



## City of Thunder Bay Appeals Tribunal Meeting Agenda

Wednesday, July 23, 2025, 1:30 p.m.

McNaughton Room - 3rd Floor, City Hall

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### Pages

#### 1. City of Thunder Bay Appeals Tribunal 01-2025

Chair: TBD

Please note that external documents contained within this agenda may not be fully accessible. To obtain an accessible version of this agenda, please contact the Office of the City Clerk at 625-2230 extension 9.

#### 2. Members

Jennifer Fenton  
Andrew Garro  
Sarah Hamlin  
Shaun Kennedy  
Andreas Petersen

#### 3. Officials

Dana Earle, Deputy City Clerk & Secretary to the Appeals Tribunal  
Katie Piché, Council & Committee Clerk  
Representative(s) from Municipal Enforcement Services

#### 4. Guests

Property Owner and/or Representative of 512 Marks Street South  
Property Owner(s) of 335 Rupert Street  
Property Owner and/or Representative of 339 Rupert Street  
Property Owner and/or Representative of 235 Grenville Avenue

#### 5. Disclosures of Interest

#### 6. Agenda

##### 6.1 Appeal to the Property Standards Order for 512 Marks Street South

Correspondence received on June 10, 2025 from Jatinder Rattan relative to 512 Marks Street South.

3 - 29

Copy of City of Thunder Bay Property Standards Order issued on May 23, 2025 by Municipal Enforcement Officer Matt Mickleburgh.

- 6.2 Appeal to the Property Standards Order for 335 Rupert Street** 30 - 41  
Correspondence with attachment received on June 18, 2025 and July 14, 2025 from Brenda Melick, relative to 335 Rupert Street.

Copy of City of Thunder Bay Property Standards Order issued on June 12, 2025 by Municipal Enforcement Officer Jolene Wiwcharyk.

- 6.3 Appeal to the Property Standards Order for 339 Rupert Street** 42 - 71  
Correspondence received on June 18, 2025 and July 17, 2025 from Kie Shiroma (Estate of Noriko Shiroma) and from Ericksons LLP on behalf of the appellant, relative to 339 Rupert Street.

Copy of City of Thunder Bay Property Standards Order issued on June 12, 2025 by Municipal Enforcement Officer Jolene Wiwcharyk.

- 6.4 Appeal to the Property Standards Order for 235 Grenville Avenue** 72 - 97  
Correspondence received on June 27, 2025 from Joseph Duchesneau relative to 235 Grenville Avenue.

Copy of City of Thunder Bay Property Standards Order issued on June 12, 2025 by Municipal Enforcement Officer Jolene Wiwcharyk.

## **7. Adjournment**



## Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5  
Tel: 416-212-6349 | 1-866-448-2248  
Web Site: olt.gov.on.ca

## Appeal Form (A1)

<b>Municipal/Approval Authority Date Stamp</b>	<b>Receipt Number (OLT Office Use Only)</b>	<b>Date Stamp – Appeal Received by OLT</b>
	<b>OLT Case Number (OLT Office Use Only)</b>	

You may be able to submit your appeal online using our new e-file service if:

- the approval authority you are submitting your appeal to is registered on e-file; or
- you are appealing directly to the Ontario Land Tribunal

Please visit our [e-file page](#) to learn more.

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

**Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.**

### Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
Reitlan		JATINDER	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation): 2119187 Ontario Inc			
18 STAFFORD DR Brampton ON L6W1L4			
Email Address:		Jps.diesel@gmail.com	
Daytime Telephone Number:		Alternative Telephone Number:	
647 9880380		437 388 6000	
ext.			

**Representative Information**

☒ I hereby authorize the named company and/or individual(s) to represent me

Last Name:

Kenneth

First Name:

SHANTZ

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):

Email Address:

Jpsdiesel@gmail.com

Daytime Telephone Number:

416 428 5100

ext.

Alternative Telephone Number:

Mailing Address

— DO —

Unit Number:

Street Number:

Street Name:

P.O. Box:

City/Town:

Province:

Country:

Postal Code:

**Note:** If your representative is not licensed under the *Law Society Act*, please confirm that they have your written authorization, as required by the *OLT Rules of Practice and Procedure*, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.

☒ I certify that I understand that my representative is not licensed under the *Law Society Act* and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.

**Location Information**

Are you the current owner of the subject property? ☒ Yes ☐ No

Address and/or Legal Description of property subject to the appeal:

FWCI 512 Marks St. S T'Bay

Municipality:

THUNDER BAY

Upper Tier (Example: county, district, region):

**Language Requirements**

<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal
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### Section 3A – Planning Matters

Appeal Reasons and Specific Information	
Number of new residential units proposed:	
60 Apartment in Main 3 story Building.	
Municipal Reference Number(s):	
List the reasons for your appeal:	
<p>✓ We are working to getting Rid of Gull Infestation on Building Roof</p> <p>✓ Need time Once the Tenant Moved out of Building. So we can do Minor Maintenance as well</p>	
Has a public meeting been held by the municipality? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:	
A: A decision of a Council or Approval Authority is:	
<input type="checkbox"/> Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the <i>Planning Act</i> <input type="checkbox"/> Fails to conform with or conflicts with a provincial plan <input type="checkbox"/> Fails to conform with an applicable Official Plan	
<b>And</b>	
B: For a non-decision or decision to refuse by council:	
<input type="checkbox"/> Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i> <input type="checkbox"/> Conformity with a provincial plan <input type="checkbox"/> Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan	
If it is your intention to argue one or more of the above grounds, please explain your reasons:	

## Section 4A – Appeals under Environmental Legislation

### Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

- Being a Heritage Building, we are looking support from city to preserve it.
- On legal matter we are working within the law to keep sewage away. A ITS Improving compare to last year.
- Our timetable sheet also attached for your reference

Reference Number of the decision under appeal:

NA

Portions of the decision in dispute:

NA

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

NA

Applying for Stay? ☐ Yes ☐ No

If Yes, outline the reasons for requesting a stay:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

## Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*?

☐ Yes ☒ No

Identify the portions of the instrument you are seeking to appeal:

## Section 6 – Mining Claim and Conservation Matters

### Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

NA

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

NA

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

NA

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

NA

### Respondent Information

Conservation Authority:

NA

Contact Person:

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:

Street Number:

Street Name:

P.O. Box:

## Section 9 – Filing Checklists (Mandatory)

### Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	<p>Municipality or the Approval Authority/School Board</p> <p>*If you are filing under the <i>Ontario Heritage Act</i>, including under <b>s. 34.1(1)</b>, please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal <b>in addition</b> to the Municipality or Approval Authority.</p>	
Section 3A & 3B or Section 4A or Section 4B or Section 6	<p>Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5</p>	<p>Phone: 416-212-6349   1-866-448-2248 Website: <a href="http://www.olt.gov.on.ca">www.olt.gov.on.ca</a></p>
Section 5	<p><b>For the Areas of:</b> Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p><b>File with:</b>  NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3<sup>rd</sup> Floor Georgetown, ON L7G 4B1</p>	<p><b>For the Areas of:</b> Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p><b>File with:</b>  NIAGARA ESCARPMENT COMMISSION 1450 7<sup>th</sup> Avenue Owen Sound, ON N4K 2Z1</p>



## Property Maintenance Sheet

Name of Property:		FWCI		Maintenance done by:		Nazeem	
Address Of Property:		512 Marks St South, Thunderbay, ON, P7E 1M7		Contact No.		437-388-6000	
Name Of Owner:		Jatinder Rattan		Email:		jpsdiesel@gmail.com	
Mar-25							
Week 1	3,5,7		2hr duty each day to keep seagulls away from roof.				
Week 2	10,13		2hr duty each day to keep seagulls away from roof.				
Week 3	16, 19,21		2hr duty each day to keep seagulls away from roof.				
Week 4	24,26,29		2hr duty each day to keep seagulls away from roof.				
Apr-25							
Week 1	1,4		Grass Cutting on 4th April 2025				
Week 2	7,10		2hr duty each day to keep seagulls away from roof.				
Week 3	13,16, 19		2hr duty each day to keep seagulls away from roof.				
Week 4	22,25,28		2hr duty each day to keep seagulls away from roof.				
May-25							
Week 1	1		Grass Cutting on May 01st				
Week 2	4,7,10		2hr duty each day to keep seagulls away from roof.				
Week 3	13,17		2hr duty each day to keep seagulls away from roof.				
Week 4	20,23		2hr duty each day to keep seagulls away from roof.				
Week 5	26,30		2hr duty each day to keep seagulls away from roof.				
Jun-25							
Week 1	2,5		2hr duty each day to keep seagulls away from roof.				
Week 2	8,		2hr duty each day to keep seagulls away from roof.				
Week 3							
Week 4							



**CORPORATE SERVICES  
MUNICIPAL ENFORCEMENT SERVICES**  
882 Alloy Place  
Thunder Bay, Ontario, P7B 6E6  
Tel: (807) 577-MLEO (6536)

**PROPERTY STANDARDS  
ORDER**

**Issued pursuant to section 15.2(2) of  
The Building Code Act, S.O. 1992, Chapter C23, as amended**

**RE: Occurrence Number # EF: 2025-501093 EF**

**To: 2119187 Ontario Inc - ATTN:  
Jatinder SINGH  
Address: 18 Stafford Drive  
Brampton ON, L6W 1L4**

**Order Address: 512 Marks St S  
Legal Description: PLAN 144 LOTS 43 TO 61 PT  
LOT 62 PT LANE PLAN 144 LOTS 43 TO 55 W/S  
CATHERINE ST RP 55R12677 PART 1 2.62AC  
489.50FR D  
Roll # 04.178.00100.0000**

A Property Standards Officer had inspected the above-described property.

The inspection revealed that in some respects the property does not conform to the standards prescribed by the City of Thunder Bay Municipal Standards for Property By-Law BL 95/2022.

**IT IS ORDERED THAT** the repairs necessary to correct the defects set out in Schedule 'A' be carried out and the property brought to a condition of compliance with the prescribed standards or clear the land of all offending structures and materials/defects and leave site in a graded and level condition, on or before the **June 30, 2025. (COMPLIANCE DATE)**

**YOU ARE ADVISED THAT** if you are not satisfied with the terms or conditions of the Order you may appeal to the Property Standards Committee by sending a Notice of Appeal by Registered Mail to, and to be received by:

**Secretary, Property Standards Committee  
City Hall  
500 Donald St E  
Thunder Bay, Ontario, P7E 5V3**


On or before **June 11, 2025. (APPEAL DEADLINE DATE)**

In the event that no appeal is submitted, within the above-prescribed period, the Order shall be deemed to be confirmed and shall be final and binding upon you, requiring you to comply with its Terms within the time and in the manner specified in the Order.

Where it has been determined that the necessary repairs or demolition has not been completed in accordance with this Order, as confirmed or modified, in addition to any possible court action, the municipality may cause the property to be repaired or demolished. The costs of such action shall be deemed a lien, on the land with priority lien status and may be collected in the same manner as municipal real property taxes, as set out in Section 1 of the Municipal Act, S.O. 2001, c.25, as amended.

**Order Issued: May 23, 2025**

City of Thunder Bay  
882 Alloy Place,  
Thunder Bay, Ontario P7B 6E6  
Phone: (807) 577-MLEO (6536)



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**MLEO MICKLEBURGH #408**

Property Standards Enforcement  
Tel: (807) 577-MLEO (6536)

## ‘SCHEDULE A’

As per Property Standards Order issued by Officer **MLEO MICKLEBURGH #408**, on:  
**May 23, 2025**

**To: 2119187 Ontario Inc - ATTN:**  
**Jatinder SINGH**  
**Address: 18 Stafford Drive**  
**Brampton ON, L6W 1L4**

**Order Address: 512 Marks St S**  
**Legal Description: PLAN 144 LOTS 43 TO 61 PT**  
**LOT 62 PT LANE PLAN 144 LOTS 43 TO 55 W/S**  
**CATHERINE ST RP 55R12677 PART 1 2.62AC**  
**489.50FR D**  
**Roll # 04.178.00100.0000**

The item(s) listed herein are in violation of the City of Thunder Bay Municipal Standards for Property By-Law BL 95/2022 and prescribed remedies are provided:

ITEM	SECTION	LOCATION	REQUIREMENTS (Summary)
1	Section 6 Exterior Property  Section 49 Pest Control	Roof of building  Assistive Photos Attached	6c) Without restricting the generality of this Section, the maintenance of Land includes the removal of:  ii) Injurious insects, termites, rodents, vermin and other pests; and any condition which may promote infestation  49) Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.
<b>REQUIRED REPAIR//REMEDY</b>			
<b>Namely:</b> Remove vermin (gull) infestation on the roof of the building and implement prevention methods so an infestation can not re-occur.			

## **SCHEDULE 'B'**

### **ASSISTIVE EXAMPLE PHOTOS**

As per Property Standards Order issued by Officer **MLEO MICKLEBURGH #408**, on:  
**May 23, 2025**

**To: 2119187 Ontario Inc - ATTN:**  
**Jatinder SINGH**  
**Address: 18 Stafford Drive**  
**Brampton ON, L6W 1L4**

**Order Address: 512 Marks St S**  
**Legal Description: PLAN 144 LOTS 43 TO 61 PT**  
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**CATHERINE ST RP 55R12677 PART 1 2.62AC**  
**489.50FR D**  
**Roll # 04.178.00100.0000**

The item(s) listed herein from Schedule A are in violation of the City of Thunder Bay Municipal Standards for Property By-Law BL 95/2022 and a Assistive Example photo(s) is/are included to assist in identifying deficiencies to be remedied:

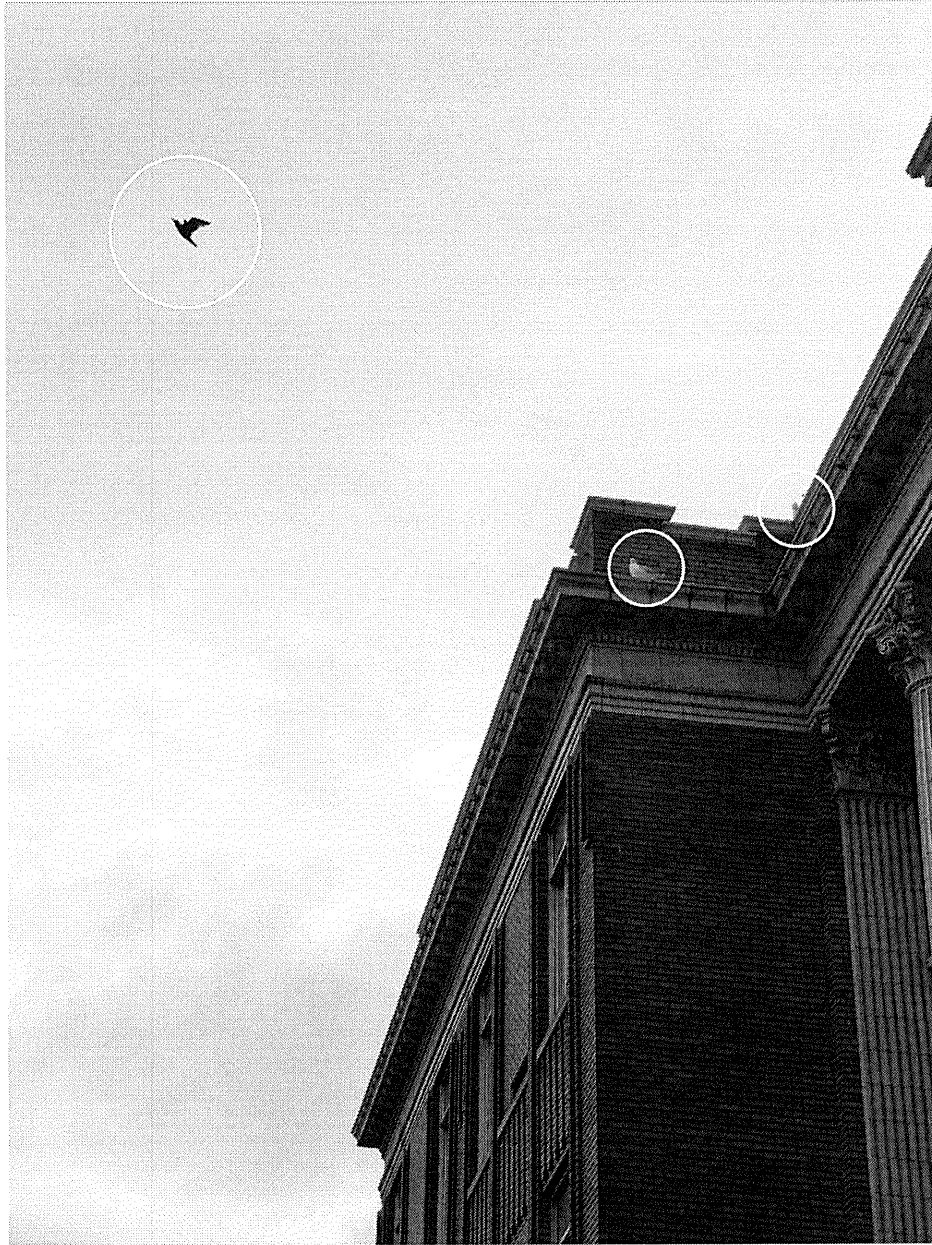
#### **Subject Property:**

##### **Item 1. –**





\*This document in an alternative format is available upon request.





