to see if there was the vehicle that belonged to the owners son.

Ok All that being said Is it a duplex?

The first part of my documents presented that Town administrators claimed it wasn't a duplex through emails and documents said signs of a duplex but no one lives there and only one paying rent.

So if this is the case why to the Contrary do we receive an FOI letter under Item 5A stating clearly to the owner that they are in violation of the zoning bylaw because they created a duplex?

Clearly it was a duplex on September 23rd.

Trespassing Event

As all of this Town Administration and Council knows on November 2nd, my home was invaded by the son that lived at 42 Emmett in the main floor apartment.

Item 3A is the police report received. I struggle that the event was not considered a break and enter as my son was cornered in the basement. And the impact of the break-in has been immense.

What I struggle with worse is comments under Item 3B which basically told me well if it happens again call the police. This is an administrator that is supposed to protect residents that stated those comments. And this was the Town administrator that was put as lead on the inspections of 42 Emmett Street.

Furthermore, on November 2 when the apparent trespassing occurred once again the Town staff knew the main floor apartment was being occupied by the son of the owners and the home was created into a duplex. However it took until November 21, to draft the letter under item 5A to the homeowners stating the violation.

We were told the following that the homeowners were in Florida until the end of the month and would not be able to meet with Town Administration until they returned but two days later one of the homeowners was at 42 Emmett in the evening.

So you'll have to forgive me for not trusting some of the information that I am receiving from Town administration.

And don't get me wrong I am not blaming anyone in this organization for the fact that the son entered my home what I am blaming Town Administration for is the fact that giving all the information you have received this evening something should have been done sooner about this zoning violation because the son would not have been living there.

And when he entered my home he claimed he owned my home but when I ran for help from neighbours and called 911 he knew where to go 200 feet to his apartment at 42 Emmett.

And when an inspection was done to ensure the son was out of the home I was told two administrative staff members were in attendance, however as per Item 5C only one staff member left the home on that occasion and created the notes under Item 1D.

Zoning fines and fees

Going back to is it a duplex? The letter issued by Town administration states that the owners must pay the fees under Item 5A of more than \$5,000 but it is my understanding the Town has not made them pay these fees.

In addition because they did create the duplex without permission the zoning bylaw states clearly that they are to be fined under Item 5B for not following bylaw and it is my understanding that this has also not been done.

Why have bylaws if they are not being enforced?

Cari,

As indicated, the property is in compliance with the Zoning By-law and the file on this matter is closed.

The building is still a single detached dwelling as the main floor and upper floor have an interconnected stairway and doors that do not meet Building and/or Fire Code requirements for a separate entrance to individual units.

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From: Cari Pupo [mailto:caripupo@cogeco.ca]

Sent: Sunday, January 19, 2020 2:18 PM

To: Barbara Wiens <BWiens@pelham.ca>; Bob Lymburner <BLymburner@pelham.ca>

Subject: Delegation

Barb

As I am preparing my delegation to Council regarding 42 Emmett and how it was handled and comments made on the Fire Prevention Officer report that no one lives there and they are not paying rent and this report was done on September 23rd.

Clearly Town staff knew at that time that the construction of the house was way more than the \$5000 reported by the homeowners yet upon inspection nothing was done about the additional construction that was done.

But my question to you is....as we were told by the Fire Chief call me when someone moves in. The problem is the homeowners turned it into a duplex without being accountable for all the fees that are required to this.

Also I have read every article of the Zoning Bylaw no where in the bylaw does it state that you are able to create a duplex without going through policy and in fact you will be fined for doing so.

And no where that I can find in the zoning bylaw does it state if there is no furniture or someone living there its not a duplex.

As stated many times does this mean the apartments on the old Fonthill site are not apartments??????

I await your response

Application for a Permit to Construct or Demolish

This form is authorized under subsection 8(1.1) of the Building Code Act, 1992

Item 1B

For use by Principal Authority

Application number: 20190096	Permit number (if different):
Date received: RECEIVED MAR 19 2019	Roll number:
Application submitted to: Town of Pelham (Name of municipality, upper-tier municipality, board of health or conservation authority)	

A. Project information

Building number, street name	Unit number	Lot/con.
Municipality	Postal code	Plan number/other description
Project value est. \$ 5,000.00	Area of work (m ²) 120	

B. Purpose of application

New construction	Addition to an existing building	Alteration/repair	Demolition	Conditional Permit
Proposed use of building	Current use of building			
Residential	Residential			

Description of proposed work

- Fix leaky plumbing for main floor bathroom.
- Install a load bearing wall to support 40lbs/ft on the second floor.

C. Applicant		Applicant is:	Owner or	Authorized agent of owner
Last name	First name	Corporation or partnership		
Street address		Unit number	Lot/con.	
Municipality	Postal code	Province	E-mail	
Telephone number	Fax	Cell number		

D. Owner (if different from applicant)		Town of Pelham Building Dept.		
Last name	First name	Corporation or partnership		
Street address		Unit number	Lot/con.	
Municipality	Postal code	Province	E-mail	
Telephone number	Fax	Cell number		

REQUIRED INSPECTIONS

☒ Sewer & Water Services

☒ Footing (prior to pouring)

☒ Ready to Backfill

☒ Foundation in Place

☒ Framing

☒ Barrier System

☒ Insulation (prior to covering)

☒ Drywall

☒ Other

305.892-2207 ext. _____

building-info@pelham.ca

Application for a Permit to Construct or Demolish - Effective January 1, 2014

Chief Building Official

Date: **2019/19/14**

E. Builder (optional)			
Last name		First name	Corporation or partnership (if applicable)
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax	Cell number	

F. Taron Warranty Corporation (Ontario New Home Warranty Program)		
i. Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.	Yes	No <input checked="" type="checkbox"/>
ii. Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?	Yes	No <input checked="" type="checkbox"/>
iii. If yes to (ii) provide registration number(s): _____		

G. Required Schedules		
i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.		
ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.		

