



**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

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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	14. RETAINING WALLS (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.
REQUIRED REPAIR//REMEDY			
<p>Namely: 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">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; and2. 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; or3. Replace the retaining wall, obtaining any required permits and ensuring compliance with the Building Code Act, and any other relevant regulation standards.			

“SCHEDULE B”

ASSISTIVE EXAMPLE PHOTOS

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

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

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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



“SCHEDULE C”

As per Property Standards Order issued by MLEO Jolene Wiwcharyk

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

IMPORTANT: Additional Information to Property Standards ORDER
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**To: Brenda Lyn MELICK, Mary
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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

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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.