\*This document in an alternative format is available upon request.





\*This document in an alternative format is available upon request.



\*This document in an alternative format is available upon request.



\*This document in an alternative format is available upon request.



\*This document in an alternative format is available upon request.

## ‘SCHEDULE C’

<b>IMPORTANT: Additional Information to Property Standards ORDER</b>
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As per Property Standards Order issued by Officer **MLEO MICKLEBURGH #408**, on:  
**May 23, 2025**

**To: 2119187 Ontario Inc - ATTN:**  
**Jatinder SINGH**  
**Address: 18 Stafford Drive**  
**Brampton ON, L6W 1L4**

**Order Address: 512 Marks St S**  
**Legal Description: PLAN 144 LOTS 43 TO 61 PT**  
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**489.50FR D**  
**Roll # 04.178.00100.0000**

### **PHOTOS: \*Assistive Example Photo(s) in Schedule ‘B’- Cautionary Note**

\*The “Defects photo(s)”, listed in Schedule “B”, are meant to represent an example of the defect type specified in the “Item” and may wholly or only partially represent all of the actual defect(s) that need to be remedied.

This means that other similar defects may be required to be remedied that do not appear in any specific photo(s) supplied and not every defect type may be represented by an Assistive Photo Example.

Clarification from the issuing Officer should be made where you are unclear of repair/remedy required for any particular defect.

### **Appeal Date/Time**

Where you have properly filed an Appeal to an Order, the Secretary of the Property Standards Committee will arrange to convene the Committee at its earliest availability to hear your appeal; you will receive a Notice of the date, time and location for you to attend. If you fail to attend, the Committee may rule on your case without receiving any evidence from you. If you are unable to attend your hearing date, you should advise the Secretary of the Committee one week prior to the hearing date, to allow members, staff and other witnesses, proper notice.

**Note:** there is not an obligation for the Committee to reschedule, so the reason for rescheduling should be properly communicated to the Committee Secretary. The Committee will only schedule a Hearing once an Appeal is received, and a date is for such Appeal is confirmed with the Committee.

### **Appeal- Property Standards Committee**

Appeals are heard (first level) in front of the Property Standards Committee, a quasi-judicial body that operates under the Provinces' Statutory Powers and Procedures Act. The process operates very similar to a Provincial Court or "Hearings" process where evidence is taken under oath, witnesses may be called, and evidence presented by each "side" and cross-examinations are permitted to allow the Committee to render an informed decision.

### **Appeal- Decision Limits- Property Standards Committee**

The Property Standards Committee is empowered to do only three (3) things based on facts alone (they cannot rule on circumstance i.e., financial hardship, medical or personal issues, etc.):

- i) **Confirm the ORDER**; as legal and binding in present form, in all requirements and you must comply with original order.
- ii) **Modify the ORDER**; to confirm as legal and binding but to add/modify/remove specific repairs/remedies to be undertaken as to their completion and/or to the timeframes required to complete; and you must comply with modified Order.
- iii) **Rescind the ORDER**; the Committee does have the power to rescind the ORDER (based on facts only) and this would defer complying with the ORDER until either party exhausted the Appeal Process and may result in the ORDER being quashed and of no force or effect on you or reinstated and binding.

### **Appeal- of Committee Decision- Either Party- Superior Court**

Where a decision has been rendered by the Property Standards Committee (Confirm, Modify, or Rescind) either party (i.e., Property Owner or Municipality) is entitled to only one additional Appeal. Where either party is not satisfied with the decision of the Property Standards Committee, an Appeal may be made to the Ontario Superior Court of Justice, where a Judge of that court shall hear the case.

Such Appeals (to Superior Court) can only be initiated through a formal process, established by the courts, and generally (not exclusively) require the aid of legal representation in the form of a lawyer to prepare and argue the merits of the Appeal.

**Note:** This level of Appeal is almost exclusively transcript-based, and reviews the facts already entered into evidence at the Property Standards Appeal Committee proceeding: new evidence is not generally permitted, except to remedy misleading evidence that concerns the overall outcome of the decision.

### **Your Right to Appeal- Appeal Decision Limitations: Superior Court Judge**



The Judge of the Superior Court has the same powers and authority of the Property Standards Committee and is limited to the same three (3) decisions as the Property Standards Committee (See Appeal Decision Limits- Property Standards Committee).

### **End- Appeal Process**

The decision of the Superior Court Judge is final and binding and not subject to any further levels of Appeal to any Canadian Court.

Should you wish to discuss any of the above information, or the terms of complying with the attached Property Standards Order, please do not hesitate to contact the undersigned at any time. Please remember that if you chose to file an Appeal, it must be done in writing to the Secretary of the Property Standards Committee; it cannot be done by calling the undersigned and must be sent Registered Mail and received via registered mail by the **Appeal Deadline Date**.

Re-inspection will be made after the **COMPLIANCE DATE**. For any inquiries, please contact the undersigned at (807) 577-MLEO (6536). If there is no answer, please provide your **FULL NAME** and the **FULL PROPERTY ADDRESS** the **ORDER** is regarding.

You may wish to obtain independent legal advice before you make any decisions; that is your right, but seeking such advice will not alter the **APPEAL DEADLINE DATE** or **COMPLIANCE DATE**.

**SCHEDULE 'D'**  
**CITY OF THUNDER BAY MUNICIPAL STANDARDS**  
**FOR PROPERTY BY-LAW BL 95/2022**  
**SECTIONS AND WORDINGS**

As per Property Standards Order issued by Officer **MLEO MICKLEBURGH #408**, on:  
**May 23, 2025**

**To: 2119187 Ontario Inc - ATTN:**  
**Jatinder SINGH**  
**Address: 18 Stafford Drive**  
**Brampton ON, L6W 1L4**

**Order Address: 512 Marks St S**  
**Legal Description: PLAN 144 LOTS 43 TO 61 PT**  
**LOT 62 PT LANE PLAN 144 LOTS 43 TO 55 W/S**  
**CATHERINE ST RP 55R12677 PART 1 2.62AC**  
**489.50FR D**  
**Roll # 04.178.00100.0000**

Defect Sections referred to in Schedule 'A', from the City of Thunder Bay Municipal Standards for Property By-Law BL 95/2022:

### **3. DEFINITIONS**

- a) "Accessory Building" means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property;
- b) "Act" means an enactment or statute of the Province of Ontario;
- c) "Approved" means acceptance by the Property Standards Officer;
- d) "Basement" means that portion of a Building between two floor levels, which is partly underground and which has at least one-half its height from finished floor to the underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building;
- e) "Building" means a type of structure having a roof supported by columns or walls designed for use for the accommodation or storage of persons, animals, goods, materials, or equipment;
- f) "Building Code" means the Building Code Act, S.O. 1992, c.23, as amended, and any regulations made there under;
- g) "Chief Building Official" means the Chief Building Official appointed under Section 3 of the Building Code Act, 1992, c. 23 and having jurisdiction for the enforcement thereof;
- h) "City" means the Corporation of the City of Thunder Bay; "the Corporation" shall have the same meaning;
- i) "Code" means a regulation of the Province of Ontario known: i. With respect to matters relating to building, as the Building Code; ii. with respect to matters relating to electricity, as the Electrical Safety Code; iii. with respect to matters relating to fire, as the Fire Code; and iv. with respect to matters relating to plumbing, as the Building Code; v. with respect to matters relating to elevating devices, as the Technical Standards and Safety Act, 2000. BY-LAW NUMBER BL 95/2022
- j) "Committee" means a Property Standards Appeal Committee established under this By-law;



- k) "Council" means the Council of the Corporation of the City of Thunder Bay;
- l) "C.S.A. B-365 Standard" means the Canadian Standards Association's approved Standard for solid wood burning fuel appliances and includes any amendments or replacement legislation to regulate solid fuel burning appliances;
- m) "Defect Notice" means a notice issued by an Officer that notifies the owner of property of defects therein, that do not comply with the provisions of this By-law and require an acknowledgement;
- n) "Dwelling" means a building, structure, mobile home or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicle that would be or would be intended to be used for such purposes, except for its state of disrepair;
- o) "Dwelling Unit" means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities. Dwelling unit is two or more rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment;
- p) "Exterior property area" means the building lot excluding buildings;
- q) "Fence" means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen;
- r) "First Storey" means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade;
- s) "Ground cover" means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping; BY-LAW NUMBER BL 95/2022
- t) "Guard" means a balustrade or protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them;
- u) "Habitable Room" means any room in a Dwelling unit lawfully used or designed to be used for the purposes of living, sleeping, eating, cooking or preparation of food and, without limiting the foregoing, shall include a den, library, sunroom, recreational room, or any combination thereof;
- v) "Hazard" means Lands, Buildings, structures, or materials that are in an Unsafe Condition, or is a source or a situation, with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, risk of fire, or a combination of these and includes unsafe containers which have a closing or locking mechanism such that something or someone inside could be trapped and unable to be released without external assistance.
- w) "Inoperative Vehicle" means any Vehicle, motor vehicle, vessel, trailer or camping trailer which, that appears by reason of its appearance, mechanical, functional or structural condition not to be operative and includes those vehicles that require a

valid license plate be displayed to operate on a highway and have in existence proof of a valid and current registration, pursuant to the provisions of the Highway Traffic Act and amendments thereto, regardless of whether it is required at the time of inspection, and includes all vehicles or vessels that are wrecked, discarded, dismantled or abandoned, or a vehicle or vessel which has had part or all of its superstructure or motor power removed;

- x) “Land” means property, whether or not it contains Buildings or Structures, and whether it is vacant or occupied. Reference to “Land” includes all Buildings and Structures, including fences, on the Land.
- y) “Non-habitable space” means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service, maintenance or access within a Building, or a room or space which does not comply with the minimum standards for residential occupancy;
- z) “MLEO” means any person appointed as a Municipal Law Enforcement Officer for the City, or a police officer.
- aa) “Non-Residential Property” means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant, BY-LAW NUMBER BL 95/2022 and all of the outbuildings, fences, or erections thereon or therein;
- bb) “Natural Garden Area” means a yard, or any portion thereof, containing vegetative growth deliberately implemented to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native consistent with a managed and natural landscape, other than Turfgrass;
- cc) “Nuisance” means any condition or use of Land which unreasonably interferes with the use and enjoyment of another person’s Land. Examples include, but are not limited to: i. emissions of smoke, gas, fumes, dust, or sawdust; ii. objectionable odours; or iii. the unsightly storage of goods, wares, merchandise, debris or other material.
- dd) “Officer (Property Standards)” means a Municipal Law Enforcement Officer who has been appointed by the City as a Property Standards Officer and been assigned the responsibility of administering and enforcing a by-law passed under section 15.1 of the Building Code;
- ee) “Order” means an order, issued by a Officer (Property Standards), pursuant to section 15.2 of the Building Code Act, to remedy defects in standards for maintenance and occupancy; an Order-To-Comply has the same meaning.
- ff) “Owner” shall include the registered property owner or agent thereof: a person having or appearing to have beneficial ownership or care and control of the property, and an owner as defined by the Building Code Act, 1992;
- gg) “Potable Water” means water meeting all the provincial standards for drinking.
- hh) “Person” means and includes any person, firm, partnership, corporation, company, association, or organization of any kind;
- ii) “Safe Condition” means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb, or health of any person on or about the property, and includes a structurally sound condition;

- jj) "Sewage system" means the City of Thunder Bay's system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official for the City; BY-LAW NUMBER BL 95/2022
- kk) "Sign" means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate, advertise, or direct attention to any person, business, service, commodity or use;
- ll) "Swimming Pool" means an outdoor pool of water for swimming, bathing, wading, or reflecting, which is capable of retaining a water depth equal to or greater than sixty centimeters (60 cm) or twenty-four inches (24 in) at any point. The term does not include facilities for the purposes of providing water to livestock or for irrigation of crops which are associated with, and located on, Land devoted to the practice of farming.
- mm) "Unsafe Condition" is a descriptive phrase for Land, Buildings, Structures, or material, that are in a condition or state of repair that causes a hazard to life, limb, or health of any person authorized or expected to be on or near the Land in question.
- nn) "Unightly Condition" means, in relation to land, having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality or neighbourhood and could be described as inconsistent with the reasonable characteristics of the surrounding community
- oo) "Vacant Building" means a building that is partially or entirely vacant and includes a building that is partially or entirely vacant and occupied by unauthorized persons;
- pp) "Vehicle" means a motor vehicle, vessel, trailer, boat, motorized snow vehicle, off-road vehicle or other mechanical power driven equipment;
- qq) "Vermin" means mammals, birds, or insects injurious to humans, physical property, game, livestock, or crops. Examples include but are not limited to: skunks, rats, termites, poisonous insects or reptiles, moths, and mice;
- rr) "Visual barrier" shall mean a continuous, uninterrupted structure and/or fence which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal, or other similarly solid material approved by the Chief Property Standards Officer or Chief Building Official;
- ss) "Waste" means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property and/or BY-LAW NUMBER BL 95/2022 from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather;
- tt) "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

#### **4. GENERAL**

- a) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with the standards set out in this By-law.

- b) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with any safety standards required by a Code, when such provision(s) provide for the protection of persons in relation to the use of the property, regardless whether that standard is specifically set out in this By-law or not.
- c) The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, garbage, rubbish, waste, or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard, and shall leave the property in a graded and leveled condition.
- d) The owner of any property that has not complied with a confirmed order that seeks to remedy any Unsafe Condition shall not occupy or permit the occupancy of the property until such time as the order has been complied with or the property is cleared of all structures and left in a graded and level condition.
- e) All repairs and maintenance of property required by this By-law shall be carried out in a manner and with materials that are accepted as good workmanship in the trades concerned.
- f) For the purposes of subsection e) and without limiting subsection e), “carried out in a manner and with materials that are accepted as good workmanship in the trades concerned” includes:
  - i. carried out with materials suitable and sufficient for that purpose and free from defects; and
  - ii. carried out in a manner consistent with the recognized national and international industry best practices, including those of the Canadian Construction Association; and
  - iii. where required by law, or in accordance with recognized industry best practices, carried out by a duly qualified and/or licenced person in the trade concerned.
- g) All new construction or extensive repairs shall conform to the *Ontario Building Code* where applicable.
- h) This By-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.
- i) Nothing in this By-law, including the doing of any required works to comply with this By-law or an Order or Defect Notice hereunder, shall be construed or interpreted as relieving any person of other legislative requirements that must be complied with.
- j) All lands and structures thereon, including fences, that are subject to deterioration due to the exposure of surfaces to the elements, including weather, sun, and other environmental factors, that may cause degradation, shall, where appropriate and required, be maintained through the proper application of preservative coating such as paints, stains, or through other specific treatments designed to protect and maintain those surface areas requiring treatment.
- k) All lands and structures thereon, including fences, shall be kept clear and free from graffiti, unauthorized signs, objectionable defacements, or similar markings.

## 6. EXTERIOR PROPERTY

- a) All exterior areas of a property shall be kept clean and free of litter, rubbish, waste, salvage, refuse, dead , decaying, or damaged trees, branches and limbs, or anyother objects or conditions that might create a health, fire, accident hazard, or Unsafe Condition.
- b) Every property shall be kept free from garbage, rubbish, waste, or accumulations of any materials that prevent access to or exit from the property
- c) **Without restricting the generality of this Section, the maintenance of Land includes the removal of:**
  - i. Rubbish, garbage, waste, litter and debris;
  - ii. **Injurious insects, termites, rodents, vermin and other pests; and any condition which may promote an infestation;**
  - iii. Wrecked, dismantled, inoperative vehicles, discarded or unlicensed vehicles, vessels, off-road vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with any relevant By-laws or statutes; and
  - iv. Dilapidated or collapsed buildings, structures or erections, and the filling in or protecting of any unprotected well.

#### **49. PEST CONTROL**

Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.

CITY OF THUNDER BAY

2025 JUN 18 AM 10:06

CITY CLERK'S OFFICE

**Brenda Melick**

497 Van Norman St.

Thunder Bay, Ontario, P7A 43E

705-323-3923

blmelick@lakeheadu.ca

**Date:** June 17, 2025

**To:**

Secretary, Property Standards Committee

City Hall

500 Donald St E

Thunder Bay, Ontario, P7E 5V3

**RE: Appeal of Property Maintenance Order – Request for Extension  
Occurrence Number # EF: 25-50107**

Dear Secretary, Property Standards Committee

I am writing to formally appeal the Property Maintenance Order issued for my property located at 335 Rupert St, Thunder Bay dated June 12, 2025 regarding the structural condition of the retaining wall noted in the order.