H. Completeness and compliance with applicable law		
i) This application meets all the requirements of clauses 1.3.1.3 (5) (a) to (d) of Division C of the <i>Building Code</i> (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted). Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the <i>Building Code Act, 1992</i> , to be paid when the application is made.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> .	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
iv) The proposed building, construction or demolition will not contravene any applicable law.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

I. Declaration of applicant	
I, _____ (print name)	declare that:
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.	
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.	
Date <u>March 18/19</u>	_____

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor, Toronto, M5G 2E5 (416) 585-6666.

Request: Building permits, renovation permits, by-law inspections, building inspections, fire inspections for 2019 re 42 Emmett Street

Doc. No.	General Description of Record or Record Categories Responsive to Request	Release Yes/No	Comments/Explanation
FOI-05/2019 Pages 1, 2	Application for Permit to Construct or Demolish	Redacted Section 14(1)	Received March 19, 2019
FOI-05/2019 Pages 3-16	Building Permit 2019-0096, checklists and inspection reports	Redacted Section 14(1)	Includes checklists, inspection reports and updates to September 23, 2019; inspection request received March 6, 2019
FOI-05/2019 Pages 17, 18	Pelham Fire Department Inspection Report	Redacted Section 14(1)	September 23, 2019 inspection by Fire Prevention Officer, Fire Chief, Chief Building Official
FOI-05/2019 Page 19	Zoning Violation Notice November 21, 2019	Redacted Section 14(1)	Jointly issued by Director of Planning and Development; Director of Fire and By-law Services/Fire Chief

Summary of Fees:

Search, review and prepare records:

Total hours: 2 @ \$7.50 per ¼ hour

\$60.00

Photocopy Fees: 19 pages @ \$0.20

\$3.80

HST

\$8.29

AT applicable
myk



PELHAM FIRE DEPARTMENT

Inspection Notes

[illegible]

Inspectors Signature

J. H.

Page of

Now Noon.

98.22 30 min Fire separation

98.24 Combustion air

- Closers on Doors
- Service Doors Doors on separation
- 45 min Doors or fire rated Doors,
- Means Egress one means of escape
- Door ^{+ closer} on hallway going upstairs,

98.4 Interconnected smoke Alarms.
Hard wire.
Co alarms outside sleeping
areas.

98.6. ESA Inspection.

Subject: RE: Fire Inspection Report

To: Cari Pupo <caripupo@cogeco.ca>

Cc: GROUP_SLT <GROUP_SLT@pelham.ca>

Date: 01/21/20 07:40 AM

From: Bob Lymburner <BLymburner@pelham.ca>

Ms Pupo I will try to explain your question the best I can, the inspectors report states his comments regarding 42 Emmett, the 4 code references on the back are his research prior to the inspection. The inspector does this prior to any inspection so he has a check list of code references which may apply to a certain occupancy.

Your statement regarding the inspector performing an ESA inspection is incorrect. These 4 sections were research only.

Have a great day

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-----Original Message-----

From: Cari Pupo [mailto:caripupo@cogeco.ca]

Sent: Tuesday, January 21, 2020 6:20 AM

To: Bob Lymburner

Subject: Re: Fire Inspection Report

I'm still waiting for your response

Sent from my iPhone

> On Jan 19, 2020, at 5:48 AM, Cari Pupo <caripupo@cogeco.ca> wrote:

>

>

> Can you also explain the other sections of the fire code

>

> I have researched every section that was quoted on your report from Jason and basically all the Fire Prevention officer is saying is what the law is

> There is no indication if the homeowners met the provisions of the law

>

> Can you please explain so I have adequate information that I will be supplying to all of Council and the Public at my delegation

>

> Much appreciated

Item 15

OTHER INFORMATION

AMBULANCE: RUN # IF APPLICABLE:

POLICE: NAME & # IF APPLICABLE:

ANY OTHER ATTENDING SERVICES:

TOWN OF RUTLAND CHIEF BUILDING OFFICIAL

DETAILED DESCRIPTION OF ACTIONS TAKEN:

REPORTED OUTLET OPERATING @ 42

ENNETT ST MET OWNER JOHN CARPIS

ON LOCATION OWNER LET FIRE CHIEF

AND CBO ENTER HOUSE PART OF HOME

INSPECTED UNIT MOST FURNITURE REMOVED

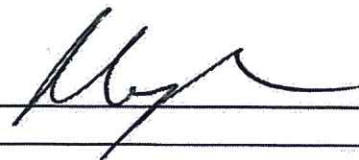
SEE PIC BED REMOVED SEE PIC FRI

AND STOVE UNPLUGGED AND MOVED SEE PIC

NO EVIDENCE THE UNIT IS OCCUPIED

CLEARED.

