

PROCEDURES FOR COMPLAINTS - PROPERTY STANDARDS

1. Complaints must be in writing and directed to the Chief Inspector.
2. Check assessment rolls for name of owner, lot and plan number.
3. Check Buiding Files for outstanding complaints.
4. Inspect property for non-conformities (Form 008)
5. Search Title (Form 001)
6. Complete Schedule "A" (Form 004)
7. Send by Registered Mail, Notice of Non-conformity with attached Schedule "A" to owner of the property and all persons shown by the records of the Registry Office, the Land Titles Office, and the Sheriff's Office to have any interest therein and provide all occupants with a copy of such Notice (Forms 002, 003)
8. A hearing is held on the date shown on the Notice, at which time the Officer makes a decision as to the remedial work required and time for compliance.
9. The Officer now sends by Registered Mail an "Order" (form 005/005A) and attaches:
 - a) Schedule "A", including the remedial work required;
 - b) Schedule "B", (legal description of property); and
 - c) Appeal Form.
10. The "Order" (two copies) is then Registered on Title in the Registry Office with an affidavit of subscribing witness.

REFERENCE NO. _____

FORM P.S.O. 001

TOWN OF PELHAM

INTER-DEPARTMENTAL COMMUNICATION

TO:

DATE:

FROM:

RE:

We are instituting proceedings under the Occupancy and Maintenance By-law No. 411 (1977)

RE:

Ontario.

LOT NO.

CON. NO.

PLAN NO.

shown on the Assessment Rolls as owned by

Would you please make a search of the title to the above property to determine the owner or owners, mortgagees and other encumbrancers, including tenants together with registration particulars of the pertinent documents and the address of the owner and encumbrancers as shown on said documents. Would you please also search in the Sheriff's Office for executions against the above lands.

PROPERTY STANDARDS OFFICER

REFERENCE NO.

THE CORPORATION OF THE TOWN OF PELHAM

NOTICE OF NON-CONFORMITY

Given pursuant to By-law No. 411 (1977) being "A By-law to prescribe standards for the maintenance and occupancy of residential property".

TO:

TAKE NOTICE that the property owned by you or which you have an interest in, situated at _____ and being (part of) Lot _____ Con. _____ Plan _____ in the Town of Pelham does not conform to the standards prescribed in By-law No. 411 (1977), as particularly set out in Schedule "A attached hereto.

AND FURTHER TAKE NOTICE that you are required to remedy such defects and make the said property conform to the standards prescribed in By-law No. 411 (1977);

AND FURTHER TAKE NOTICE that the Property Standards Officer has called a Hearing to be held on the _____ day of _____, 19____, at the hour of _____ at the office of the Property Standards Officer in the Municipal Offices, 43 South Pelham Street, Fonthill, Ontario, to hear representations. At that time you or your representative are entitled to appear and to make such representations and present such evidence as you so desire;

AND FURTHER TAKE NOTICE that in the event you do not appear at the said Hearing, a decision may be made by the Property Standards Officer in your absence and an Order may be made by the Property Standards Officer requiring you to correct such defects within a specified time or requiring you to clear the property of all buildings, structures, debris or refuse and requiring that the property be left in a graded and levelled condition. The Order may further provide that if such repairs or clearance is not done within the specified time the Municipality may carry out the repair or clearance at the expense of the owner;

AND FURTHER TAKE NOTICE that you have the right to appeal any Order made by the Property Standards Officer by mailing a Notice of Appeal by registered mail to the Secretary Of the Property Standards Committee, 43 South Pelham Street, Box 400, Fonthill, Ontario, L0S 1E0, within fourteen (14) days after service of the Order and in the event no appeal is taken the Order shall be deemed to have been confirmed.

DATED at Fonthill, Ontario, this day of A.D., 19

LLOYD TUNNACLIFFE
PROPERTY STANDARDS OFFICER
P.O. BOX 400
FONTHILL, ONTARIO
L0S 1E0

COPIES FOR THE INFORMATION OF:

MINIMUM STANDARD OF HOUSING

SCHEDULE "A"

Defects and conditions not in compliance with By-law
No. 411 (1977) of the Corporation of the Town of
Pelham;-

N O T I C E

Take notice that the attached Notice of Non-conformity has been issued by the Property Standards Officer for the Town of Pelham pursuant to Town of Pelham By-law No. 411 (1977) which Notice of Non-conformity is hereby served upon the Owner and all other persons who have any interest in this property pursuant to Section 7.5.2. of said By-law.