I request an extension of the compliance deadline stated in the order. In addition, I need to present evidence concerning the precise location of the retaining wall in relation to the property line. This information is essential to ensure that any corrective actions taken are appropriate, justified, and legally sound.

Furthermore, I would appreciate the opportunity to submit this evidence and to discuss any concerns regarding the order in more detail before further enforcement steps are taken.

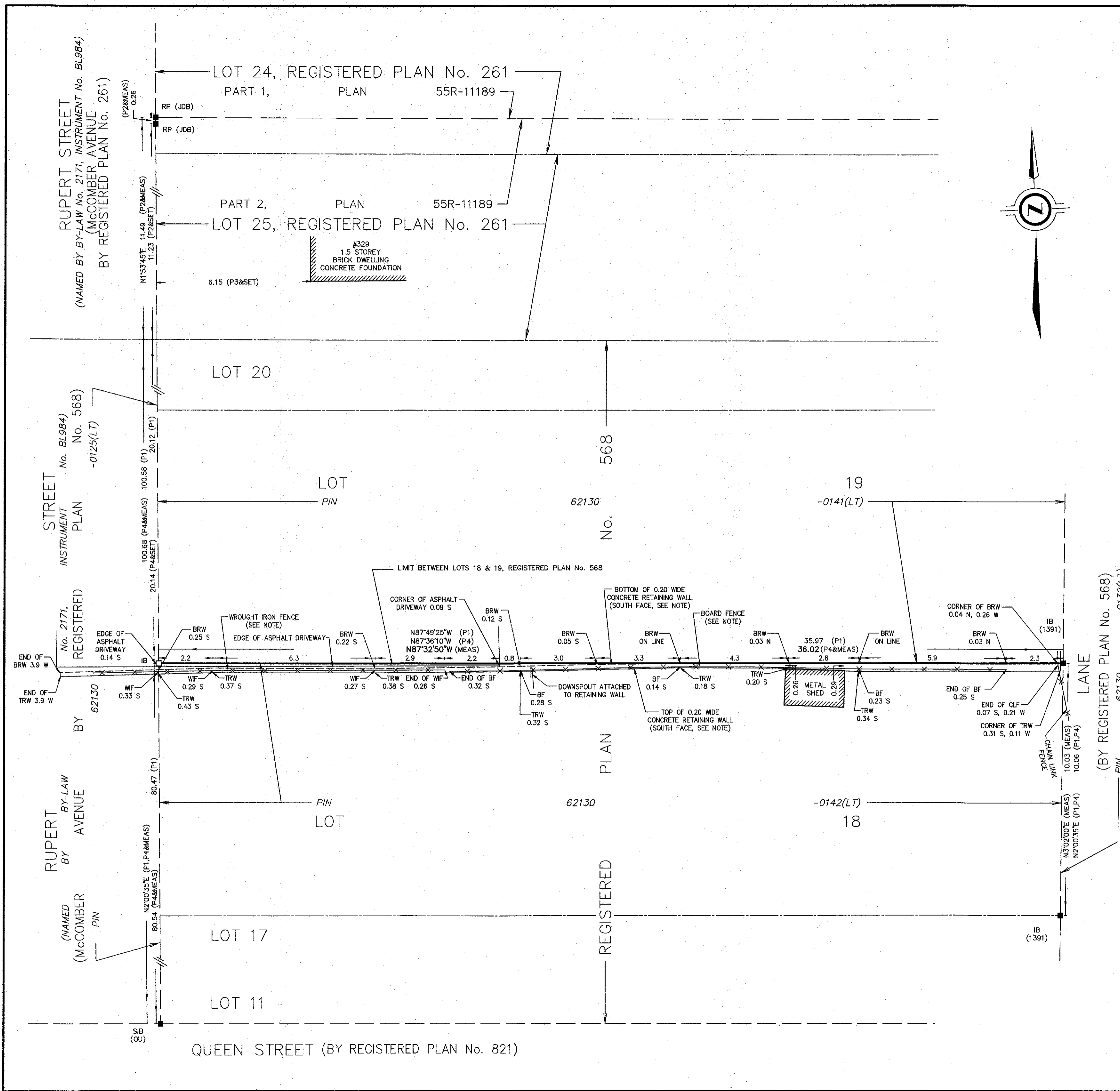
Please confirm receipt of this appeal and advise of any next steps required from my end, including the formal hearing process or documentation to submit in support of my request.

I am committed to resolving this matter responsibly and in accordance with the City's standards and procedures.

Sincerely,

Brenda Melick





PLAN OF SURVEY OF THE LIMIT BETWEEN  
LOTS 18 AND 19  
REGISTERED PLAN No. 568  
CITY OF THUNDER BAY  
DISTRICT OF THUNDER BAY



J.D. BARNES LIMITED  
© COPYRIGHT 2025  
**METRIC** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**NOTES**  
BEARINGS ARE UTM GRID, DERIVED BY REAL TIME KINEMATIC (RTK) OBSERVATIONS FROM A LOCAL BASE STATION (N 5 366 275.11, E 334 062.90), UTM ZONE 16, NAD83 (CSRS)(2010.0).  
DISTANCES SHOWN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999114.  
FOR BEARING COMPARISONS, A ROTATION OF 2°10'35" CLOCKWISE WAS APPLIED TO BEARINGS ON P1 & P4 AND A ROTATION OF 1°53'45" CLOCKWISE WAS APPLIED TO BEARINGS ON P2 TO CONVERT TO GRID BEARINGS.  
PERPENDICULAR TIES WERE TAKEN TO THE CENTRELINE OF THE WROUGHT IRON FENCE.  
PERPENDICULAR TIES WERE TAKEN TO THE SOUTH FACE OF THE 0.13 WIDE FENCE POSTS OF THE BOARD FENCE. THE NORTH FACE IS THE FINISHED SIDE OF THE BOARD FENCE.  
FOR CLARITY PURPOSES, ONLY THE SOUTH FACE OF THE 0.20 WIDE CONCRETE RETAINING WALL IS ILLUSTRATED ON THE FACE OF THE PLAN, WITH PERPENDICULAR TIES TAKEN TO THE SAID SOUTH FACE. TIES TO THE BOTTOM OF THE SOUTH FACE OF THE CONCRETE RETAINING WALL WERE TAKEN AT GROUND LEVEL.

LEGEND	
■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
SIB	DENOTES STANDARD IRON BAR
IB	DENOTES IRON BAR
RP	DENOTES ROCK POST
1391	DENOTES B. MASKELL LIMITED
JDB	DENOTES J.D. BARNES LIMITED
OU	DENOTES ORIGIN UNKNOWN
P1	DENOTES REGISTERED PLAN No. 568
P2	DENOTES PLAN 55R-11189
P3	DENOTES SURVEYOR'S REAL PROPERTY REPORT BY J.D. BARNES LIMITED, DATED SEPTEMBER 14, 1999 (REFERENCE No. 99-32-010-01)
P4	DENOTES SURVEYOR'S REAL PROPERTY REPORT BY B. MASKELL LIMITED, DATED FEBRUARY 12, 1993 (FILE No. 93-19)
MEAS	DENOTES MEASURED
No.	DENOTES NUMBER
LT	DENOTES LAND TITLES
BRW	DENOTES BOTTOM OF CONCRETE RETAINING WALL (SOUTH FACE)
TRW	DENOTES TOP OF CONCRETE RETAINING WALL (SOUTH FACE)
BF	DENOTES BOARD FENCE
CLF	DENOTES CHAIN LINK FENCE
WIF	DENOTES WROUGHT IRON FENCE
---	DENOTES BOTTOM OF CONCRETE RETAINING WALL (SOUTH FACE)
- - -	DENOTES TOP OF CONCRETE RETAINING WALL (SOUTH FACE)
×	DENOTES FENCE

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON JUNE 4TH, 2025.

JULY 14, 2025  
DATE  
Rafal Kaczmarek  
RAFAL KACZMAREK  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-100668.

**J.D. BARNES**  
LIMITED  
LAND INFORMATION SPECIALISTS  
1158 RUSSELL STREET, THUNDER BAY, ON P7B 5N2  
T: (807) 622-6277 F: (807) 626-8040 www.jdbarnes.com

DRAWN BY:	DHT	CHECKED BY:	RK	REFERENCE NO.:	25-32-409-00
PLOTTED:	2025-07-14	DATED:	07/14/2025		



**CORPORATE SERVICES  
MUNICIPAL ENFORCEMENT SERVICES**  
882 Alloy Place  
Thunder Bay, Ontario, P7B 6E6  
Tel: (807) 577-MLEO (6536)

**PROPERTY STANDARDS  
ORDER**

**Issued pursuant to section 15.2(2) of  
The Building Code Act, S.O. 1992, Chapter C23, as amended**

**RE: Occurrence Number # EF: 25-50107**

**To: Brenda Lyn MELICK, Mary  
MARTIN and David JOHNSTON  
Address: 497 Van Norman Street,  
Thunder Bay, Ontario, P7A 4E3**

**Order Address: 335 Rupert Street,  
Thunder Bay, Ontario, P7B 3X7  
Legal Description: PLAN 568 LOT 19 REG  
Roll # 01.033.05700.0000**

A Property Standards Officer had inspected the above-described property.

The inspection revealed that in some respects the property does not conform to the standards prescribed by the City of Thunder Bay Municipal Standards for Property By-Law BL 95/2022.

**IT IS ORDERED THAT** the repairs necessary to correct the defects set out in Schedule 'A' be carried out and the property brought to a condition of compliance with the prescribed standards on or before the **August 30, 2025. (COMPLIANCE DATE)**

**YOU ARE ADVISED THAT** if you are not satisfied with the terms or conditions of the Order you may appeal to the Property Standards Committee by sending a Notice of Appeal by Registered Mail to, and to be received by:

**Secretary, Property Standards Committee  
City Hall  
500 Donald St E  
Thunder Bay, Ontario, P7E 5V3**

On or before **July 3, 2025. (APPEAL DEADLINE DATE)**

If no appeal is submitted, within the above-prescribed period, the Order shall be deemed to be confirmed and shall be final and binding upon you, requiring you to comply with its Terms within the time and in the manner specified in the Order.

Where it has been determined that the necessary repairs or demolition has not been completed in accordance with this Order, as confirmed or modified, in addition to any



possible court action, the municipality may cause the property to be repaired. The costs of such action shall be deemed a lien, on the land with priority lien status and may be collected in the same manner as municipal real property taxes, as set out in Section 1 of the Municipal Act, S.O. 2001, c.25, as amended.



Jolene Wiwcharyk #406  
C.P.S.O & M.L.E.O  
Property Standards Enforcement  
**Order Issued: June 12, 2025**

Municipal Enforcement Services  
City of Thunder Bay  
882 Alloy Place,  
Thunder Bay, Ontario P7B 6E6  
Phone: (807) 577-MLEO (6536)

## “SCHEDULE A”

### LINE ITEMS – DEFICIENCIES

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

#406, on the 12 JUNE 2025. EF: 25-50107

To: Brenda Lyn MELICK, Mary  
MARTIN and David JOHNSTON  
Address: 497 Van Norman Street,  
Thunder Bay, Ontario, P7A 4E3

Order Address: 335 Rupert Street,  
Thunder Bay, Ontario, P7B 3X7  
Legal Description: PLAN 568 LOT 19 REG  
Roll # 01.033.05700.0000

The item(s) listed herein are in violation of the City of Thunder Bay Municipal Standards for Property By-Law 95/2022 and prescribed remedies are provided:

ITEM	SECTION	LOCATION	REQUIREMENTS (Summary)
1	<b>14. RETAINING WALLS</b>  (See Schedule B)	South side of the property  Assistive Photos Attached	All retaining walls, shall be constructed of durable material and shall be maintained in a structurally sound condition and free from Hazard.
<b>REQUIRED REPAIR//REMEDY</b>			
<p><b>Namely:</b> The structural condition of the retaining wall appears to be structurally unsound with significant leaning towards a neighbouring property and cracking throughout. As such, this may pose or constitute an Unsafe Condition or Hazard.</p> <ol style="list-style-type: none"><li>1. A Structural Engineer's Report is to be undertaken to determine the structural condition and adequacy of the retaining wall. The Report is to include the details of the findings of the examination and details of any remedial work required. A copy of such Report shall be provided to Municipal Enforcement Services; and</li><li>2. Repair the retaining wall and maintain the wall in a structurally sound condition and free from Unsafe Condition or Hazard. Should the deficiencies as listed in the Structural Engineer's Report be repaired, a Report shall be provided by the Structural Engineer at the completion of repairs as to the structural condition and adequacy of the retaining wall; or</li><li>3. Replace the retaining wall, obtaining any required permits and ensuring compliance with the Building Code Act, and any other relevant regulation standards.</li></ol>			

**“SCHEDULE B”**

**ASSISTIVE EXAMPLE PHOTOS**

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

#406, on the 12 JUNE 2025. EF:25-50107

**To: Brenda Lyn MELICK, Mary  
MARTIN and David JOHNSTON  
Address: 497 Van Norman Street,  
Thunder Bay, Ontario, P7A 4E3**

**Order Address: 335 Rupert Street,  
Thunder Bay, Ontario, P7B 3X7  
Legal Description: PLAN 568 LOT 19 REG  
Roll # 01.033.05700.0000**

The item(s) listed herein from Schedule A are in violation of the City of Thunder Bay Municipal Standards for Property By-Law 95/2022 and an Assistive Example photo(s) is/are included to assist in identifying deficiencies to be remedied:

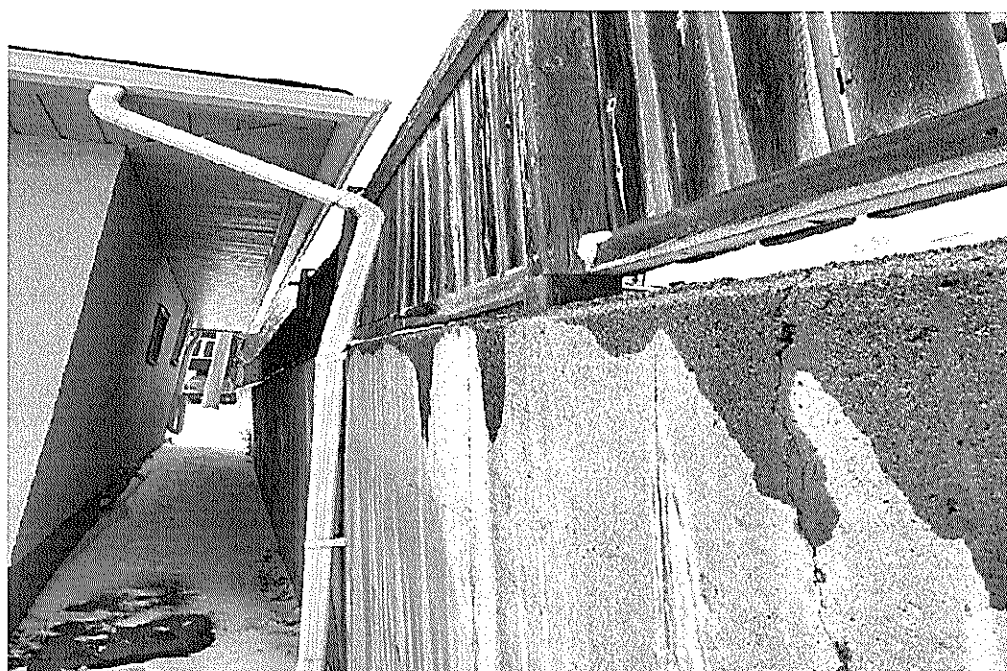
**Subject Property: 335 Rupert Street, Thunder Bay, Ontario, P7B 3X7**

**Item 1. – Section 14 – RETAINING WALLS**



**Subject Property: 335 Rupert Street, Thunder Bay, Ontario, P7B 3X7**

**Item 1. – Section 14 – RETAINING WALLS**



\*This document in an alternative format is available upon request.

## **“SCHEDULE C”**

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

#406, on the 12 JUNE 2025. EF:25-50107

<b>IMPORTANT: Additional Information to Property Standards ORDER</b>
--

**To: Brenda Lyn MELICK, Mary  
MARTIN and David JOHNSTON  
Address: 497 Van Norman Street,  
Thunder Bay, Ontario, P7A 4E3**

**Order Address: 335 Rupert Street,  
Thunder Bay, Ontario, P7B 3X7  
Legal Description: PLAN 568 LOT 19 REG  
Roll # 01.033.05700.0000**

### **PHOTOS: \*Assistive Example Photo(s) in Schedule ‘B’- Cautionary Note**

\*The “Assistive Example photo(s)”, listed in Schedule “B”, are meant to represent an example of the defect type specified in the “Item” and may wholly or only partially represent all the actual defect(s) that need to be remedied.