SIGNATURE OF REPORTING PERSONNEL:





Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S 1E0
P: 905-892-2607 F: 905-892-5055

Final (Pelham)

Reference #: 20190096_114
Roll Number:
Address: 42 EMMETT ST

Inspected by: Mike Zimmer
Inspection Created: 2019-Sep-23 02:45:04 PM
Inspection Saved: 2019-Sep-23 02:48:18 PM

Building Type: Standard

Exterior Grading

NA

Exterior stairs, guards and landings

NA

Principal exhaust fan and control

NA

Comments

Notes

Renovation as per application Bearing wall and plumbing repair completed
Please note that this residence is a single unit residence not to be used as a duplex or multiunit building

Comments:



Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S 1E0
P: 905-892-2607 F: 905-892-5055

Rough-In / Above-Grade Plumbing

Reference #: 20190096_114

Roll Number:

Address: 42 EMMETT ST

Inspected by: John Ross

Inspection Created: 2019-Apr-18 12:01:25 PM

Inspection Saved: 2019-Apr-18 12:01:45 PM

Building Type: Standard

DWV drainage piping including clean outs

Accepted



DWV vent piping including 3" main vent through the roof

Accepted



Water lines protected from mechanical damage and freezing

Accepted



Piping supports

Accepted



Test drainage system

Accepted



Comments:

Location of Work: 42 Emmett Street Date: March 19/19
 Description of Work: Interior Reno / Plumbing Owner: [REDACTED]

Permit Application Checklist		Required	Received	Date Rec'd	
REQUIRED APPROVALS					
Town of Pelham	Culvert Permit				
	Lateral Required				
	Easement Clearance				
Town of Pelham Planning Department	Minor Variance/Consent				
	Zoning Amendment				
	Site Plan / Development Agmt				
	Signed Site Plan				
	New Address Required				
Ministry of Agriculture & Food 905-562-4147	Nutrient Management Study (more than 5 NU)				
Ministry of the Environment 905-704-3900					
Niagara Escarpment Commission 1-905-877-5191					
Niagara Peninsula Conservation Auth. 905-788-3135					
Electrical Safety Authority 1-877-372-7233					
Region of Niagara Health Dept. 905-688-3762	Personal Service Shop				
	Public Pool				
	Commercial Kitchen				
Region of Niagara Works Dept. 905-685-1571	Entrance Permit				
	Sign Approval				
	Septic System				
Pelham Fire Department William Underwood 905-892-2607 x202	Notify for Tent Permits				
REQUIREMENTS FOR PERMIT APPLICATION		Required	Date	Notes	
Application for Permit	Completed / Signed			BCIN / Designer Info Required	
	Designer Schedule				
Application Requirements	Site Plan				
	2 Sets of Building Drawings				
	Copy of Deed or Appraisal of Property				
	Energy Efficiency Design Summary				
	Architectural Control Guidelines minimum scale 3/16" = 1' 0"				
	Lot Grading (OLS or P.Eng)				
	Floor and Truss layouts			Complex plans	
	Heating System	Ventilation Design			
		Heat Loss Calculations			
		Layout			
Certificate of Design & Manufacturing Conformance				Steel Building Systems	
CURSORY PLANS REVIEW				Notes	
Basement / Foundation	Basement Finished	Yes / No			
	Stairs Parallel to foundation			Need Engineering	
	Windows over 4'			Need Engineering	
	Windows over 25% Wall Length			Need Engineering	
	Beams Labeled				
	Description of Column Pad				
	Description of Floor System				
Floor Plans	Rooms Labelled				
	High Walls (> 12') Open to Above w/openings			Need Engineering	
	Window Sizes Provided / Or to Scale				
	Excessive Windows in Side Walls			Unprotected Openings	
Elevations	Grades Properly Depicted				
	Height Appears Excessive			Check if Close	
Foundation Construction					



Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S 1E0
P: 905-892-2607 F: 905-892-5055

Framing (Pelham)

Reference #: 20190096_114

Roll Number:

Address: 42 EMMETT ST

Inspected by: John Ross

Inspection Created: 2019-Apr-10 01:44:13 PM

Inspection Saved: 2019-Apr-10 01:45:22 PM

Building Type: Standard

Roof Truss installation

NA

Roof vents and flashing

NA

Attic access

NA

Engineered floor system layout

NA

Engineered beam and header review

NA

Floor joist and beam installation

Rejected



Proper lintels required for load bearing wall.

Point loads carried to the foundation

NA

Bedroom egress (basement)

NA

Comments

0

Comments:

NOTES:

FOI-05/2019
Page 5

APRIL 10/14 PLUMBING FAIL (AM) ~~OK~~

APRIL 10/14 FRAMING FAIL (AM) ~~OK~~

APRIL 18/14 FRAMING O.K. (AM) ~~OK~~

APRIL 18/14 PLUMBING O.K. (AM) ~~OK~~

SEPT 27/14 FINAL ~~RENO~~ Reno Complete

CLOSE FILE m17

in summer

ZONING INFORMATION SHEET

Location of Work: 42 Emmett Street Zoning: R2

Description of Work: Interior Reno / Plumbing

MAIN BUILDING:	Required	Proposed	Comments
Minimum Lot Area			
Minimum Lot Frontage			
Maximum Lot Coverage			
Minimum Front Yard			
Minimum Side Yard			
Minimum Side Yard			
Minimum Rear Yard			
Maximum Height			
Setback from Adjacent Residence			
Min. Ground Floor Area 1storey/2storey			
ACCESSORY BUILDING/STRUCTURE			
Maximum Lot Coverage			
Minimum Front Yard			
Minimum Side Yard			
Minimum Side Yard			
Minimum Rear Yard			
Maximum Height			
Minimum Distance from Dwelling			

Interior Only
No Change.

