

## Legislation Text

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**File #:** TMP-21482, **Version:** 1

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### **APPEAL HEARING - PROPERTY STANDARDS BY-LAW 2011-138 - PERFORMANCE OF PROPERTY MAINTENANCE - S. HUGHES AND C. HUGHES - 18 GIBBON DRIVE**

The Chair advised that the hearing would be conducted as a judicial hearing and each party would be allotted time to present evidence, present witnesses, conduct cross-examinations of the witnesses and make submissions as they deemed appropriate.

Mr. Seamus Feeney, Municipal Prosecutor identified himself to the Chair and explained he was acting on behalf of the Property Standards Officer for the City of Barrie.

Mr. Scott Hughes and Ms. Cherie Hughes identified themselves to the Chair as the Appellants.

Ms. L. Cleaver, Property Standards Officer was sworn in by Ms. T. Maynard, Committee Support Clerk. Mr. S. Feeney presented evidence and examined Ms. L. Cleaver as a witness. Several pieces of evidence were entered into the record as Exhibits.

Mr. S. Hughes and Ms. C. Hughes cross-examined Ms. L. Cleaver with respect to the evidence that had been provided.

Ms. C. Hughes was sworn in by Ms. T. Maynard, Committee Support Clerk. Ms. C. Hughes presented evidence. Several pieces of the Appellants' evidence were entered into the record.

Mr. S. Feeney cross-examined Ms. C. Hughes with respect to the evidence that had been presented.

Mr. S. Hughes was sworn in by Ms. T. Maynard, Committee Support Clerk. Mr. S. Hughes presented evidence. Documentation was not entered into the record as evidence at that time.

Mr. S. Feeney cross-examined Mr. S. Hughes with respect to the evidence that had been presented.

Members of the Committee requested and received clarification of the evidence presented by the Appellants and the Property Standards Officer.

Mr. S. Feeney provided closing statements on behalf of the Property Standards Officer.

Mr. S. Hughes and Ms. C. Hughes provided closing statements.

Upon the adoption of the required procedural motion, the Property Standards Committee met In-Camera/Closed Session at 7:02 p.m. in the Huronia Room "B" to receive and discuss a confidential litigation matter with respect to the appeal hearing of Mr. S. Hughes and Ms. C. Hughes. The members of the Committee and the Deputy City Clerk were present for this portion of the meeting.

The Property Standards Committee resumed in open session in the Council Chamber at 7:30 p.m.

J. Dolan, Chair of the Property Standards Committee advised that the Committee had made a decision

regarding the appeal by Mr. S. Hughes and Ms. C. Hughes.

The Committee approved the following recommendation with respect to the appeal by Mr. S. Hughes and Ms. C. Hughes.

“The decision of the Property Standards Committee is that the appeal of By-law 2011-138 by the Appellants, Mr. S. Hughes and Ms. C. Hughes is to uphold the order in whole or in part, as follows:

The owners of 18 Gibbon Drive are to confirm the location and ownership of the retaining wall and fence by way of a new survey which indicates the location of the retaining wall/fence by November 6, 2017.

The Chair advised that a written copy of the decision letter outlining the rational for the decision would be sent to the Appellants.