This means that other similar defects may be required to be remedied that do not appear in any specific photo(s) supplied and not every defect type may be represented by an Assistive Photo Example.

Clarification from the issuing Officer should be made where you are unclear of repair/remedy required for any particular defect.

### **Appeal Date/Time**

Where you have properly filed an Appeal to an Order, the Secretary of the Property Standards Committee will arrange to convene the Committee at its earliest availability to hear your appeal; you will receive a Notice of the date, time and location for you to attend. If you fail to attend, the Committee may rule on your case without receiving any evidence from you. If you are unable to attend your hearing date, you should advise the Secretary of the Committee one week prior to the hearing date, to allow members, staff and other witnesses, proper notice.

**Note:** there is not an obligation for the Committee to reschedule, so the reason for rescheduling should be properly communicated to the Committee Secretary. The Committee will only schedule a Hearing once an Appeal is received, and a date is for such Appeal is confirmed with the Committee.

### **Appeal- Property Standards Committee**

Appeals are heard (first level) in front of the Property Standards Committee, a quasi-judicial body that operates under the Provinces' Statutory Powers and Procedures Act. The process operates very similar to a Provincial Court or "Hearings" process where evidence is taken under oath, witnesses may be called, and evidence presented by each "side" and cross-examinations are permitted to allow the Committee to render an informed decision.

### **Appeal- Decision Limits- Property Standards Committee**

The Property Standards Committee is empowered to do only three (3) things based on facts alone (they cannot rule on circumstance i.e., financial hardship, medical or personal issues, etc.):

- i) **Confirm the ORDER;** as legal and binding in present form, in all requirements and you must comply with original order.
- ii) **Modify the ORDER;** to confirm as legal and binding but to add/modify/remove specific repairs/remedies to be undertaken as to their completion and/or to the timeframes required to complete; and you must comply with modified Order.
- iii) **Rescind the ORDER;** the Committee does have the power to rescind the ORDER (based on facts only) and this would defer complying with the ORDER until either party exhausted the Appeal Process and may result in the ORDER being quashed and of no force or effect on you or reinstated and binding.

### **Appeal- of Committee Decision- Either Party- Superior Court**

Where a decision has been rendered by the Property Standards Committee (Confirm, Modify, or Rescind) either party (i.e., Property Owner or Municipality) is entitled to only one additional Appeal. Where either party is not satisfied with the decision of the Property Standards Committee, an Appeal may be made to the Ontario Superior Court of Justice, where a Judge of that court shall hear the case.

Such Appeals (to Superior Court) can only be initiated through a formal process, established by the courts, and generally (not exclusively) require the aid of legal representation in the form of a lawyer to prepare and argue the merits of the Appeal.

**Note:** This level of Appeal is almost exclusively transcript-based, and reviews the facts already entered into evidence at the Property Standards Appeal Committee proceeding:

new evidence is not generally permitted, except to remedy misleading evidence that concerns the overall outcome of the decision.

### **Your Right to Appeal- Appeal Decision Limitations: Superior Court Judge**

The Judge of the Superior Court has the same powers and authority of the Property Standards Committee and is limited to the same three (3) decisions as the Property Standards Committee (See Appeal Decision Limits- Property Standards Committee).

### **End- Appeal Process**

The decision of the Superior Court Judge is final and binding and not subject to any further levels of Appeal to any Canadian Court.

Should you wish to discuss any of the above information, or the terms of complying with the attached Property Standards Order, please do not hesitate to contact the undersigned at any time. Please remember that if you chose to file an Appeal, it must be done in writing to the Secretary of the Property Standards Committee; it cannot be done by calling the undersigned and must be sent Registered Mail and received via registered mail by the **Appeal Deadline Date**.

Re-inspection will be made after the **COMPLIANCE DATE**. For any inquiries, please contact the undersigned at (807) 577-MLEO (6536). If there is no answer, please provide your **FULL NAME** and the **FULL PROPERTY ADDRESS** the **ORDER** is regarding.

You may wish to obtain independent legal advice before you make any decisions; that is your right, but seeking such advice will not alter the **APPEAL DEADLINE DATE** or **COMPLIANCE DATE**.

## **“SCHEDULE D”**

### **CITY OF THUNDER BAY MUNICIPAL STANDARDS FOR PROPERTY BY-LAW BL 95/2022 SECTIONS AND WORDINGS**

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

#406, on the 12 JUNE 2025. EF:25-50107

**To: Brenda Lyn MELICK, Mary  
MARTIN and David JOHNSTON  
Address: 497 Van Norman Street,  
Thunder Bay, Ontario, P7A 4E3**

**Order Address: 335 Rupert Street,  
Thunder Bay, Ontario, P7B 3X7  
Legal Description: PLAN 568 LOT 19 REG  
Roll # 01.033.05700.0000**

Line Items- Deficiencies Listed in “Schedule A” of this order align with the following sections of the City of Thunder Bay Municipals Standards for Property By-Law 95/2022:

### **3. DEFINITIONS**

**mm) “Unsafe Condition”** Is a descriptive phrase for Land, Buildings, Structures, or material, that are in a condition or state of repair that causes a hazard to life, limb, or health of any person authorized or expected to be on or near the Land in question.

**f) “Building Code”** means the Building Code Act, S.O. 1992, c.23, as amended, and any regulations made thereunder;

**v) “Hazard”** Means Lands, Buildings, structures or materials that are in an Unsafe Condition, or is a source or a situation, with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, risk of fire, or a combination of these.

**ii) “Safe Condition”** means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb, or health of any on or about the property, and includes a structurally sound condition.

### **4. GENERAL**

- a) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with the standards set out in this By-law.
- b) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with any safety standards required by a Code, when such provision(s) provide for the protection of persons in relation to the use of the property, regardless whether that standard is specifically set out in this By-law or not.
- c) The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the



property of all buildings, structures, garbage, rubbish, waste, or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard, and shall leave the property in a graded and leveled condition.

d) The owner of any property that has not complied with a confirmed order that seeks to remedy any Unsafe Condition shall not occupy or permit the occupancy of the property until such time as the order has been complied with or the property is cleared of all structures and left in a graded and level condition.

e) All repairs and maintenance of property required by this By-law shall be carried out in a manner and with materials that are accepted as good workmanship in the trades concerned.

f) For the purposes of subsection e) and without limiting subsection e), "carried out in a manner and with materials that are accepted as good workmanship in the trades concerned" includes:

- i. carried out with materials suitable and sufficient for that purpose and free from defects; and
- ii. carried out in a manner consistent with the recognized national and international industry best practices, including those of the Canadian Construction Association; and
- iii. where required by law, or in accordance with recognized industry best practices, carried out by a duly qualified and/or licenced person in the trade concerned.

g) All new construction or extensive repairs shall conform to the *Ontario Building Code* where applicable.

h) This By-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.

i) Nothing in this By-law, including the doing of any required works to comply with this By-law or an Order or Defect Notice hereunder, shall be construed or interpreted as relieving any person of other legislative requirements that must be complied with.

j) All lands and structures thereon, including fences, that are subject to deterioration due to the exposure of surfaces to the elements, including weather, sun, and other environmental factors, that may cause degradation, shall, where appropriate and required, be maintained through the proper application of preservative coating such as paints, stains, or through other specific treatments designed to protect and maintain those surface areas requiring treatment.

k) All lands and structures thereon, including fences, shall be kept clear and free from

#### **14. RETAINING WALLS**

All retaining walls, screen walls, and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition and free from Hazard.

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

***IN THE MATTER OF AN APPEAL OF THE CORPORATION OF THE CITY OF THUNDER  
BAY PROPERTY STANDARDS ORDER OCCURRENCE # EF:25-501648***

**BETWEEN:**

**KIE SHIROMA, IN HER CAPACITY AS ESTATE TRUSTEE FOR THE ESTATE OF  
NORIKO SHIROMA**

**Appellant**

**-and-**

**THE CORPORATION OF THE CITY OF THUNDER BAY**

**Respondent**

**AFFIDAVIT OF KIE SHIROMA**

**Sworn July 17, 2025**

**I, KIE SHIROMA, of the City of Calgary, in the Province of Alberta, MAKE OATH AND SAY  
AS FOLLOWS:**

1. I am the Applicant in this Appeal and the trustee of the land at issue, 339 Rupert Street, Thunder Bay, Ontario (“the Property” or “my Property”). As such, I have knowledge of the matters hereinafter deposed, except as stated to be based on information and belief, in which cases I have identified the source of my information and believe it to be true.

2. My mother, Noriko Shiroma, purchased the Property on June 10, 2016.
3. My mother passed away on January 16, 2024 and I have been acting as her Estate Trustee ever since.
4. Due to The City of Thunder Bay Property Standards Order #EF: 25-501648 (“the Order”), I have been unable to sell the Property and close my mother’s estate.
5. It is my belief that neither my Property, nor I as the Property’s trustee, should bear any responsibility to repair the retaining wall that forms the subject of the Order.
6. As such, as supported by the contents of this Affidavit and accompanying material, I ask that the Order be rescinded entirely.

### **The Property**

7. My Property is located on the slope of a hill.
8. As a result, the neighbouring property immediately beside and to the north, 335 Rupert Street (“the Neighbouring Property”) sits at a higher elevation in relation to my Property.
9. Through correspondence with my realtor, I have learned that my Property was built in 1953.
10. Through separate correspondence with the City of Thunder Bay Building Department, I have learned that the building permit for the Neighbouring Property was not granted until 1979, leading me to presume the Neighbouring Property was not built until that year or shortly thereafter.
11. As a result of the difference in elevation, a retaining wall sits between the two properties.

12. Attached as **“Exhibit A”** is a photo taken from the Rupert Street sidewalk showing my Property, the Neighbouring Property, and the retaining wall between them.

### **The Retaining Wall**

13. The retaining wall is approximately 133 feet long and 3.5 feet above ground-level at the front of my Property.
14. Due to the fact that the neighbouring lot slopes upward along the depth of their lot, the wall grows taller in comparison to the ground-level of my Property to approximately 7.5 feet tall at the back of my Property.
15. At the rear of the Neighbouring Property, the wall turns 90 degrees and runs along the back of the Neighbouring Property for approximately 3 feet, creating an “L” shape.
16. Two different fences are installed on top of the wall, a black metal fence running the length of the driveway and a wooden fence enclosing the Neighbouring Property’s backyard.
17. Attached as **“Exhibit B”** is a photo taken from behind the properties showing the end of the wall and the “L” shape wrapping around the Neighbouring Property.
18. Through correspondence with the City of Thunder Bay Building Department, I have learned and have been informed by my solicitors that the City of Thunder Bay has no records showing when the retaining was built nor records of which side of the property line the wall was originally on.
19. An upward sloping paved driveway for the Neighbouring Property runs along the partial length of the retaining wall.

20. It is my belief that the original purpose of the retaining wall was to “hold up” the neighbouring driveway and property, preventing erosion towards my Property.
21. Since then, or potentially at the same time, fences have been built on the wall to enclose the Neighbouring Property and as a safety precaution for those occupying or visiting 335.
22. It is my further belief that the wall was originally built as part of the construction of the Neighbouring Property and was likely on their side of the property line for the following reasons.
23. First, the retaining wall between the properties is similar in appearance to a smaller retaining wall at the front of the Neighbouring Property. The other retaining wall can be seen in the photo attached as “**Exhibit C**” roughly halfway between the Neighbouring Property and its neighbouring property.
24. Second, before construction of the Neighbouring Property, I believe that the retaining wall would have had no purpose given that the wall “holds up” the Neighbouring Property’s driveway and property.
25. Finally, the wall wraps around the back of the Neighbouring Property.

#### **The Encroachment of the Wall onto My Property**

26. Through images on Google Street View, I have seen that, since at least 2009, the retaining wall has been progressively leaning towards my Property.
27. The lean of the wall is greater at the front of the properties than at the back.

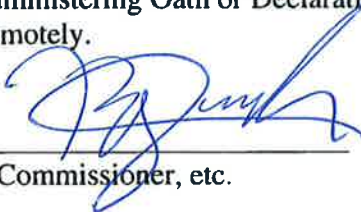
28. A preliminary survey completed by JD Barnes Limited in 2025 shows that the retaining wall is now on my Property at the front of the wall and crosses over into the Neighbouring Property approximately halfway down the length of the wall. The neighbouring driveway also partially crosses into my Property. Attached as **“Exhibit D”** is the preliminary survey by JD Barnes Limited in Thunder Bay.
29. Due to the apparent movement of the wall, and the fact I believe it was built in 1979, I believe the wall may have originally been entirely on the Neighbouring Property’s side of the property line.
30. I believe that the progressive lean is entirely caused by the Neighbouring Property and the resident’s use of the same property. Specifically, I believe that the lean is caused and contributed to by all or any of the following.
31. First, by the weight of vehicles continually driving up and down the driveway of the Neighbouring Property, which is directly adjacent to the wall.
32. Second, by water run-off and snow accumulation from the Neighbouring Property towards the retaining wall, which may also be exacerbated in winter and spring months (see, for example, **“Exhibit A”**).
33. Third, by possible negligent construction of the wall including lack of a proper water drainage system throughout the wall, leading to major hydrostatic pressure and lack of a proper foundation, leading to bowing, cracking, and other instability.
34. Fourth, by a tree growing from underneath the retaining wall, with its roots causing structural instability and force on the wall, resulting in cracks, shifting, and displacement of the wall. This tree can be seen in **“Exhibit B”**.

35. Lastly, by a wooden fence built on top of the retaining wall that catches the wind, creating a “wind sail” that adds significant pressure to the wall. This impact is evidenced by the fact that the back section of the wall, where the fence is located, shows additional leaning and curving.
36. By contrast, my Property does not benefit from nor use the retaining wall except that the wall prevents the Neighbouring Property from eroding into my Property.

### **Conclusion**

37. I make this Affidavit in support of this Appeal and for no other, improper, or fraudulent purpose.

SWORN REMOTELY by Kie Shiroma )  
of the City of Calgary, )  
in the Province of Alberta, )  
before me at the City of )  
Thunder Bay, in the Province of Ontario )  
this 17th day of July, 2025 )  
in accordance with *O.Reg 431/20*, )  
Administering Oath or Declaration )  
Remotely. )

  
A Commissioner, etc.