Minimum Distance Separation (MDS) Applicable:

☐ Yes ☒ No

Can a building permit be issued for the proposed use:

☒ Yes ☐ No

Comments: _____

Prepared by: Jake Wynn

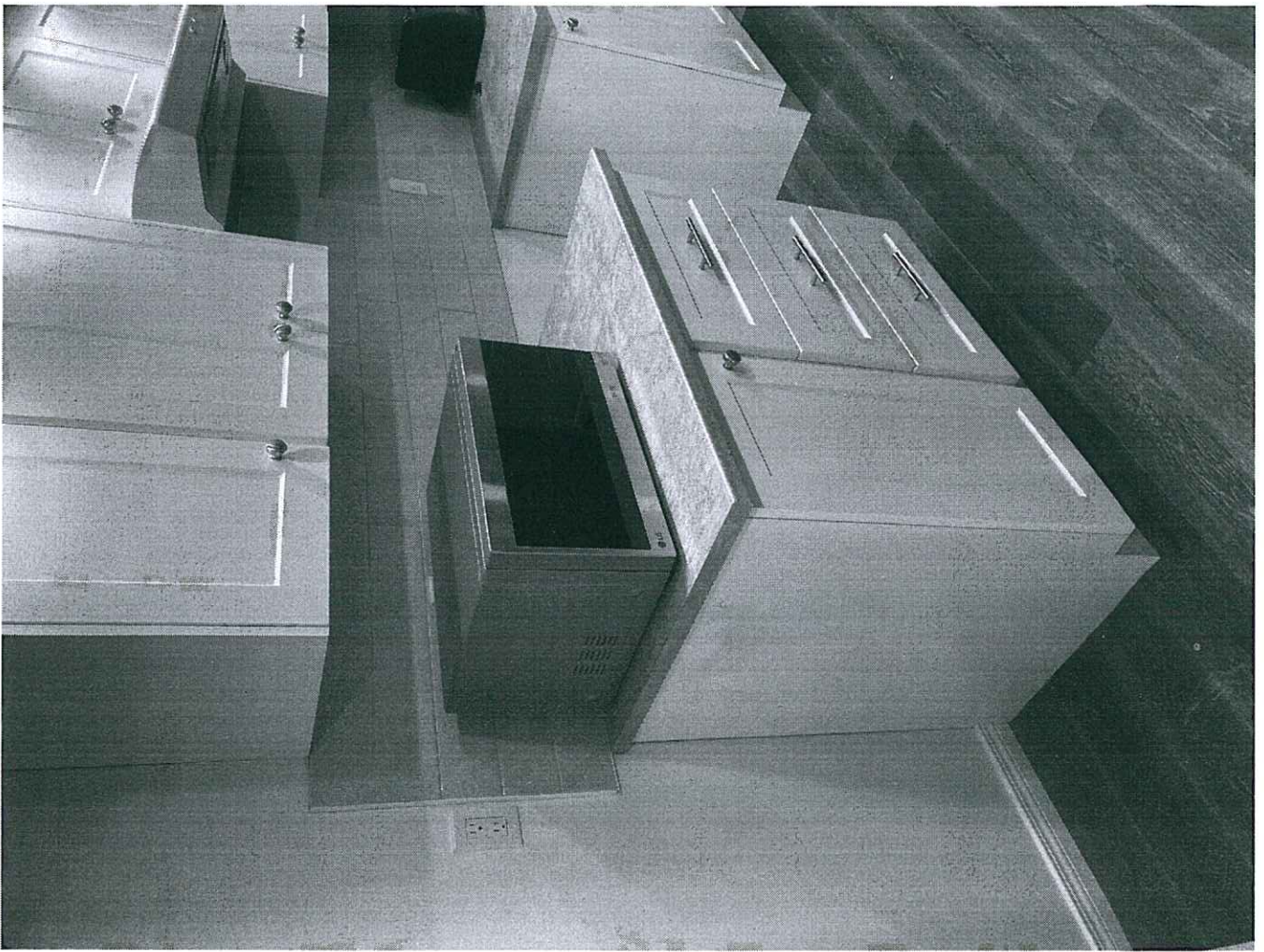
Date: March 19/19.

Item 1F



Item 16





BYLAWS

continued from Page 8

stories could you go up? Let's say it's a single-story bungalow. Could you double or triple that?

If bungalows are coming down, you can certainly put up a second story residentially. That's not considered out of touch with any neighbourhood.

Okay, theoretically you have a situation where you have multiple units, a second unit, being illegally added in an R-2 neighbourhood. What's the Town's current response?

It's always facts-specific, but our staff are trained, they're familiar with their legislation. You expect them to go through an intellectual exercise that essentially assesses the situation and tries to determine if there's been noncompliance, and if you determine noncompliance, then is there a threat to safety? If so, immediate action is warranted. If there isn't a threat to safety, is it order-appropriate? Is it charge-appropriate? Is there another way to get compliance? Has there been harm? These are all variables that need to be considered.

It sounds like what you're describing is that, given this 30-year-old-plus zoning bylaw, that property owners may kind of be free to do what they want in terms of adding units to their homes or renovating properties in residential, in R-2 neighbourhoods, without a terribly great fear of those renovations being ruled illegal.

Well, no, there are a number of reasons why that's problematic.

As long as the building codes are followed.

Well, so that right there, that alone is a million-dollar question.

Let me be a little more specific then. Let's say I go out tomorrow and I buy a home in a Felham

neighbourhood that's R-2 zoned, and I don't live there. I'm going to renovate it into a two-unit property. I come to Town Hall and I take out the applicable permits for construction.

That would trigger zoning.

Right. So I would not be able to obtain the construction permit if I revealed that I intend to add a unit to the building?

That would trigger an application under the planning process to change the zoning on the property in question from R-2 to something else, depending on what you were trying to do.

So building permits would not be issued until that zoning was approved?

Correct. However, let's say you apply for a plumbing permit. You're going to build a bathroom in your basement. All right. Turns out you don't stop there. That's how you might improperly build a second unit. I'm just speaking hypothetically, you might only need one inspection. We might've only come to look at one bit of plumbing. You might've slipped one past the goal. You might have created a second unit. So long as that unit wasn't occupied under our current policy.

No furniture.

No furniture, no human, no sign of occupation. If we all of a sudden get some evidence that someone's living there, then one part of us has to react to that, because all of a sudden now we are talking about [potential] harm. We should assume that there is more construction done than just plumbing, we should go back and look with a building inspection.