And take notice that pursuant to said By-law No. 411 (1977) it is an offence, punishable upon summary conviction, to pull down, obstruct or deface this placard.

PROPERTY STANDARDS OFFICER

REFERENCE NO.

IN THE MATTER OF The Planning Act
RSO 1970, Chapter 349, as amended;

AND IN THE MATTER OF The "Maintenance
and Occupancy Standards By-Law
No. 411 (1977);

AND IN THE MATTER OF No.
being (part of) Lot Plan
Con. No. in the Town of Pelham,
in the Regional Municipality of Niagara,
more particularly described in Schedule
"B" annexed hereto.

ORDER OF THE
PROPERTY STANDARDS OFFICER

TO:

WHEREAS a Notice of Non-conformity was served upon you on the
 day of , 19 , requiring you to remedy
the defects specified therein, and with respect to the property
situated at No. being (part of) Lot
Plan Con. in the Town of Pelham, as more parti-
cularly described in Schedule "B" annexed hereto;

AND WHEREAS you have failed to remedy the specified defects set
out in Schedule "A" annexed hereto;

IT IS ORDERED that the defects at No.

Town of Pelham, Ontario, set forth in Part One of Schedule "A"
attached hereto, be corrected on or before the day of
 , A.D., 19 , and further defects set forth in
Part Two of Schedule "A" attached hereto, be corrected on or
before the day of , A.D., 19 , and all defects
be corrected in accordance with all Provincial and Municipal
Statutes, By-laws and Regulations within the time specified from
the date of service of this Order; or that the site be cleared of
all buildings, structures, debris or refuse and left in a graded
and levelled condition;

AND IT IS ORDERED that the said property is not to be used until
it conforms to the Standards of By-law No. 411 (1977)

AND TAKE NOTICE that in the event you fail to remedy such defects
within the time prescribed or to clear the site of all buildings,
structures, debris or refuse and leave the site in a graded and
levelled condition, this matter will be referred to the Corpora-
tion of the Town of Pelham, which Corporation may carry out the
repair or clearance of the property at the expense of the owner
and may recover that expense as taxes or by action.

DATED at Fonthill, Ontario, this day of A.D., 19

LLOYD TUNNACLIFFE
PROPERTY STANDARDS OFFICER
P.O. Box 400
Fonthill, Ontario
LOS 1EO

IN THE MATTER OF The Planning Act,
R.S.O. 1970, Chapter 349, as amended;

AND IN THE MATTER OF The "Maintenance
and Occupancy Standards By-law No.
411 (1977);

AND IN THE MATTER OF No.
being (part of) Lot Plan Con.
in the Town of Pelham, in the Regional
Municipality of Niagara, more particularly
described in Schedule "B" annexed hereto:

ORDER OF THE

PROPERTY STANDARDS OFFICER

TO:

WHEREAS a Notice of Non-conformity was served upon you on the day
of , 19 , requiring you to remedy the defects specified
therein, and with respect to the property situated at No.
being (part of) Lot Plan Con. in the Town of Pelham, as
more particularly described in Schedule "B" annexed hereto:

AND WHEREAS you have failed to remedy the specified defects set out in
Schedule "A" annexed hereto;

IT IS ORDERED THAT the defects at No.
set forth in Part One of Schedule "A" attached hereto, be corrected on or
before the day of , A.D., 19 , and further defects
set forth in Part Two of Schedule "A" attached hereto, be corrected on or
before the day of A.D., 19 , and all defects be cor-
rected in accordance with all Provincial and Municipal Statutes, By-laws and
Regulations within the time specified from the date of service of this
Order; or that the site be cleared of all buildings, structures, debris or
refuse and left in a graded and levelled condition;

AND IT IS ORDERED THAT the said property is not to be used until it conforms
to the Standards of By-law No. 411 (1977);

AND TAKE NOTICE that in the event you fail to remedy such defects within the
time prescribed or to clear the site of all buildings, structures, debris
or refuse and leave the site in a graded and levelled condition, this
matter will be referred to the Corporation of the Town of Pelham, which
Corporation may carry out the repair or clearance of the property at the
expense of the owner and may recover that expense as taxes or by action;

AND FURTHER TAKE NOTICE that in the event the Corporation of the Town of
Pelham is required to carry out the terms of this Order, it is this officer's
intention to recommend that the site be cleared of all buildings, structures,
debris and refuse and the site left in a graded and levelled condition.