  
KIE SHIROMA

**BRENT C. JOURDAIN**  
Barrister and Solicitor

**“Exhibit A”**



*Photo taken by me in March 2025 from the sidewalk of Rupert Street. My property is partially shown to the far right while the neighbouring property is shown to the far left. The retaining wall is shown in the middle.*

This Is Exhibit A referred to in the  
affidavit of Kie Shiramce  
sworn before me, this 17<sup>th</sup>  
day of July 2025  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS

**BRENT C. JOURDAIN**  
Barrister and Solicitor



**Exhibit "B"**



*Photo taken by my realtor in April 2025 from behind the properties. My property is shown to the left while the neighbouring property is shown to the upper right.*

This is Exhibit B referred to in the  
affidavit of Kie Shiroma  
sworn before me, this 17<sup>th</sup>  
day of July 2025  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS

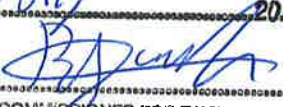
**BRENT C. JOURDAIN**  
Barrister and Solicitor



**Exhibit "C"**

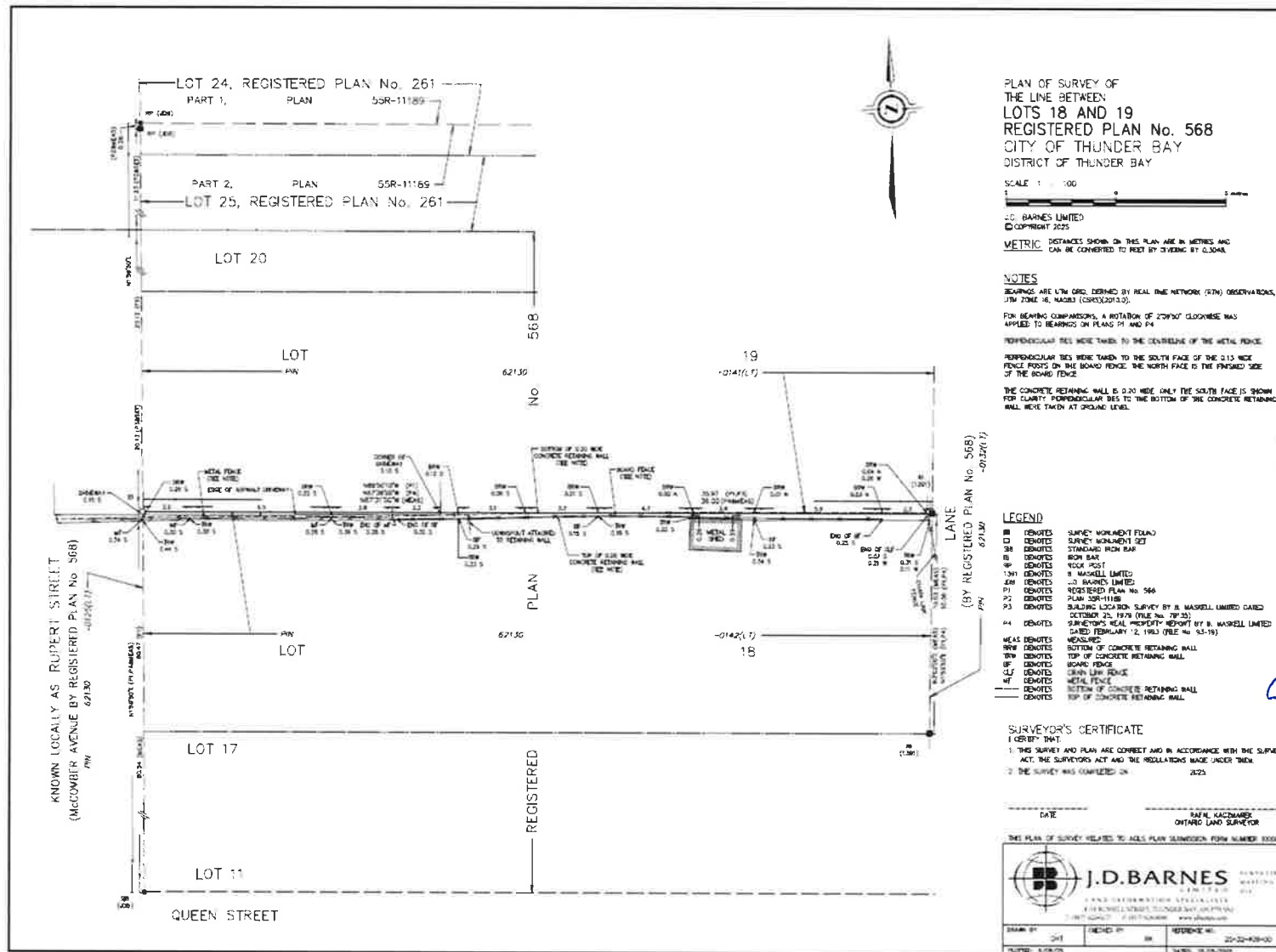


*A screenshot taken from Google Street View in June 2025. Original image captured in July 2024. The smaller retaining wall is shown to the centre left of the photo, while the retaining wall that is the subject of the Order is shown to the right. I have added the blue circles.*

This is Exhibit C referred to in the  
affidavit of Kie Shironaka  
sworn before me, this 17th  
day of July, 2025  
  
A COMMISSIONER FOR TAKING AFFIDAVITS

**BRENT C. JOURDAIN**  
Barrister and Solicitor

## Exhibit D



**BRENT C. JOURDAIN**  
Barrister and Solicitor

This is Exhibit 2 related to in the  
affidavit of Kie Shyrone  
sworn before me, this 12<sup>th</sup>  
day of July 2025  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS

*A preliminary survey completed by JD Barnes Limited in 2025.*

*IN THE MATTER OF AN APPEAL OF THE CORPORATION OF THE CITY OF THUNDER  
BAY PROPERTY STANDARDS ORDER OCCURRENCE # EF: 25-501648*

**B E T W E E N:**

**KIE SHIROMA, IN HER CAPACITY AS ESTATE TRUSTEE FOR THE ESTATE OF  
NORIKO SHIROMA**

**Appellant**

**-and-**

**THE CORPORATION OF THE CITY OF THUNDER BAY**

**Respondent**

**FACTUM OF THE APPELLANT**  
**RE: PROPERTY STANDARDS ORDER OCCURRENCE # EF: 25-501648**

**PART I – OVERVIEW**

1. This is an Appeal brought by Kie Shiroma (“Kie” or “the Appellant”) in her capacity as Estate Trustee for Noriko Shiroma, appealing Property Standards Order with Occurrence # EF: 25-501648 (“the Order”).
2. The Appellant seeks revocation of the Order on the basis that neither she, in her capacity as Estate Trustee, nor 339 Rupert Street, Thunder Bay, Ontario (“the Property” or “339”), bear responsibility for addressing the deficiencies described in the Order.
3. The Appellant maintains that the neighbouring property, 335 Rupert Street (“the Neighbouring Property” or “335”), and its owners bear full responsibility for repairing the retaining wall described in the Order.

**PART II – SUMMARY OF FACTS**

4. Kie is the child of Noriko Shiroma, who owned 339 Rupert Street from 2016 until her death in 2024.
5. Since her mother passed in 2024, Kie has held the Property in trust as her late mother's Estate Trustee.
6. The Property is immediately to the south of 335 Rupert Street.
7. The Property was built in 1953 while 335 was built many years later, likely between 1979 and 1980.
8. The retaining wall described in the Order lies between the two properties and prevents the Neighbouring Property from collapsing into 339, as well as supporting the neighbouring driveway and backyard. The retaining wall wraps around the back of the Neighbouring Property for approximately 3 feet.
9. The retaining wall is similar in appearance to a smaller retaining wall between 335 and its neighbouring property, 333 Rupert Street.
10. Over time, the retaining wall that is the subject of the Order has leaned toward 339 to the extent that the City of Thunder Bay has now deemed it a hazard.
11. No records have been recovered from the City of Thunder Bay Building Department that confirm when the retaining wall was built nor which side of the property line the wall was built on.
12. Kie has maintained that she believes the wall was originally built when the Neighbouring Property was built, exists for the sole benefit of that property, and that the Neighbouring Property has caused the wall to lean.

**Reference: Affidavit of Kie Shiroma.**

**PART III – STATEMENT OF DETERMINATIVE ISSUES**

13. To determine whether the Order should be rescinded the Committee need only consider two main issues. Those issues are the following:

*A. Is the Appellant responsible for maintenance of the retaining wall?*

*i) Does the wall exist for the exclusive benefit of the Neighbouring Property?*

*ii) Has the retaining wall trespassed onto 339's property?*

*B. In light of the foregoing, should the Order be rescinded?*

**PART IV – LAW AND ARGUMENT**

*A. Is the Appellant Responsible for Maintenance of the Retaining Wall?*

*i) Does the retaining wall exist for the exclusive benefit of the Neighbouring Property?*

14. In cases where the original ownership of a structure cannot be determined, courts have looked at factors such as which property benefits from the structure to determine who bears responsibility for maintenance.

**Reference: *Caicedo v O'Neil*, 2024 ONSC 940 at 20-27.**

15. In *Caicedo*, the owner of a property that was subject to a Property Standards Order made an application seeking contribution from a neighbouring property owner for the cost of replacing a partially collapsed retaining wall.

16. The Ontario Superior Court of Justice found that there was no legal or equitable justification for ordering the neighbouring property to contribute to the cost of repairing the wall.
17. In coming to its decision, the Court found that the exact location of the wall in relation to the property line had no bearing on which property was responsible for maintaining the wall. Instead, because the wall was on both sides of the property line, the Court looked to which property benefited from the existence of the wall.

**Reference: *Caicedo v O'Neil*, 2024 ONSC 940 at 23-27.**

18. The Court held that “a property owner has a right to be free from danger posed by a neighbour’s collapsing property, and being secure from such danger is not properly characterized as a benefit.”

**Reference: *Caicedo v O'Neil*, 2024 ONSC 940 at 24.**

19. Similarly, in this case, the purpose of the retaining wall is to hold up the neighbouring driveway and property more generally. The only effect of the wall on 339 is to prevent soil and water from running onto the property, which is not properly a benefit but is a legal right.
20. Requiring Kie to share the costs of repairing a wall that her property does not benefit from, but which merely allows her Property to be free from infringement of its legal right would be inequitable.

ii) *Has the retaining wall trespassed onto 339’s property?*

21. The Appellant submits that the retaining wall was originally built on 335's side of the property line or was placed partially on 339's property without permission. The evidence supporting this conclusion is the following:

- i) The wall is similar in appearance to a smaller wall at the front of 335's property;
- ii) There would be no purpose for the wall to exist prior to 1980 when the neighbouring property was constructed because the wall currently "holds up" the neighbouring property and driveway; and
- iii) the wall wraps around the back of the neighbouring property.

**Reference: Affidavit of Kie Shiroma.**

22. The neighbour's use of their driveway and property has caused the wall to lean and shift further toward 339 over the years to the extent that the wall is now partially on 339's property.

**Reference: Affidavit of Kie Shiroma.**

23. If the wall was placed on the 339 side of the property line by accident or has migrated over the property line, then the retaining wall has trespassed onto 339's property and the Appellant bears no responsibility for maintaining the wall.

24. Trespass has been defined as "the act of entering upon land, in the possession of another, or placing or throwing or erecting some material object thereon without the legal right to do so."

**Reference: Mann v Saulnier (1959), 19 DLR (2<sup>nd</sup>) 130 (NBSC) at 132.**



25. There are three required elements of the trespass:
- i) The intrusion onto the land must be direct;
  - ii) The interference with land must be intentional or negligent; and
  - iii) The defendant's interference with the land must be physical.

**Reference: *Peter Ballantyne Cree Nation v Canada (Attorney General)*, 2016 SKCA at 131.**

26. In this case, the retaining wall has physically and directly crossed the property line because of the intentional actions of the neighbouring owners and their predecessors in using their driveway and shovelling snow against the wall.
27. In *Bellini Custom Cabinetry Ltd v. Delight Textiles Ltd.*, 2005 OJ No 3687, the Ontario Superior Court of Justice confirmed that similar facts constituted trespass.
28. In *Bellini*, the parties owned adjoining properties with a retaining wall between them that had encroached across the property line progressively over several years.
29. The Court found that the neighbouring property, by parking cars near the retaining wall had intentionally and directly caused the wall to trespass on the subject property.


**Reference: *Bellini Custom Cabinetry Ltd. v. Delight Textiles Ltd.*, 2005 OJ No 3687 at 119.**

30. In this case, the facts are similar because the retaining wall has moved across the property line onto 339's property because of the neighbour's actions and property.
31. Where there is a trespass, the obligation lies on the trespassing property to address the trespass rather than the wronged property.
32. It would be inequitable to order Kie to repair a retaining wall trespassing on her property.

*B. In light of the foregoing, should the Order be rescinded?*

33. Considering the foregoing, maintaining the Order against the Property would be unfair and contrary to the law.
34. Kie's property does not benefit from the wall, save by having the wall to protect against the collapse of the Neighbouring Property, a legal right rather than a benefit. If the City upholds the Order, it will effectively require Kie to pay to maintain her property's legal right.
35. Furthermore, there is persuasive evidence that the wall has ended up on the property through the actions of the current and former owners of 335. Again, if the City upholds the Order, it will allow 335 to benefit from its own wrongdoing.
36. Therefore, the Appellant asks that the Order be rescinded.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 17th day of July, 2025.

  
**MATTHEW P. SUCHAN**  
Barrister and Solicitor

**MATTHEW P. SUCHAN ON  
BEHALF OF MATTHEW R.  
SMILEY**

**ERICKSONS LLP**  
291 Court Street South  
Thunder Bay, Ontario  
P7B 2Y1

**MATTHEW R. SMILEY (76074L)**

[msmiley@ericksonslp.com](mailto:msmiley@ericksonslp.com)

Tel: 807-345-1213

Fax: 807-345-2526

Lawyers for the Appellant



**CORPORATE SERVICES  
MUNICIPAL ENFORCEMENT SERVICES**  
882 Alloy Place  
Thunder Bay, Ontario, P7B 6E6  
Tel: (807) 577-MLEO (6536)

**PROPERTY STANDARDS  
ORDER**

**Issued pursuant to section 15.2(2) of  
The Building Code Act, S.O. 1992, Chapter C23, as amended**

**RE: Occurrence Number # EF: 25-501648**

**To: Estate of Noriko SHIROMA  
Address: 5673 Clinton Street,  
Burnaby, BC V5J 2M2  
ATTENTION: Kie SHIROMA, Ryuichi  
SHIROMA-CHAO**

**Order Address: 339 Rupert Street,  
Thunder Bay, Ontario, P7B 3X7  
Legal Description: PLAN 568 LOT 18 REG  
Roll # 01.033 05600 0000**

A Property Standards Officer had inspected the above-described property.

The inspection revealed that in some respects the property does not conform to the standards prescribed by the City of Thunder Bay Municipal Standards for Property By-Law BL 95/2022.

**IT IS ORDERED THAT** the repairs necessary to correct the defects set out in Schedule 'A' be carried out and the property brought to a condition of compliance with the prescribed standards, on or before the **August 30, 2025. (COMPLIANCE DATE)**

**YOU ARE ADVISED THAT** if you are not satisfied with the terms or conditions of the Order you may appeal to the Property Standards Committee by sending a Notice of Appeal by Registered Mail to, and to be received by:


**Secretary, Property Standards Committee  
City Hall  
500 Donald St E  
Thunder Bay, Ontario, P7E 5V3**

On or before **03 JULY, 2025. (APPEAL DEADLINE DATE)**

If no appeal is submitted, within the above-prescribed period, the Order shall be deemed to be confirmed and shall be final and binding upon you, requiring you to comply with its Terms within the time and in the manner specified in the Order.

Where it has been determined that the necessary repairs have not been completed in accordance with this Order, as confirmed or modified, in addition to any possible court action,

the municipality may cause the property to be repaired. The costs of such action shall be deemed a lien, on the land with priority lien status and may be collected in the same manner as municipal real property taxes, as set out in Section 1 of the Municipal Act, S.O. 2001, c.25, as amended.



---

Jolene Wiwcharyk #406  
C.P.S.O & M.L.E.O  
Property Standards Enforcement  
jolene.wiwcharyk@thunderbay.ca

**Order Issued: June 12, 2025**  
City of Thunder Bay  
882 Alloy Place,  
Thunder Bay, Ontario P7B 6E6  
Phone: (807) 577-MLEO (6536)

## “SCHEDULE A”

### LINE ITEMS – DEFICIENCIES

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

#406, on 12 JUNE 2025. EF: 25-501648

The item(s) listed herein are in violation of the City of Thunder Bay Municipal Standards for Property By-Law 95/2022 and prescribed remedies are provided:

ITEM	SECTION	LOCATION	REQUIREMENTS (Summary)
1	<b>14. RETAINING WALLS</b>  (See Schedule B)	North side of the property  Assistive Photos Attached	All retaining walls, shall be constructed of durable material and shall be maintained in a structurally sound condition and free from Hazard.
REQUIRED REPAIR//REMEDY			
<p><b>Namely:</b> The structural condition of the retaining wall appears to be structurally unsound with significant leaning and visible cracking throughout. As such, this may pose or constitute an Unsafe Condition or Hazard.</p> <ol style="list-style-type: none"><li>1. A Structural Engineer's Report is to be undertaken to determine the structural condition and adequacy of the retaining wall. The report is to include the details of the findings of the examination and details of any remedial work required. A copy of such Report shall be provided to Municipal Enforcement Services; and</li><li>2. Repair the retaining wall and maintain the wall in a structurally sound condition and free from Unsafe Condition or Hazard. Should the deficiencies as listed in the Structural Engineer's Report be repaired, a Report shall be provided by the Structural Engineer at the completion of repairs as to the structural condition and adequacy of the retaining wall; or</li><li>3. Replace the retaining wall, obtaining any required permits and ensuring compliance with the Building Code Act, and any other relevant regulation standards.</li></ol>			

\*This document in an alternative format is available upon request.