Moving on to another recent topic. Fences. When my wife and I moved to town we wanted to put up a fence—for the dog, for privacy. We went to Town Hall, spoke to the nice people upstairs and got the details of what was legal, what wasn't. They said,

the bylaw, and we followed that to the letter—even coming a bit farther into our property than we had to, off of the public boulevard. There are people out there who are not as scrupulous in following the applicable fence bylaws. If you had a case where someone built a fence over the property line, on the neighbour's side, or built too high, the municipality I presume would respond to this?

No. If I build on your land, I've trespassed, but the municipality has no role or interest whatsoever. That's a private dispute as between two private citizens. We're going to assume it's homes, but it could be businesses, wherever. That's a trespass. It's a private right of action. The municipality has no skin in the game. You're allowed a six-foot fence, you build a four-foot fence on your neighbour's land. It is not for the municipality to get involved in that. You have plenty of property rights—consult a lawyer.

Now, fence height—There's no applicable municipal bylaw?

We don't have a bylaw that says you can't commit a trespass. The Trespass to Property Act has that. Your neighbour arguably is stealing six inches of your land. If he or she builds onto your land, yeah, they're keeping you from accessing it, but that's a private dispute between two individuals. There's a court system for private disputes. Now, the height of a fence can have public impact in health and safety and can, in certain instances be a nuisance.

Okay.

So to come back to our first principles, is there harm and is it a legitimate nuisance? First fences in front yards often do have implications for health, safety, municipal operations. Every bylaw with which I am familiar says requires lower fence be-

Item 11

Firstly, thank you for agreeing to meeting with us this morning. It certainly has been a long 9 months of back and forth with the Town so we appreciate and hope that the situation will be resolved expeditiously. The questions that we both have for you will provide insight into the issues that exist with 42 Emmett Street and we hope to have insight into why it has taken over 9 months to deal with an issue that seems very simple to rectify.

Here is a list of questions and acknowledgements for discussion:

1. The Zoning By-law indicates that Emmett Street is R2 which is for single dwelling residential, this has been confirmed by you in a text message on October 25th. (See Appendix A)
2. The new owners took possession some time in late 2018. Construction of the home began on or around February 2019. Can you please provide the dates the permits were issued to the homeowner and if drawings were submitted with the permit application showing both apartments within the duplex and what renovations were to occur in each apartment within the duplex and whether the owners stated what their intended use of the home was? (See Appendix B)
3. What was the value of the work being done on the home that was identified on the permit application by the homeowners? (See Appendix C)
4. When construction began on the premise, it was noted by neighbours that the house was being transformed into a duplex. Upon concern that residents were not informed of the change and that the owners did not inform the Town of the real use of the property an inspection was requested. The inspection was supposed to be on a Friday but was delayed until the next week, the attendees as we were told was to be the Fire Chief, the By-law Officer and the CBO. Given that our concern was that the zoning did not comply with the use we are uncertain why staff responsible for zoning enforcement were not attending to the inspection. As stated on the Town's website (See Appendix D) the By-law officer does not enforce zoning. On the day of the inspection only the Fire Chief attended the inspection, we were told that because no one lived in the bottom apartment there is nothing that could be done. We were told to call back when someone lived there. Please See (Appendix E) regarding zoning enforcement. Also can you please explain that if someone buys a home and renovates to a duplex but is unable to rent it for months...Is it still not considered a duplex???? Many buildings exist in Town, apartments, townhouses, multi-family etc. homes that will have months where space remains unrented, it doesn't change the type of use of the home as a result.
5. When I(Carol) inquired about building permits with Town staff when construction on 42 Emmett started but we had not seen permits posted. The staff member at the Planning/Building/Engineering counter on the second floor said she would be able to tell me if a permit had been issued but not what the permit was for. When she returned she indicated to me that no permits had been issued for the property.

6. Subsequently we had a conversation with the Fire Chief who indicated to us that they did have a bathroom renovation building permit. Contrary to hearing this from the Fire Chief, the Director of Planning (Barb) informed us that they had a multiple permits for repairs, plumbing, beam, and interior renovations. We are uncertain of what actual permits were issued and how the inspections done when permit items were completed because it would have been clear to the inspector that the home had been converted to a duplex?
7. Are permits not supposed to be exposed on the exterior of the building? No permits were ever seen in windows, doors, or on exterior siding, please confirm what is required? Upon inspection of the property permit stages, there was no enforcement of posting. (APPENDIX F)
8. Has MPAC been notified in the Town's monthly report that these renovations are merely to improve a single family dwelling when in fact it is a duplex with two distinct families each living in their own unit of the duplex.
9. Was occupancy for each unit given once the renovations to the duplex were completed? Does the MPAC spreadsheet sent by the Town state whether occupancy was granted?
10. We have been told by the Fire Chief that the owners forbid entrance to the home for another inspection. This speaks volume to the situation, this is not about a neighbour dispute, the homeowners have changed the zoning independently without authorization of the Town and without surrounding neighbour input. As per the Zoning by-law an amendment must be done to change the existing use of a home. At this time it should be changed back to an R2 home. And according to the attached (APPENDIX G) specific staff are able to access a home with Council permission. Was the owner provided this information?

OFFICE CONSOLIDATION

TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), as amended

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SECTION 14 - RESIDENTIAL 2 R2 ZONE

Subject to the general provisions of Section 6 and all other applicable requirements of this Bylaw, the provisions of this section shall apply throughout the Residential 2 R2 zone.

14.1 PERMITTED USES

- (a) One single detached dwelling;
- (b) uses, buildings and structures accessory thereto;
- (c) home occupations.