DATED AT Fonthill, Ontario, this day of A.D., 19

LLOYD TUNNACLIFFE
PROPERTY STANDARDS OFFICER
P.O. Box 400
Fonthill, Ontario
LOS'LEO

AND TAKE NOTICE THAT:

1. You may appeal this Order to the Property Standards Committee by sending Notice of Appeal by registered mail to:

Secretary of the Property Standards Committee,
43 South Pelham Street,
P.O. Box 400,
Fonthill, Ontario. L0S 1E0

within fourteen (14) days of service of this Order upon you.

FINAL DATE OF APPEAL:

2. In the event that you do not appeal this Order, this Order shall be deemed to have been confirmed.

3. In the event you fail to remedy such defects within the time prescribed, The Corporation of the Town of Pelham may carry out the repair or clearance of the property at the expense of the Owner and may recover that expense as taxes or by action and further, may placard the property stating that such property does not conform to the minimum standards of By-law No. 411 (1977) and further, may register a copy of the Order in the proper Registry Office against the title to the said lands.

4. Every person who contravenes any provision of By-law No. 411 (1977) of the Corporation of the Town of Pelham is guilty of an offence and is liable, upon summary conviction, to a fine of not more than THREE HUNDRED (\$300.00) DOLLARS for each day that he is in contravention of an Order that is final and binding.

COPIES TO:

AFFIDAVIT OF SUBSCRIBING WITNESS

Revised
March/72

I,
of the Town of Pelham
in the Regional Municipality of Niagara

make oath and say:

*See footnote I am a subscribing witness to the attached instrument and I was present and saw it executed
at Town of Pelham by

*See footnote I verily believe that each person whose signature I witnessed is the party of the same name referred to in the instrument.

SWORN before me at the Town of Pelham
in the Regional Municipality of Niagara
this day of 19

A COMMISSIONER FOR TAKING AFFIDAVITS, ETC

* Where a party is unable to read the instrument or where a party signs by making his mark or in foreign characters add "after instrument had been read to him and he appeared fully to understand it". Where executed under a power of attorney insert "(name of attorney) as attorney for (name of party)"; and for next clause substitute "I verily believe that the person whose signature I witnessed was authorized to execute the instrument as attorney for (name)".

Revised
March/72

AFFIDAVIT AS TO AGE AND MARITAL STATUS

I/~~XXX~~
of the Town of Pelham
in the Regional Municipality of Niagara, Property Standards Officer,
make oath and say: When I executed the attached instrument,

* If attorney
see footnote

I/~~XXX~~ was at least eighteen years old.

Strike out
inapplicable
clauses.

~~XX~~

~~XXXXXXXXXXXXXXXXXXXX~~

[illegible][illegible]

Resident of
Canada, etc.

(SEVERALLY) SWORN before me at the Town of
Pelham, in the Regional
Municipality of Niagara
this day of 19

A COMMISSIONER FOR TAKING AFFIDAVITS, ETC

* Where affidavit made by attorney substitute: "When I executed the attached instrument as attorney for (name), he/she was (marital status, and if married, name of spouse), and when he/she executed the power of attorney, he/she had attained the age of majority".

NOTICE OF APPEAL

If you wish, this "Order" may be appealed to the
PROPERTY STANDARDS COMMITTEE by sending NOTICE OF APPEAL
by REGISTERED MAIL to:

Secretary of the Property Standards Committee
Municipal Offices,
43 South Pelham Street,
P.O. Box 400,
Fonthill, Ontario
L0S 1E0

on or before the final date for Appeal as indicated on
Page Two of the "Order".

REFERENCE NO.

NAME

ADDRESS

REASON FOR APPEAL:

(Signature)

DATED THIS

DAY OF

, 19

REFERENCE NO.