## **“SCHEDULE B”**

### **ASSISTIVE EXAMPLE PHOTOS**

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

#406, on 12 JUNE 2025. EF:25-501648

The item(s) listed herein from Schedule A are in violation of the City of Thunder Bay Municipal Standards for Property By-Law 95/2022 and an Assistive Example photo(s) is/are included to assist in identifying deficiencies to be remedied:

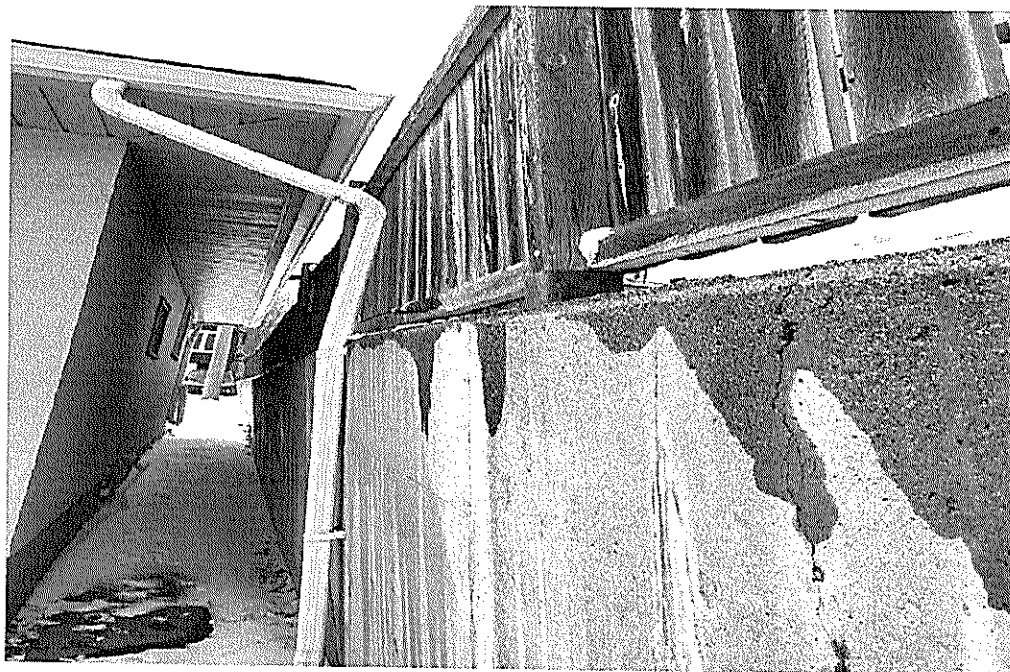
**Subject Property: 339 Rupert Street, Thunder Bay, Ontario, P7B 3X7**

#### **Item 1. – Section 14 – RETAINING WALLS**



**Subject Property: 339 Rupert Street, Thunder Bay, Ontario, P7B 3X7**

**Item 1. – Section 14 – RETAINING WALLS**



\*This document in an alternative format is available upon request.



## **“SCHEDULE C”**

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

#406, on 12 JUNE 2025. EF: 25-501648

<b>IMPORTANT: Additional Information to Property Standards ORDER</b>	
<b>To: Estate of Noriko SHIROMA</b> <b>Address: 5673 Clinton Street,</b> <b>Burnaby, BC V5J 2M2</b> <b>ATTENTION: Kie SHIROMA, Ryuichi</b> <b>SHIROMA-CHAO</b>	<b>Order Address: 339 Rupert Street,</b> <b>Thunder Bay, Ontario, P7B 3X7</b> <b>Legal Description: PLAN 568 LOT 18 REG</b> <b>Roll # 01.033 05600 0000</b>

### **PHOTOS: \*Assistive Example Photo(s) in Schedule ‘B’- Cautionary Note**

\*The “Assistive Example photo(s)”, listed in Schedule “B”, are meant to represent an example of the defect type specified in the “Item” and may wholly or only partially represent all the actual defect(s) that need to be remedied.

This means that other similar defects may be required to be remedied that do not appear in any specific photo(s) supplied and not every defect type may be represented by an Assistive Photo Example.

Clarification from the issuing Officer should be made where you are unclear of repair/remedy required for any particular defect.

### **Appeal Date/Time**

Where you have properly filed an Appeal to an Order, the Secretary of the Property Standards Committee will arrange to convene the Committee at its earliest availability to hear your appeal; you will receive a Notice of the date, time and location for you to attend. If you fail to attend, the Committee may rule on your case without receiving any evidence from you. If you are unable to attend your hearing date, you should advise the Secretary of the Committee one week prior to the hearing date, to allow members, staff and other witnesses, proper notice.

**Note:** there is not an obligation for the Committee to reschedule, so the reason for rescheduling should be properly communicated to the Committee Secretary. The Committee will only schedule a Hearing once an Appeal is received, and a date is for such Appeal is confirmed with the Committee.

### **Appeal- Property Standards Committee**

Appeals are heard (first level) in front of the Property Standards Committee, a quasi-judicial body that operates under the Provinces' Statutory Powers and Procedures Act. The process operates very similar to a Provincial Court or "Hearings" process where evidence is taken under oath, witnesses may be called, and evidence presented by each "side" and cross-examinations are permitted to allow the Committee to render an informed decision.

### **Appeal- Decision Limits- Property Standards Committee**

The Property Standards Committee is empowered to do only three (3) things based on facts alone (they cannot rule on circumstance i.e., financial hardship, medical or personal issues, etc.):

- i) **Confirm the ORDER;** as legal and binding in present form, in all requirements and you must comply with original order.
- ii) **Modify the ORDER;** to confirm as legal and binding but to add/modify/remove specific repairs/remedies to be undertaken as to their completion and/or to the timeframes required to complete; and you must comply with modified Order.
- iii) **Rescind the ORDER;** the Committee does have the power to rescind the ORDER (based on facts only) and this would defer complying with the ORDER until either party exhausted the Appeal Process and may result in the ORDER being quashed and of no force or effect on you or reinstated and binding.

### **Appeal- of Committee Decision- Either Party- Superior Court**

Where a decision has been rendered by the Property Standards Committee (Confirm, Modify, or Rescind) either party (i.e., Property Owner or Municipality) is entitled to only one additional Appeal. Where either party is not satisfied with the decision of the Property Standards Committee, an Appeal may be made to the Ontario Superior Court of Justice, where a Judge of that court shall hear the case.

Such Appeals (to Superior Court) can only be initiated through a formal process, established by the courts, and generally (not exclusively) require the aid of legal representation in the form of a lawyer to prepare and argue the merits of the Appeal.

**Note:** This level of Appeal is almost exclusively transcript-based, and reviews the facts already entered into evidence at the Property Standards Appeal Committee proceeding:

new evidence is not generally permitted, except to remedy misleading evidence that concerns the overall outcome of the decision.

### **Your Right to Appeal- Appeal Decision Limitations: Superior Court Judge**

The Judge of the Superior Court has the same powers and authority of the Property Standards Committee and is limited to the same three (3) decisions as the Property Standards Committee (See Appeal Decision Limits- Property Standards Committee).

### **End- Appeal Process**

The decision of the Superior Court Judge is final and binding and not subject to any further levels of Appeal to any Canadian Court.

Should you wish to discuss any of the above information, or the terms of complying with the attached Property Standards Order, please do not hesitate to contact the undersigned at any time. Please remember that if you chose to file an Appeal, it must be done in writing to the Secretary of the Property Standards Committee; it cannot be done by calling the undersigned and must be sent Registered Mail and received via registered mail by the **Appeal Deadline Date**.

Re-inspection will be made after the **COMPLIANCE DATE**. For any inquiries, please contact the undersigned at (807) 577-MLEO (6536). If there is no answer, please provide your **FULL NAME** and the **FULL PROPERTY ADDRESS** the **ORDER** is regarding.

You may wish to obtain independent legal advice before you make any decisions; that is your right, but seeking such advice will not alter the **APPEAL DEADLINE DATE** or **COMPLIANCE DATE**.

## **“SCHEDULE D”**

### **CITY OF THUNDER BAY MUNICIPAL STANDARDS FOR PROPERTY BY-LAW BL 95/2022 SECTIONS AND WORDINGS**

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

#406, on 12 JUNE 2025. EF: 25-501648

**To: Estate of Noriko SHIROMA  
Address: 5673 Clinton Street,  
Burnaby, BC V5J 2M2  
ATTENTION: Kie SHIROMA, Ryuichi  
SHIROMA-CHAO**

**Order Address: 339 Rupert Street,  
Thunder Bay, Ontario, P7B 3X7  
Legal Description: PLAN 568 LOT 18 REG  
Roll # 01.033 05600 0000**

Line Items- Deficiencies Listed in “Schedule A” of this order align with the following sections of the City of Thunder Bay Municipals Standards for Property By-Law 95/2022:

### **3. DEFINITIONS**

**mm) “Unsafe Condition”** Is a descriptive phrase for Land, Buildings, Structures, or material, that are in a condition or state of repair that causes a hazard to life, limb, or health of any person authorized or expected to be on or near the Land in question.

**f) “Building Code”** means the Building Code Act, S.O. 1992, c.23, as amended, and any regulations made thereunder;

**v) “Hazard”** Means Lands, Buildings, structures or materials that are in an Unsafe Condition, or is a source or a situation, with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, risk of fire, or a combination of these.

**ii) “Safe Condition”** means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb, or health of any on or about the property, and includes a structurally sound condition.

### **4. GENERAL**

- a) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with the standards set out in this By-law.
- b) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with any safety standards required by a Code, when such provision(s) provide for the protection of persons in relation to the use of the property, regardless whether that standard is specifically set out in this By-law or not.

- c) The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, garbage, rubbish, waste, or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard, and shall leave the property in a graded and leveled condition.
- d) The owner of any property that has not complied with a confirmed order that seeks to remedy any Unsafe Condition shall not occupy or permit the occupancy of the property until such time as the order has been complied with or the property is cleared of all structures and left in a graded and level condition.
- e) All repairs and maintenance of property required by this By-law shall be carried out in a manner and with materials that are accepted as good workmanship in the trades concerned.
- f) For the purposes of subsection e) and without limiting subsection e), "carried out in a manner and with materials that are accepted as good workmanship in the trades concerned" includes:
- i. carried out with materials suitable and sufficient for that purpose and free from defects; and
  - ii. carried out in a manner consistent with the recognized national and international industry best practices, including those of the Canadian Construction Association; and
  - iii. where required by law, or in accordance with recognized industry best practices, carried out by a duly qualified and/or licenced person in the trade concerned.
- g) All new construction or extensive repairs shall conform to the *Ontario Building Code* where applicable.
- h) This By-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.
- i) Nothing in this By-law, including the doing of any required works to comply with this By-law or an Order or Defect Notice hereunder, shall be construed or interpreted as relieving any person of other legislative requirements that must be complied with.
- j) All lands and structures thereon, including fences, that are subject to deterioration due to the exposure of surfaces to the elements, including weather, sun, and other environmental factors, that may cause degradation, shall, where appropriate and required, be maintained through the proper application of preservative coating such as paints, stains, or through other specific treatments designed to protect and maintain those surface areas requiring treatment.
- k) All lands and structures thereon, including fences, shall be kept clear and free from

#### **14. RETAINING WALLS**

All retaining walls, screen walls, and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition and free from Hazard.

EF: 25-501648

Property Database		
<b>Roll Number</b> 01.033.05600.0000	<b>Legal Description</b> PLAN 568 LOT 18 REG 3894.00SF 33.00FR 118.00D	<b>Property</b> Structures Parcel Soil Permits Misc. Desc. Remarks Sales
<b>Address</b> 339 RUPERT ST		
<b>Owners</b> SHIROMA NORIKO ESTATE OF		
<b>Mailing Address</b> C/O KIE SHIROMA RYUICHI SHIROMA-CHAO 5673 CLINTON ST BURNABY BC V5J 2M2	<b>Assessments</b> RTEP 155,000 G 0 L 0 T 0 S 0	

Printed 11 June 2025 1654 SC5406 #406



# Amanda Map



8.8 0 4.40 8.8 Meters

Published Date: March 27, 2025  
 Projection: UTM, Zone 16N Datum: NAD 83

**Disclaimer:**  
 The information on this map is provided for general mapping purposes only. The Corporation of the City of Thunder Bay does not warrant the quality accuracy or completeness of any information contained or depicted herein and that this information is provided "as is". The Corporation of the City of Thunder Bay will not be liable or held responsible for the use or misuse of information or material depicted on this map, or any loss or damage resulting therefrom.

**Notes** 1 - 347

retaining wall between properties 335 Rupert St and 339 Rupert St  
 -Shows wall in close proximity to the property dwelling at 335 Rupert St

Joseph Duchesneau  
93 Birch Street  
Garson, ON P3L 1B4  
705-662-0595

CITY OF THUNDER BAY  
2025 JUN 27 AM 10:08  
CITY CLERK'S OFFICE

June 23, 2025

City of Thunder Bay  
Attn.: Secretary, Property Standards Committee  
City Hall  
500 Donald Street E  
Thunder Bay, ON P7E 5V3

To whom it may concern;

Re: Occurrence Number # EF:22-201219 – 235 Grenville Avenue

Please accept this statement as a response to the Property Standards Order that was received.

At this time, I, Joseph Duchesneau, cannot comply with your requests and will not comply due to financial hardship. Please read the attached history and current status for the ownership of this property. I am open to discuss any options that may be available.

Thank you for your time to consider the provided information.

Sincerely,

  
Joseph Duchesneau



Joseph Duchesneau  
93 Birch Street  
Garson, ON P3L 1B4  
705-662-0595

My name is Tara Phillips, close friend with Donat Duchesneau, Joseph's son and Joseph Duchesneau himself. I am writing this bit of history and current status for Joseph as he is illiterate in writing and suffers some memory issues.

Joseph has lived in Thunder Bay for most of his life and has occupied the residence for many years. Sadly this residence has deteriorated over time to the point where it is really inhabitable.

Joseph had been estranged from his daughter and son for many years. In the past year's Joseph and his son, Donat, once again began talking to each other. Please note that Donat resides in Sudbury, Ontario. Donat went out to visit his father during the winter of 2022. He arrived to the derelict house with no running water, no main heating source, no bathroom facilities, no kitchen appliances except a microwave and a refrigerator and a mountain of garbage scattered throughout the residence. He tried to convince his father to come back to Sudbury with him and Joseph refused. After a few phone calls, Donat and I returned to Thunder Bay again to hopefully clean up the house reasonably and to convince his father to return to Sudbury. We almost had him convinced but he changed his mind at the last moment and wanted to remain. At this point it was winter and his heating source was a portable heater in a small room. No running water. However, a local organization was checking on him, arranging for groceries to be delivered and getting him to his medical appointments thankfully. We returned one last time a few months later and convinced him to return to Sudbury with us. We packed up what we could and moved him to Sudbury. In the meantime we locked up the building in anticipation of returning during the summer to try and do a large clean up and hopefully prepare the property for sale.

When we left with Joseph he had money in Savings, not a lot but around \$10,000.00. Joseph's monthly income is estimated to be \$2,100.00 which is made up of CPP, OAS and WSIB. We found a rooming house for him with rent being \$675.00 plus any personal expenses. He wanted to be independent and we checked on him regularly. We thought everything was going well only to find out that money was missing from his Savings and it was quickly being drained. We asked him where it went or what he spent it on and he could not give us an answer. There were no obvious purchases. Not long after that he got into some trouble and was evicted. Donat had no choice but to move his Dad in with him. Donat lives in a 1 bedroom house in which he rents. Thankfully, Joseph does not sleep in a bed but lives out of a reclining chair. To this day they still live together, however we have struggled to replenish his savings. We are trying to build some kind of amount as there will be a time where he will require long term care and this may be not long off due to his health issues.

As for the residence in Thunder Bay, Joseph could not answer any questions with regards to the ownership or paperwork pertaining to the building. We returned that summer (2022) to try and clean up the outside of the building so it was more presentable and to hopefully clean the clutter from the inside. The inside was a hoarding situation. We did our best with a solid week of decluttering but there was still a pile left in the house. However, during this clean up I found paperwork and met someone who was able to inform me about the ownership of the building. That is what brings us to the financial hardship to be able to sell this property.

Joseph Duchesneau  
93 Birch Street  
Garson, ON P3L 1B4  
705-662-0595

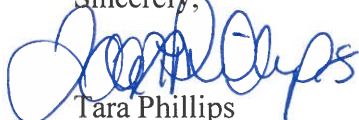
As you can see, the property is registered to a corporate company. With a lot of investigation and inquiries to Lawyers and Accountants, Joseph just does not have the funds to sell this property. The Corporation has been cancelled / inactive since December 20, 2004. We would have to incur legal fees to have the Corporation re-opened. Then there would be Accounting Fees to file Corporate Tax Returns (\$0.00) to bring them to a current year. For each year, legal fees would be incurred to have the Minute Book updated which is missing and we have no idea where it is. Then, while looking into the Corporation and searching the property we have found that there is still a mortgage registered to this property. We have a receipt for proof that the mortgage is paid in full and there are no monies owing however, the owner of the private mortgage failed to discharge said mortgage. This person is now deceased and the Executor to his will is nowhere to be found. As per lawyer's, this would have to be removed in order to sell the property. The lawyer would have to appeal to the court to have the mortgage discharged and this would cost around \$3,000.00+ just for this one task. Then we would have to try and sell the property "as is" as there are no more funds to clean up or tear down the building and we are in Sudbury while the property is in Thunder Bay. Then we have to close the corporation. The total fees for all of this will far exceed \$10,000.00. Funds Joseph just does not have nor does any of his family.

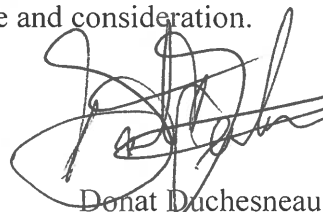
At this time, Joseph has come to terms that he has to walk away from the property. However, we are not sure at this time how to proceed with this and are willing to work with the City to exercise all of our options that are possible that does not involve large sums of money.