14.2 ZONE REQUIREMENTS

- | | |
|--|--|
| (a) Minimum Lot Area | 360 m ² (3,875.13 ft ²) |
| (b) Minimum Lot Frontage | 12 m (39.37 ft)
15 m (49.21 ft) on a corner lot |
| (c) Maximum Lot Coverage | 50 percent |
| (d) Minimum Front Yard | 6.5 m (21.33 ft) |
| (e) Minimum Interior Side Yard | 1.5 m (4.92 ft) on one side and 3 m (9.84 ft) on the other side where there is no carport or garage attached, or 1.5 m (4.92 ft) on both sides where a carport or garage is attached |
| (f) Minimum Exterior Side Yard | 5 m (16.4 ft) from the side lot line or 15 m (49.21 ft) from the centre line of the road whichever is the greater |
| (g) Minimum Rear Yard | 7.5 m (24.61 ft) |
| (h) Maximum Height for a Dwelling | 10.5 m (34.45 ft) |
| (i) Minimum Ground Floor Area for a Dwelling | |
| (i) one storey | 93 m ² (1,001.08 ft ²) |
| (ii) two storeys | 55 m ² (592.03 ft ²) |

SECTION 2 - ADMINISTRATION AND ENFORCEMENT**2.1 REQUIREMENTS FOR BUILDING PERMITS**

In addition to all of the requirements of the building by-law or any other by-law of the Corporation, no building permit shall be issued in respect to the erection or alteration of a building or structure until the following have been submitted to, and approved by, the Chief Building Official to his satisfaction:

- (a) two (2) copies of a site plan, one copy of which shall be retained by the Chief Building Official, drawn to scale and showing:
 - (i) the dimensions of the lot to be built upon or otherwise used;
 - (ii) the location of all existing buildings, structures or uses on the lot;
 - (iii) the proposed location and dimensions of any building, structure or use proposed for such lot; and,
 - (iv) the proposed location and dimensions of yards, landscaped open spaces, parking areas and loading spaces;
- (b) a statement, signed by the owner, disclosing the specific existing or proposed use for each existing or proposed building or structure and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-law; and,
- (c) two (2) copies of a plan showing the ground level and contour lines on the lot as of the date of the application and as same upon completion of the proposed erection or alterations and when the redistribution of all topsoil has been completed.

2.2 ISSUANCE OF BUILDING PERMITS

Notwithstanding the provisions of the building by-law or any other By-law of the Corporation to the contrary, no building permit shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way one or more of the provisions hereof.

APPENDIX C**Application for a Permit to Construct or Demolish**This form is authorized under subsection 8(1.1) of the *Building Code*

Act, 1992

For use by Principal Authority				
Application number:		Permit number (if different):		
Date received:		Roll number:		
Application submitted to: _____ (Name of municipality, upper-tier municipality, board of health or conservation authority)				
A. Project information				
Building number, street name		Unit number	Lot/con.	
Municipality	Postal code	Plan number/other description		
Project value est. \$		Area of work (m ²)		
B. Purpose of application				
New construction	Addition to an existing building	Alteration/repair	Demolition	Conditional Permit
Proposed use of building		Current use of building		
Description of proposed work				
C. Applicant				
Applicant is:		Owner or	Authorized agent of owner	
Last name	First name	Corporation or partnership		
Street address		Unit number	Lot/con.	
Municipality	Postal code	Province	E-mail	
Telephone number ()	Fax ()	Cell number ()		
D. Owner (if different from applicant)				
Last name	First name	Corporation or partnership		
Street address		Unit number	Lot/con.	
Municipality	Postal code	Province	E-mail	

The Town of Pelham bylaw enforcement division educates and informs residents about the Town's rules and regulations, including parking.

Bylaw Enforcement receives complaints from the general public and directs them to the appropriate agency having jurisdiction or processes them in accordance with the Town's Complaint Policy. The more common bylaw matters include: barking dogs, businesses in residential areas, signs, dumping garbage, fences, derelict vehicles, weeds, and noise.

Town Bylaws

- 2010 Noise bylaw
- Accessibility Parking bylaw
- Administrative Municipal Penalty Systems (AMPS) bylaw
- Animals at Large bylaw
- Clean Yard bylaw
- Council Indemnification bylaw
- Designated Plants as Local Weeds bylaw
- Development Charges bylaw
- Discharge of Firearms bylaw
- Dog control bylaw
- Election Sign bylaw
- Employee Indemnification bylaw
- Environmental Protection bylaw
- Exotic Pets bylaw
- Fencing bylaw
- Fire Route bylaw
- Fireworks bylaw
- Fortification of Land bylaw
- Licence to Regulate Various Businesses bylaw
- Liquor in Recreational Bylaw
- Open Air Burning bylaw
- Pool Fencing bylaw
- Prohibiting the Use of Motorized Snow Vehicles bylaw
- Property Standards bylaw
- Public Nuisance bylaw
- Removal of Topsoil from Lands bylaw
- Sign bylaw
- Skateboarding bylaw
- Tobacco in Public Places and Workplaces (Regional) bylaw
- Traffic and Parking on Highways bylaw
- Water Management bylaw

Construction inspections

The Building Code sets out the stages of construction when different types of buildings must undergo a mandatory inspection. It is the responsibility of the permit holder to contact the municipality for an inspection when the project is at the stage of construction set out in the Building Code. The municipal building official is required to carry out the inspection within two working days of being notified. For construction of a sewage system, the inspector has five working days to conduct the inspection. During the inspection, an inspector will inspect the work to determine if it is carried out in accordance with the Building Code, your permit and the approved plans.