SCHEDULE "B"

DATED:

IN THE MATTER OF The Planning Act,
R.S.O. 1970, Chapter 349, as amended,

AND IN THE MATTER OF The "Maintenance and
Occupancy Standards By-law No. 411 (1977)

AND IN THE MATTER OF No.

being (part of) Lot Plan Con.

in the Town of Pelham, in the
Regional Municipality of Niagara,
more particularly described in
Schedule "B" annexed hereto.

TO:

ORDER OF THE

PROPERTY STANDARDS OFFICER

LLOYD TUNNACLIFFE,
PROPERTY STANDARDS OFFICER,
P.O. BOX 400,
FONTHILL, ONTARIO
LOS 1EO

N O T I C E

Take notice that the attached Order has been issued by the Property Standards Officer for the Town of Pelham pursuant to Town of Pelham By-law No. 411 (1977) which Order is hereby served upon the Owner and all other persons who have any interest in this property pursuant to Section 7.5.2. of said By-law.

And take notice that pursuant to said By-law No. 411 (1977) it is an offence, punishable upon summary conviction, to pull down, obstruct or deface this placard.

PROPERTY STANDARDS OFFICER

IN THE MATTER OF The Planning Act,
R.S.O., 1970, Chapter 349, as
amended;

AND IN THE MATTER OF The "Maintenance
and Occupancy Standards By-law No.
411 (1977)

AND IN THE MATTER OF No.
being (part of) Lot Plan Con.
in the Town of Pelham, in the Regional
Municipality of Niagara, more particularly
described in Schedule "B" annexed hereto.

I, _____ of the Town of Pelham
in the Judicial District of Niagara South,

make oath and say as follows:

1. I am the Property Standards Officer for the Corpora-
tion of the Town of Pelham appointed by By-law No.
411 (1977) and as such have knowledge hereinafter
deposed to.
2. I did on the _____ day of _____ at
approximately _____ affix in a prominent
position on the property known municipally as _____
in the
Town of Pelham a placard stating that such property
does not conform to the minimum standards set out in
By-law No. 411 (1977) and in what particulars it
fails to conform to the standards, a copy of which
is attached hereto and marked Exhibit "A" to this my
affidavit.

SWORN before me at the)
Town of Pelham)
this day of)
)
)
)
)
)

A Commissioner for taking affidavits, etc.

in the Town of Pelham, in the Regional Municipality of Niagara, more particularly described in Schedule "B" annexed hereto.

I, _____ of the Town of Pelham in
the Judicial District of Niagara South,
make oath and say as follows:

1. I am an employee of the Building Inspection Branch of the Corporation of the Town of Pelham and as such have knowledge of the matters hereinafter deposed to.
2. I did, on _____ serve upon _____ a copy of the Order of the Property Standards Officer, attached hereto and marked Exhibit "A" to this my affidavit, by mailing the same by prepaid registered mail addressed to _____

A copy of the registered mail receipt is attached hereto and marked Exhibit "B" to this my affidavit.

SWORN before me at the)
Town of Pelham)
this) day of)
)
)
)

A Commissioner for taking affidavits, etc.

IN THE MATTER OF The Planning
Act, R.S.O. 1970, Chapter 349,
as amended;

AND IN THE MATTER OF The "Maintenance
and Occupancy Standards By-law #411
(1977);

AND IN THE MATTER OF No.
being (part of) Lot , Plan
Concession in the Town
of Pelham, in the Regional
Municipality of Niagara, more
particularly described in
Schedule "B" annexed hereto.

I,
of the
in the
Property Standards Officer, for the Corporation of the Town of Pelham,
DO HEREBY ACKNOWLEDGE that
of the
in the

remedied the defects specified in a certain "Order of the
Property Standards Officer", which Order bears date the day of
 , 19 , and was registered in the Registry Office for
the Registry Division of Niagara South on the day of
19 , at minutes past o'clock a.m./p.m. as Instrument
No. and that this Order is HEREBY DISCHARGED.

DATED AT FONTHILL, ONTARIO, THIS day of , 19

Signed, Sealed and Delivered)

- In the Presence of -)

)

)

)

)

)

PROPERTY STANDARDS OFFICER

DATED: _____

DISCHARGE OF ORDER OF THE
PROPERTY STANDARDS OFFICER

Property Standards Officer
Building Department
Municipal Hall
P. O. Box 400
43 South Pelham Street
FONTHILL, Ontario
LOS 1E0