We look forward to hearing from you after your review of this summary.

Thank you for your time and consideration.

Sincerely,

  
Tara Phillips  
705-561-9993

  
Donat Duchesneau  
705-662-0595

  
Joseph Duchesneau



Ministry of Public and  
Business Service Delivery

## Profile Report

1089806 ONTARIO INC. as of January 10, 2024

Act	Business Corporations Act
Type	Ontario Business Corporation
Name	1089806 ONTARIO INC.
Ontario Corporation Number (OCN)	1089806
Governing Jurisdiction	Canada - Ontario
Status	Inactive - Cancelled by C.T.
Date of Incorporation	July 27, 1994
Inactive Date	December 20, 2004
Registered or Head Office Address	203 920 Tungsten Street, Thunder Bay, Ontario, Canada, P7B 5Z6

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.



Royal Bank of Canada  
Banque Royale du Canada

214 RED RIVER RD  
THUNDER BAY, ON

PAY TO THE ORDER OF  
PAYER À L'ORDRE DE

RE/OBJET

Mr. Bertard Duchesneau  
235 Grenville Ave  
Thunder Bay, ON  
P7A 2A4  
NOM DE L'ACHETEUR  
ADRESSE DE L'ACHETEUR  
PACHASER ADDRESS

INITIALES / PARAPHS  
TC

CHARGES  
FRAIS  
TOTAL

6.50  
5806.50

PURCHASERS RECEIPT / REÇU DE L'ACQUÉREUR

CANADIAN DOLLARS CANADIENS

\$5,000.00

DATE  
2007 12 27  
Y/A  
M/M  
D/J

CANADIAN DOLLAR BANK DRAFT - TRAITE EN DOLLAR CANADIEN  
92415397 6-416

INVOICE

OUR NUMBER	443213
DATE	
CUSTOMER'S ORDER	
SALESMAN	
TERMS	
FOB	

TAX REG. NO. \_\_\_\_\_  
SOLD TO \_\_\_\_\_  
SHIP TO \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
DEC 27, 2007  
VIA \_\_\_\_\_

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	PAID BY BERT DUCHESNEAU		
	THE AMOUNT OF	\$5890.00	
	WHICH IS THE BALANCE OF		
	THE MORTGAGE OWING ON		
	235 GRENVILLE AVE, THUNDER BAY ON.		
	PAID BY BERT DUCHESNEAU		
	ONLY + NOT HIS BUSINESS		
	PARTNERS.		
	Fred Willever Dec 27, 2007		

BILLING - DC 31



**CORPORATE SERVICES  
MUNICIPAL ENFORCEMENT SERVICES**  
882 Alloy Place  
Thunder Bay, Ontario, P7B 6E6  
Tel: (807) 577-MLEO (6536)

**PROPERTY STANDARDS  
ORDER**

**Issued pursuant to section 15.2(2) of  
The Building Code Act, S.O. 1992, Chapter C23, as amended**

**RE: Occurrence Number # EF: 22-201219**

**To: 1089806 ONTARIO INC.,  
Address: 93 Birch Street, Garson,  
Ontario, P3L 1B4  
ATTENTION: Joseph DUCHESNEAU**

**Order Address: 235 Grenville Ave,  
Thunder Bay Bay, Ontario, P7A 2A4  
Legal Description: NPEN 280 LOT 77  
Roll # 01.088.07000.0000**

A Property Standards Officer had inspected the above-described property.

The inspection revealed that in some respects the property does not conform to the standards prescribed by the City of Thunder Bay Municipal Standards for Property By-Law BL 95/2022.

**IT IS ORDERED THAT** the repairs necessary to correct the defects set out in Schedule 'A' be carried out and the property brought to a condition of compliance with the prescribed standards or clear the land of all offending structures and materials/defects and leave site in a graded and level condition, on or before **30 AUGUST 2025. (COMPLIANCE DATE)**

**YOU ARE ADVISED THAT** if you are not satisfied with the terms or conditions of the Order you may appeal to the Property Standards Committee by sending a Notice of Appeal by Registered Mail to, and to be received by:

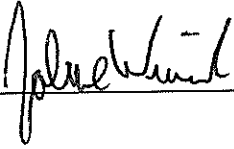
**Secretary, Property Standards Committee  
City Hall  
500 Donald St E  
Thunder Bay, Ontario, P7E 5V3**

On or before **02 JULY 2025. (APPEAL DEADLINE DATE)**

If no appeal is submitted, within the above-prescribed period, the Order shall be deemed to be confirmed and shall be final and binding upon you, requiring you to comply with its Terms within the time and in the manner specified in the Order.

Where it has been determined that the necessary repairs or demolition has not been completed in accordance with this Order, as confirmed or modified, in addition to any possible court action, the municipality may cause the property to be repaired or demolished.

The costs of such action shall be deemed a lien, on the land with priority lien status and may be collected in the same manner as municipal real property taxes, as set out in Section 1 of the Municipal Act, S.O. 2001, c.25, as amended.



---

Jolene Wiwcharyk #406  
C.P.S.O & M.L.E.O  
Property Standards Enforcement

**Order Issued: June 12, 2025**  
City of Thunder Bay  
882 Alloy Place,  
Thunder Bay, Ontario P7B 6E6  
Phone: (807) 577-MLEO (6536)

## “SCHEDULE A”

### LINE ITEMS – DEFICIENCIES

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

#406, on the 12<sup>th</sup> of June 2025. EF: 22-201219

**To: 1089806 ONTARIO INC.,**  
**Address: 93 Birch Street, Garson,**  
**Ontario, P3L 1B4**  
**ATTENTION: Joseph DUCHESNEAU**

**Order Address: 235 Grenville Ave, Thunder Bay**  
**Bay, Ontario, P7A 2A4**  
**Legal Description: NPEN 280 LOT 77**  
**Roll # 01.088.07000.0000**

The item(s) listed herein are in violation of the City of Thunder Bay Municipal Standards for Property By-Law 95/2022 and prescribed remedies are provided:

ITEM	SECTION	LOCATION	REQUIREMENTS (Summary)
1	<b>6. EXTERIOR PROPERTY</b>	Location of Deficiency  rear yard	All exterior areas of a property shall be kept clean and free of litter, rubbish, waste, salvage, refuse or any other objects or conditions that might create a health, fire, accidental hazard, or Unsafe Condition.
	(See Schedule B)	Assistive Photo Attached	
REQUIRED REPAIR//REMEDY			
<p><b>Namely:</b> The rear yard contains concrete pieces and bricks encased in concrete (appear to be remaining from a previous structure) as well as debris (pieces of wood and plywood littering rear yard).</p> <p>Ensure the property is kept free from garbage, waste, and any dilapidated or collapsed structures which may constitute an Unsafe Condition to any persons attending the property.</p>			

ITEM	SECTION	LOCATION	REQUIREMENTS (Summary)
2	<b>16. ACCESSORY BUILDINGS</b>	Location of Deficiency  rear yard	Foundations, roofs, walls and all parts of accessory buildings shall be constructed with suitable materials, maintained in good repair; and protected from deterioration by the application of

	(See Schedule B)	Assistive Photo Attached	paint or other suitable protective material.
<b>REQUIRED REPAIR//REMEDY</b>			
<p><b>Namely:</b> The accessory building at the rear of the property is in a state of disrepair. Repair/replace the roof and ensure exterior surfaces are weathertight and renew/repair surfaces when damaged and/or deteriorated.</p>			

ITEM	SECTION	LOCATION	REQUIREMENTS (Summary)
3	<b>22. EXTERIOR WALLS, SURFACES, CLADDING and MASONRY</b>	Location of Deficiency  east, west, south exterior surfaces of the Building	All exterior walls and surfaces of every building or structure shall be sound, plumb, weathertight, free from holes, loose or unsecured objects, maintained in good repair and all exterior surfaces that have been covered with paint or other protective materials shall be maintained in good repair and the covering renewed when it becomes damaged/deteriorated.
	(See Schedule B)	Assistive Photos Attached	
<b>REQUIRED REPAIR//REMEDY</b>			
<p><b>Namely:</b> The east, south and west exterior surfaces of the Building do not have cladding and/or exterior paint or other protectant materials to maintain surfaces in good repair. Repair the exterior surfaces of the dwelling and maintain the exterior surfaces by painting, restoring and replacing any exterior protective covering when it becomes damaged or deteriorated.</p> <p>Ensure exterior surfaces are free from missing, cracked, defective or deteriorated wood, metal siding or trim. Ensure all exterior walls and surfaces are weathertight, free from holes, loose or unsecured objects and maintained in good repair.</p>			

ITEM	SECTION	LOCATION	REQUIREMENTS (Summary)
4	<b>23. DOORS, WINDOWS, CELLARS, HATCHWAYS</b>	Location of Deficiency  <b>east</b> front (windows and exterior door) <b>west</b> (exterior doors and south window framing)	Windows, exterior doors, and frames shall be maintained in good working order, good repair in a safe condition and shall be of such construction so as to prevent the entrance of wind, snow, or rain



[illegible]

ITEM	SECTION	LOCATION	REQUIREMENTS (Summary)
6	<b>49. PEST CONTROL</b>  (See Schedule B)	Location of Deficiency  <b>south</b> exterior wall, (beneath eave)  Assistive Photo Attached	Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation.
<b>REQUIRED REPAIR//REMEDY</b>			
<p><b>Namely:</b> The south exterior wall (beneath eaves) of the Building contains an opening that may promote conditions that allow for an infestation to occur.</p> <p>Repair any openings on the building that allow conditions for vermin to occupy and infest.</p>			

ITEM	SECTION	LOCATION	REQUIREMENTS (Summary)
7	<b>35. STAIRS-HANDRAILS-GUARDS</b>  (See Schedule B)	Location of Deficiency  <b>west</b> rear exterior <b>east</b> front exterior  Assistive Photos Attached	Every outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks, and other defects which constitute Hazards. Handrails shall be installed in accordance with the Code and shall be maintained in good repair on all exterior stairs that have more than 3 risers.
<b>REQUIRED REPAIR//REMEDY</b>			
<p><b>Namely:</b> The exterior concrete stairs at the front (east) of the building are in a state of disrepair (concrete steps are crumbling, worn and damaged).</p> <p>The exterior concrete stairs at the rear (west) of the building contains more than 3 risers and therefore, require handrails/guards to be installed in accordance with the Code.</p> <p>Repair/replace all exterior concrete stairs and maintain all outdoor stairs in good repair so as to be free of holes, cracks, and other defects which constitute Hazards.</p>			

ITEM	SECTION	LOCATION	REQUIREMENTS (Summary)
8	<b>55. GENERAL PROVISIONS RELATING TO VACANT BUILDINGS</b>  (See Schedule B)	Entire property	The owner of a vacant Building, in addition to any requirements of any other By-law of the City, shall keep all Buildings on the land clear of debris, maintain the Building to prevent against Unsafe Conditions; the owner shall keep the windows, doors, or any other openings to the building secured to prevent authorized enter; and maintain any entrances to the building in good repair so as to provide for safe access for any authorized person attending the property.
<b>REQUIRED REPAIR//REMEDY</b>			
<p><b>Namely:</b> The Building and the Accessory Building on the property are in varying states of disrepair (roof shingles damaged, no cladding, exposed exterior surfaces to the elements, broken windows, damaged exterior doors).</p> <p>Obtain or complete any required permits and registrations and ensure compliance with the Building Code Act, Vacant Building Security by-law (BL 96/2022) and any other relevant regulation standards.</p>			

## **“SCHEDULE B”**

### **ASSISTIVE EXAMPLE PHOTOS**

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

#406, on the 12<sup>th</sup> of June 2025. EF: 22-201219

**To: 1089806 ONTARIO INC.,**  
**Address: 93 Birch Street, Garson,**  
**Ontario, P3L 1B4**  
**ATTENTION: Joseph DUCHESNEAU**

**Order Address: 235 Grenville Ave, Thunder Bay**  
**Bay, Ontario, P7A 2A4**  
**Legal Description: NPEN 280 LOT 77**  
**Roll # 01.088.07000.0000**

The item(s) listed herein from Schedule A are in violation of the City of Thunder Bay Municipal Standards for Property By-Law 95/2022 and an Assistive Example photo(s) is/are included to assist in identifying deficiencies to be remedied:

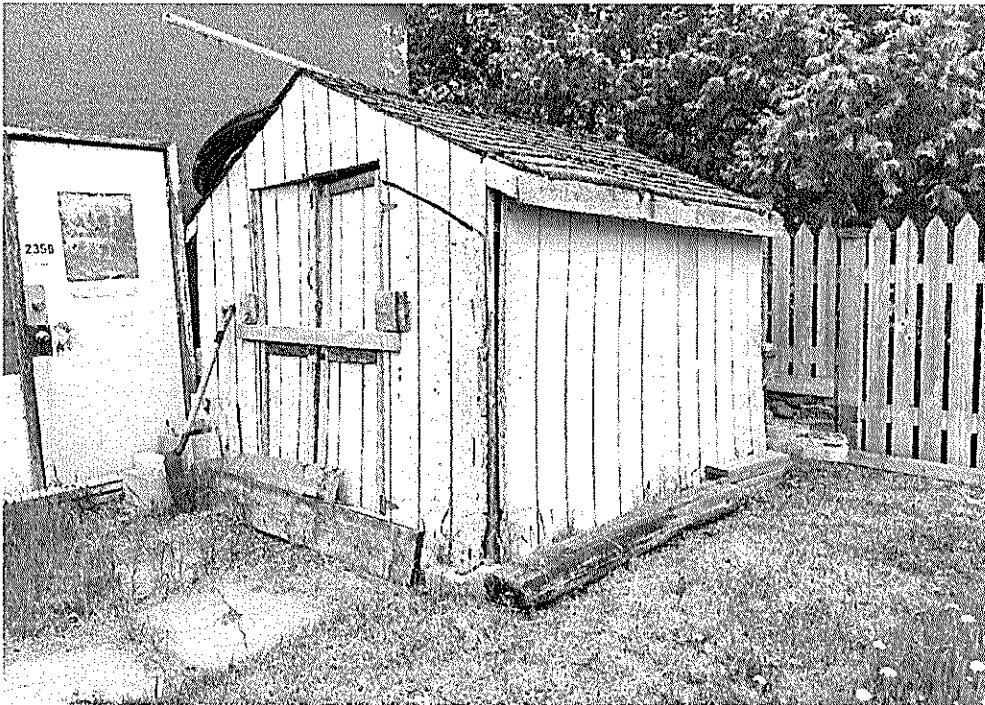
**Subject Property: 235 Grenville Avenue, Thunder Bay, Ontario, P7A 2A4**  
**Item 1. Section 6. EXTERIOR PROPERTY**



**"SCHEDULE B"**

**ASSISTIVE EXAMPLE PHOTOS**

**Subject Property: 235 Grenville Avenue, Thunder Bay, Ontario, P7A 2A4**  
**Item 2. Section 16. ACCESSORY BUILDINGS**



**Item 3. Section 22. EXTERIOR WALLS, SURFACES, CLADDING and MASONRY**



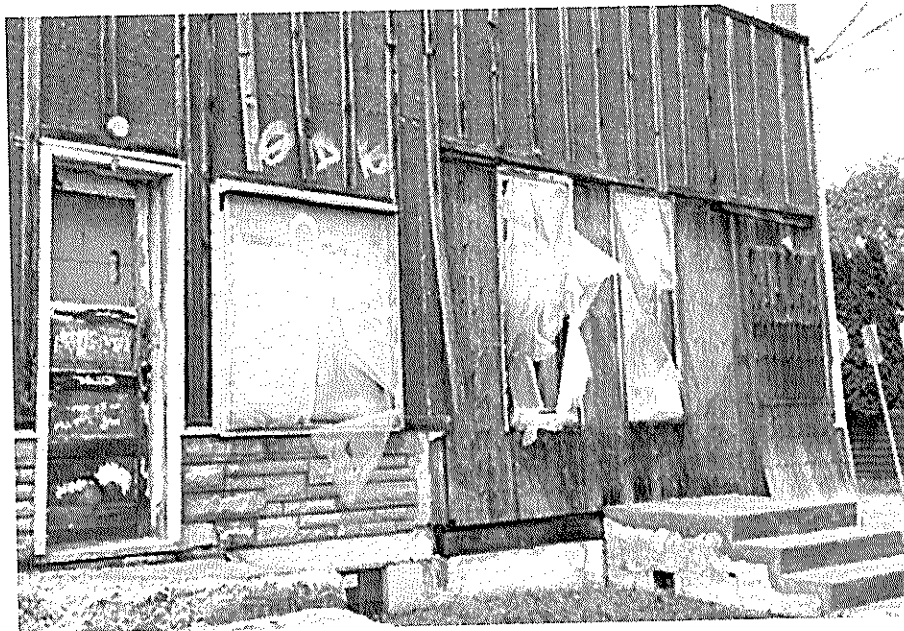
**"SCHEDULE B"**

**ASSISTIVE EXAMPLE PHOTOS**

**Subject Property: 235 Grenville Avenue, Thunder Bay, Ontario, P7A 2A4**  
**Item 3. Section 22. EXTERIOR WALLS, SURFACES, CLADDING and MASONRY**