You will also be required to:

- show your permit in a window or other place where it can be easily seen
- keep copies of the plans on the site
- tell the municipality about any changes to the proposed construction, which will also have to be approved by the municipality

The inspector must always be able to see the work. If it's different from the work that was approved and, unless you get permission for a revision to your plans, you will be told to correct it. If you don't, the municipality can take enforcement action, such as issuing orders authorized under the *Building Code Act, 1992*.

From: Ontario.ca/home/home and community/Citizen's guide to land use planning

The Town of Pelham's Zoning Bylaw 1136 (1987) contains detailed information on what kind of land use and physical structures are allowed on each property in the town. The details includes items such as the height of buildings, number of metres a building must be set back from the street, and landscaping requirements, etc.

The Zoning Bylaw is legally enforceable. Land uses that do not meet the bylaw requirements are not allowed without an amendment or variance to the bylaw.

2.3 INSPECTION

- (a) Subject to Clause (b) of this Subsection, the Chief Building Official or By-law enforcement officer of the Corporation, acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties pursuant to the provisions of this By-law.
- (b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under Section 16 of *The Provincial Offences Act*.

2.4 VIOLATIONS AND PENALTIES

- (a) Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or causes or permits such a violation, shall be guilty of an offence, and upon conviction thereof, shall forfeit and pay a penalty not exceeding ONE THOUSAND DOLLARS (\$1,000.00) exclusive of costs for each such offence, and every such penalty shall be recoverable under *The Municipal Act* and *The Provincial Offences Act*. (b) Each day of violation shall constitute an offence.

2.5 REMEDIES

Where any building or structure is erected, altered, reconstructed or extended, or part thereof is used, or any lot is used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the relevant provisions of *The Planning Act* and/or *The Municipal Act*.

Item 3B

Subject: **Re: Really**
To: Cari Pupo <caripupo@cogeco.ca>

Date: 12/05/19 07:31 PM
From: Bob Lymburner <nffd126@hotmail.com>

Well Cari if the neighbor did commit break and enter then the police would have charged him
As I understand he was served with a pon
As I stated before if you feel the neighbor is threateningly call the police

From: Cari Pupo <caripupo@cogeco.ca>
Sent: December 5, 2019 12:51:50 PM
To: Bob Lymburner <nffd126@hotmail.com>
Subject: Re: Really

Really

He apologized Bob are you for real he apologized for what breaking and entering into my home. Shake you're head.
I will be sharing everything about our relationship and what you allowed your kids to do outside of town policy. Which says a lot about you're comments of 42 Emmett
You have made this seem like it was just nothing and because he claimed to apologize it's all ok.

You have created much of this mess and you need to fix it. Because it's apparent from everything I read and people I talk with this was not handled properly. And bylaw is a mess.

Keep lying about it and get you're life together

You didn't do you're job and you know it

So don't feed me with your sorries.
Sent from my iPhone

On Dec 5, 2019, at 12:27 PM, Bob Lymburner <nffd126@hotmail.com> wrote:

Cari, I'm sorry you experienced your neighbor coming into your house, as I read in the paper he admitted to it and apologized and the police have been involved. if any further intrusions occur you should call the police.

hope you have a safe and happy holiday

From: Cari Pupo <caripupo@cogeco.ca>
Sent: December 4, 2019 10:52 PM
To: Bob Lymburner <nffd126@hotmail.com>
Subject: Really

Bob do your job

You have no idea what me and Conor have been through

OFFICE CONSOLIDATION**TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), as amended**

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SECTION 2 - ADMINISTRATION AND ENFORCEMENT**2.1 REQUIREMENTS FOR BUILDING PERMITS**

In addition to all of the requirements of the building by-law or any other by-law of the Corporation, no building permit shall be issued in respect to the erection or alteration of a building or structure until the following have been submitted to, and approved by, the Chief Building Official to his satisfaction:

- (a) two (2) copies of a site plan, one copy of which shall be retained by the Chief Building Official, drawn to scale and showing:
 - (i) the dimensions of the lot to be built upon or otherwise used;
 - (ii) the location of all existing buildings, structures or uses on the lot;
 - (iii) the proposed location and dimensions of any building, structure or use proposed for such lot; and,
 - (iv) the proposed location and dimensions of yards, landscaped open spaces, parking areas and loading spaces;
- (b) a statement, signed by the owner, disclosing the specific existing or proposed use for each existing or proposed building or structure and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-law; and,
- (c) two (2) copies of a plan showing the ground level and contour lines on the lot as of the date of the application and as same upon completion of the proposed erection or alterations and when the redistribution of all topsoil has been completed.

2.2 ISSUANCE OF BUILDING PERMITS

Notwithstanding the provisions of the building by-law or any other By-law of the Corporation to the contrary, no building permit shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way one or more of the provisions hereof.

(2.3 OCCUPANCY PERMITS - deleted as per By-law No. 1609 (1993))**(2.4 REQUESTS FOR AMENDMENTS - deleted as per By-law No. 1609 (1993))**

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TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), as amended

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For accurate reference recourse should be had to the original by-law(s) and amendments and Orders of the Ontario Municipal Board.)

2.3 INSPECTION

- (a) Subject to Clause (b) of this Subsection, the Chief Building Official or By-law enforcement officer of the Corporation, acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties pursuant to the provisions of this By-law.
- (b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under Section 16 of *The Provincial Offences Act*.

2.4 VIOLATIONS AND PENALTIES

- (a) Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or causes or permits such a violation, shall be guilty of an offence, and upon conviction thereof, shall forfeit and pay a penalty not exceeding ONE THOUSAND DOLLARS (\$1,000.00) exclusive of costs for each such offence, and every such penalty shall be recoverable under *The Municipal Act* and *The Provincial Offences Act*.
- (b) Each day of violation shall constitute an offence.
- (c) Any building or structure which contravenes any requirement of this By-law may be removed or altered at the instance of the Corporation, pursuant to the provisions of *The Municipal Act*.