**Item 4. Section 23 - DOORS, WINDOWS, CELLARS, HATCHWAYS**





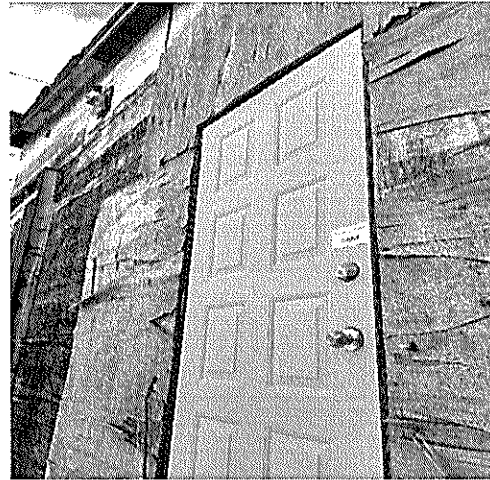
**"SCHEDULE B"**

**ASSISTIVE EXAMPLE PHOTOS**

**Subject Property: 235 Grenville Avenue, Thunder Bay, Ontario, P7A 2A4**  
**Item 4. Section 23 - DOORS, WINDOWS, CELLARS, HATCHWAYS**



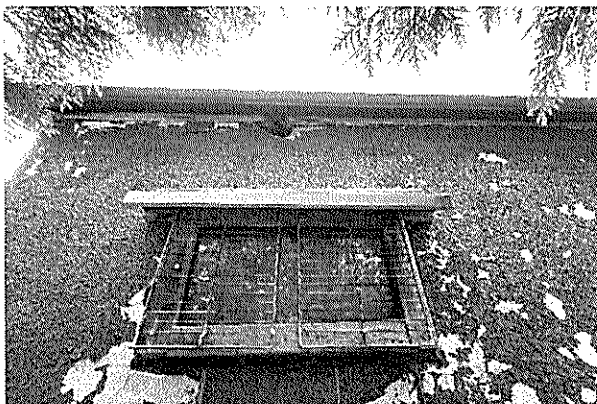
South exterior window



West exterior door



West exterior door



Item 6. Section 49. PEST CONTROL

**"SCHEDULE B"**

**ASSISTIVE EXAMPLE PHOTOS**

**Subject Property: 235 Grenville Avenue, Thunder Bay, Ontario, P7A 2A4**

**Item 8. Section 55. GENERAL PROVISIONS RELATING TO VACANT BUILDINGS**





## **“SCHEDULE C”**

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

#406, on the 12<sup>th</sup> of June 2025. EF:22-201219

<b>IMPORTANT: Additional Information to Property Standards ORDER</b>
--

**To: 1089806 ONTARIO INC.,  
Address: 93 Birch Street, Garson,  
Ontario, P3L 1B4  
ATTENTION: Joseph DUCHESNEAU**

**Order Address: 235 Grenville Ave, Thunder Bay,  
Ontario, P7A 2A4  
Legal Description: NPEN 280 LOT 77  
Roll # 01.088.07000.0000**

### **Demolition- Where remedy not effected**

Should you decide, for whatever reason(s), that you do not wish to make the required repairs/remedies as required by the Order, you are ordered to clear the land of all structures and materials/defects and leave in a graded and level condition. A demolition permit must be obtained, and the site cleared.

If you chose not to remedy the defects of the offending structure, demolition actions must be completed by the **COMPLIANCE DATE**.

### **PHOTOS: \*Assistive Example Photo(s) in Schedule ‘B’- Cautionary Note**

\*The “Defects photo(s)”, listed in Schedule “B”, are meant to represent an example of the defect type specified in the “Item” and may wholly or only partially represent all of the actual defect(s) that need to be remedied.

This means that other similar defects may be required to be remedied that do not appear in any specific photo(s) supplied and not every defect type may be represented by an Assistive Photo Example.

Clarification from the issuing Officer should be made where you are unclear of repair/remedy required for any particular defect.

### **Appeal Date/Time**

Where you have properly filed an Appeal to an Order, the Secretary of the Property Standards Committee will arrange to convene the Committee at its earliest availability to hear your appeal; you will receive a Notice of the date, time and location for you to attend. If you fail to attend, the Committee may rule on your case without receiving any evidence from you. If you are unable to attend your hearing date, you should advise the Secretary of the Committee one week prior to the hearing date, to allow members, staff and other witnesses, proper notice.

**Note:** there is not an obligation for the Committee to reschedule, so the reason for rescheduling should be properly communicated to the Committee Secretary. The Committee will only schedule a Hearing once an Appeal is received, and a date is for such Appeal is confirmed with the Committee.

### **Appeal- Property Standards Committee**

Appeals are heard (first level) in front of the Property Standards Committee, a quasi-judicial body that operates under the Provinces' Statutory Powers and Procedures Act. The process operates very similar to a Provincial Court or "Hearings" process where evidence is taken under oath, witnesses may be called, and evidence presented by each "side" and cross-examinations are permitted to allow the Committee to render an informed decision.

### **Appeal- Decision Limits- Property Standards Committee**

The Property Standards Committee is empowered to do only three (3) things based on facts alone (they cannot rule on circumstance i.e., financial hardship, medical or personal issues, etc.):

- i) **Confirm the ORDER;** as legal and binding in present form, in all requirements and you must comply with original order.
- ii) **Modify the ORDER;** to confirm as legal and binding but to add/modify/remove specific repairs/remedies to be undertaken as to their completion and/or to the timeframes required to complete; and you must comply with modified Order.
- iii) **Rescind the ORDER;** the Committee does have the power to rescind the ORDER (based on facts only) and this would defer complying with the ORDER until either party exhausted the Appeal Process and may result in the ORDER being quashed and of no force or effect on you or reinstated and binding.

### **Appeal- of Committee Decision- Either Party- Superior Court**

Where a decision has been rendered by the Property Standards Committee (Confirm, Modify, or Rescind) either party (i.e., Property Owner or Municipality) is entitled to only one additional Appeal. Where either party is not satisfied with the decision of the Property Standards Committee, an Appeal may be made to the Ontario Superior Court of Justice, where a Judge of that court shall hear the case.

Such Appeals (to Superior Court) can only be initiated through a formal process, established by the courts, and generally (not exclusively) require the aid of legal representation in the form of a lawyer to prepare and argue the merits of the Appeal.

**Note:** This level of Appeal is almost exclusively transcript-based, and reviews the facts already entered into evidence at the Property Standards Appeal Committee proceeding: new evidence is not generally permitted, except to remedy misleading evidence that concerns the overall outcome of the decision.

### **Your Right to Appeal- Appeal Decision Limitations: Superior Court Judge**

The Judge of the Superior Court has the same powers and authority of the Property Standards Committee and is limited to the same three (3) decisions as the Property Standards Committee (See Appeal Decision Limits- Property Standards Committee).

### **End- Appeal Process**

The decision of the Superior Court Judge is final and binding and not subject to any further levels of Appeal to any Canadian Court.

Should you wish to discuss any of the above information, or the terms of complying with the attached Property Standards Order, please do not hesitate to contact the undersigned at any time. Please remember that if you chose to file an Appeal, it must be done in writing to the Secretary of the Property Standards Committee; it cannot be done by calling the undersigned and must be sent Registered Mail and received via registered mail by the **Appeal Deadline Date**.

Re-inspection will be made after the **COMPLIANCE DATE**. For any inquiries, please contact the undersigned at (807) 577-MLEO (6536). If there is no answer, please provide your **FULL NAME** and the **FULL PROPERTY ADDRESS** the **ORDER** is regarding.

You may wish to obtain independent legal advice before you make any decisions; that is your right, but seeking such advice will not alter the **APPEAL DEADLINE DATE** or **COMPLIANCE DATE**.

## **“SCHEDULE D”**

### **CITY OF THUNDER BAY MUNICIPAL STANDARDS FOR PROPERTY BY-LAW BL 95/2022 SECTIONS AND WORDINGS**

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

#406, on the 12<sup>th</sup> of June 2025. EF: 22-201219

**To: 1089806 ONTARIO INC.,  
Address: 93 Birch Street, Garson,  
Ontario, P3L 1B4  
ATTENTION: Joseph DUCHESNEAU**

**Order Address: 235 Grenville Ave, Thunder Bay,  
Ontario, P7A 2A4  
Legal Description: NPEN 280 LOT 77  
Roll # 01.088.07000.0000**

Line Items- Deficiencies Listed in “Schedule A” of this order align with the following sections of the City of Thunder Bay Municipals Standards for Property By-Law 95/2022:

#### **4. GENERAL**

- a) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with the standards set out in this By-law.
- b) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with any safety standards required by a Code, when such provision(s) provide for the protection of persons in relation to the use of the property, regardless whether that standard is specifically set out in this By-law or not.
- c) The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, garbage, rubbish, waste, or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard, and shall leave the property in a graded and leveled condition.
- d) The owner of any property that has not complied with a confirmed order that seeks to remedy any Unsafe Condition shall not occupy or permit the occupancy of the property until such time as the order has been complied with or the property is cleared of all structures and left in a graded and level condition.
- e) All repairs and maintenance of property required by this By-law shall be carried out in a manner and with materials that are accepted as good workmanship in the trades concerned.
- f) For the purposes of subsection e) and without limiting subsection e), “carried out in a manner and with materials that are accepted as good workmanship in the trades concerned” includes:
  - i. carried out with materials suitable and sufficient for that purpose and free from defects; and
  - ii. carried out in a manner consistent with the recognized national and international industry best practices, including those of the Canadian Construction Association; and

- iii. where required by law, or in accordance with recognized industry best practices, carried out by a duly qualified and/or licenced person in the trade concerned.
- g) All new construction or extensive repairs shall conform to the *Ontario Building Code* where applicable.
- h) This By-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.
- i) Nothing in this By-law, including the doing of any required works to comply with this By-law or an Order or Defect Notice hereunder, shall be construed or interpreted as relieving any person of other legislative requirements that must be complied with.
- j) All lands and structures thereon, including fences, that are subject to deterioration due to the exposure of surfaces to the elements, including weather, sun, and other environmental factors, that may cause degradation, shall, where appropriate and required, be maintained through the proper application of preservative coating such as paints, stains, or through other specific treatments designed to protect and maintain those surface areas requiring treatment.
- k) All lands and structures thereon, including fences, shall be kept clear and free from

### 3. DEFINITIONS

a) **“Accessory Building”** means a detached building or structure, not used for human habitation, that is subordinate to the subordinate to the primary use of the same property;

e) **“Building”** means a type of structure having a roof supported by columns or walls designed for use for the accommodation or storage of persons, animals, goods, materials, or equipment;

f) **“Building Code”** means the Building Code Act, S.O. 1992, c.23, as amended, and any regulations made thereunder;

i) **“Code”** means a regulation of the Province of Ontario known:

- i. With respect to matters relating to building, as the Building Code;
- ii. with respect to matters relating to electricity, as the Electrical Safety Code;
- iii. with respect to matters relating to fire, as the Fire Code; and
- iv. with respect to matters relating to plumbing, as the Building Code; v. with respect to matters relating to elevating devices, as the Technical Standards and Safety Act, 2000

j) **“Committee”** means a Property Standards Appeal Committee established under this By-law;

k) **“Council”** means the Council of the Corporation of the City of Thunder Bay;

**p) “Exterior property area”** means the building lot excluding Buildings;

**t) “Guard”** means a balustrade or protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them;

**dd) “Officer (Property Standards)”** means a Municipal Law Enforcement Officer who has been appointed by the City as a Property Standards Officer and been assigned the responsibility of administering and enforcing a by-law passed under section 15.1 of the Building Code;

**ee) “Order”** means an order, issued by a Officer (Property Standards), pursuant to section 15.2 of the Building Code Act, to remedy defects in standards for maintenance and occupancy; an Order-To-Comply has the same meaning.

**ff) “Owner”** shall include the registered property owner or agent thereof: a person having or appearing to have beneficial ownership or care and control of the property, and an owner as defined by the Building Code Act, 1992;

**qq) “Vermin”** means mammals, birds, or insects injurious to humans, physical property, game, livestock, or crops. Examples include but are not limited to: skunks, rats, termites, poisonous insects or reptiles, moths, and mice;

**ii) “Safe Condition”** means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb, or health of any person on or about the property, and includes a structurally sound condition;

**mm) “Unsafe Condition”** is a descriptive phase for Land, Building, structures or material, that are in a condition or state of repair that causes a hazard to life, limb or health of any person authorized or expected to be on or near the Land in question.

**oo) “Vacant Building”** means a building that is partially or entirely vacant and includes a building that is partially or entirely vacant and occupied by unauthorized persons;

## **6. EXTERIOR PROPERTY**

a) All exterior areas of a property shall be kept clean and free of litter, rubbish, waste, salvage, refuse, dead, decaying, or damaged trees, branches and limbs, or any other objects or conditions that might create a health, fire, accident hazard, or Unsafe Condition.

b) Every property shall be kept free from garbage, rubbish, waste, or accumulations of any materials that prevent access to or exit from the property

c) Without restricting the generality of this Section, the maintenance of Land includes the removal of:

i. Rubbish, garbage, waste, litter and debris;

- ii. Injurious insects, termites, rodents, vermin and other pests; and any condition which may promote an infestation;
- iii. Wrecked, dismantled, inoperative vehicles, discarded or unlicensed vehicles, vessels, off-road vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with any relevant By-laws or statutes; and
- iv. Dilapidated or collapsed buildings, structures or erections, and the filling in or protecting of any unprotected well.

## **16. ACCESSORY BUILDINGS**

The foundations, walls, roofs, and all parts of accessory buildings and other structures appurtenant to the main building shall be:

- a) constructed with suitable materials;
- b) maintained in good repair;
- c) protected from deterioration by the application of paint or other suitable protective material; and
- d) free from graffiti, unauthorized signs, or similar defacements and markings.

## **22. EXTERIOR WALLS, SURFACES, CLADDING AND MASONRY**

All exterior walls and surfaces of every building or structure shall be sound, plumb, weathertight, free from holes, loose or unsecured objects, maintained in good repair and:

- a) free from missing, cracked, or broken masonry units, missing, defective, or deteriorated wood, metal siding, or trim, missing, cracked, broken, or loose stucco, or other loose or unsecured objects;
- b) shall be so maintained by the painting, restoring, or repairing of the walls, coping, or flashing, by the waterproofing of joints and the walls themselves, by the installation of, or repairing of, weathertight finishing, or the installation of termite shields, if required;
- c) all exterior surfaces that have previously been covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated; and
- d) Every part of a building, including the exterior, shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

## **23. DOORS – WINDOWS – CELLARS – HATCHWAYS**

- a) Windows, skylights, exterior doors and frames, basement or cellar hatchways, attic access doors including storm and screen doors, and storm windows shall be maintained in good working order, good repair, in a Safe Condition and shall be of

such construction so as to prevent the entrance of wind, snow, or rain into the building and to minimize heat loss through infiltration.

- b) At least one entrance door in every Dwelling Unit shall have hardware so as to be capable of being locked from inside and outside the Dwelling Unit.
- c) All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.
- d) All windows capable of being opened shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in a good condition, graffiti, unauthorized signs, objectionable defacements, or similar markings.

### **31. DEMOLITION OF STRUCTURES**

- a) Where a building, accessory building, fence, or other structure is demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and leveled condition.
- b) Where a building, accessory building, fence, or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.
- c) Demolition activities shall be controlled with appropriate measures to protect the surrounding neighbourhood lands, including City lands and highways, from nuisance or hazardous dust, vibrations, and litter.

### **49. PEST CONTROL**

Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times

**55. GENERAL PROVISIONS RELATING TO VACANT BUILDINGS** The owner of a vacant Building, in addition to any requirements of any other By-law of the City, shall:

- a) keep all Buildings on the land clear of debris;
- b) disconnect or have disconnected or discontinued all water, electrical, and gas services to the Building except where required for the security and maintenance of the Building;
- c) maintain the Building to prevent against Unsafe Conditions or risk of fire or accidents;



d) keep the windows, doors, or any other openings to the Building secured to prevent unauthorized entry;

e) maintain any entrances to the Building in good repair so as to provide for safe access for any authorized person attending the property; and

f) barricade all openings on any floor or between floors to prevent the risk of accident or injury to a person.