2.5 REMEDIES

Where any building or structure is erected, altered, reconstructed or extended, or part thereof is used, or any lot is used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the relevant provisions of *The Planning Act* and/or *The Municipal Act*.

2.6 VALIDITY

If any section, clause or provision of this By-law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to

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be invalid, and is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

2.7 BY-LAWS REPEALED

By-law No. 279 of the Town of Pelham and all amendments thereto are hereby repealed, save and except for:

- (i) Those amendments to By-law 279 of the Town of Pelham which are adopted by Council but which have not taken effect as of the date of passing of this By-law, but which will be deemed to be amendments to this By-law on the date that they take effect.
- (ii) The provisions of By-law No. 279, as they apply to those lands shown on Schedules "A", "A1", "A3", "A4", "A5" and "A6" attached hereto and forming part of this By-law and designated as "Lands to which By-law No. 279, as amended, applies and provisions of this By-law shall not apply to such lands.

2.8 BY-LAWS INCLUDED

Zoning By-laws 1146, 1160, 1178, 1204, 1212, 1217, 1234, 1235, 1239, 1240, 1241, 1246, 1247, 1254, 1259, 1261, 1264, 1265, 1271, 1277, 1283, 1284, 1285, 1299, 1302, 1304, 1317, 1324, 1326, 1331, 1334, 1352, 1353, 1356, 1360, 1361, 1362, 1363, 1364, 1365, 1372, 1383, 1391, 1392, 1401, 1411 and 1428 having come into force in accordance with the provisions of Section 21 and 30 of the Planning Act are hereby incorporated into this By-law

(NOTE: For Office Consolidation purposes, By-law amendments subsequent to By-law No. 1428 have also been included in this document.)

When you need a building permit

You must obtain a building permit before you:

- construct any new building over ten square meters in area or place another structure, such as a mobile home, on your property
- make renovations or repairs or add to a building
- change the use of a building
- excavate or construct a foundation
- construct a seasonal building
- undertake work regarding the installation, alteration, extension or repair of an on-site sewage system

Contact your municipality if you have any questions about when a building permit may be required.

Construction inspections

The Building Code sets out the stages of construction when different types of buildings must undergo a mandatory inspection. It is the responsibility of the permit holder to contact the municipality for an inspection when the project is at the stage of construction set out in the Building Code. The municipal building official is required to carry out the inspection within two working days of being notified. For construction of a sewage system, the inspector has five working days to conduct the inspection. During the inspection, an inspector will inspect the work to determine if it is carried out in accordance with the Building Code, your permit and the approved plans.

You will also be required to:

- show your permit in a window or other place where it can be easily seen
- keep copies of the plans on the site
- tell the municipality about any changes to the proposed construction, which will also have to be approved by the municipality

The inspector must always be able to see the work. If it's different from the work that was approved and, unless you get permission for a revision to your plans, you will be told to correct it. If you don't, the municipality can take enforcement action, such as issuing orders authorized under the *Building Code Act, 1992*.

Item 5F



November 21, 2019

ZONING VIOLATION NOTICE



Re: **Uses Restricted to a single detached dwelling in R2 Zoning located at 42 Emmett Street, Fonthill, ON**

The Town of Pelham Zoning By-law 1136 (1987) states:

Section 14.0 *Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provision of this section shall apply throughout the Residential 2 R2 Zone.*

Section 14.1 PERMITTED USES a) One single detached dwelling; b) uses, buildings and structures accessory thereto; (c) home occupations.

Section 1.2(b) *No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure, or lot hereafter be changed in whole or in part, except in accordance with the provisions of this By-law.*

Based on inspections of the property by Town staff, and information the Town has received, it has been determined that the property located at 42 Emmett Street, Fonthill is in violation of the Town Zoning By-law 1136 (1987) by having a second dwelling in an R2 Zone.

You are hereby ordered to correct this violation by making application for a Town of Pelham Zoning By-law Amendment no later than Monday January 6, 2020. The cost for this application is \$4,404.00 payable to the Town of Pelham in addition to a Regional Zoning By-law Review fee of \$1,270.00 payable to the Region of Niagara. You are strongly urged to contact the Town of Pelham's Planning Department Senior Planner Shannon Larocque as soon as possible at 905.892.2607 ext. 319 for a pre-consult meeting in this regard or for any questions you may have regarding this matter.

This is your notice that failure to comply with the above instructions to bring this property into compliance with the Zoning requirements may result in charges or other enforcement without further notice to you.

Thanking you in advance for your cooperation in this matter,

A handwritten signature in cursive script, appearing to read "Barbara Wiens".

Barbara Wiens
Director of Planning and Development

A handwritten signature in cursive script, appearing to read "Bob Lyndburner".

Bob Lyndburner
Director of Fire and By-law Services

2.3 INSPECTION

(a) Subject to Clause (b) of this Subsection, the Chief Building Official or By-law enforcement officer of the Corporation, acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties pursuant to the provisions of this By-law.

(b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under Section 16 of *The Provincial Offences Act*.

2.4 VIOLATIONS AND PENALTIES

(a) Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or causes or permits such a violation, shall be guilty of an offence, and upon conviction thereof, shall forfeit and pay a penalty not exceeding ONE THOUSAND DOLLARS (\$1,000.00) exclusive of costs for each such offence, and every such penalty shall be recoverable under *The Municipal Act* and *The Provincial Offences Act*. (b) Each day of violation shall constitute an offence.

2.5 REMEDIES

Where any building or structure is erected, altered, reconstructed or extended, or part thereof is used, or any lot is used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the relevant provisions of *The Planning Act* and/or *The Municipal Act*.

Hem5C

