

Legislation Text

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APPEAL HEARING - PROPERTY STANDARDS BY-LAW 2011-138 - PERFORMANCE OF PROPERTY MAINTENANCE - S. HAKIM AND H. HAKIM

Prior to commencement, the appeal hearing was recessed to allow Ms. Catherine Powell, Municipal Prosecutor to have a preliminary resolution discussion with Mr. Perry Van Kessel, representative of Mrs. Salma Hakim and Mr. Hassan Hakim, to see if there was a resolution, at 6:09 p.m. The hearing resumed at 6:20 p.m.

Ms. C. Powell indicated that she and Mr. P. Van Kessel were unable to reach a resolution. Mr. P. Van Kessel wished to proceed with the appeal hearing.

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

Ms. Catherine Powell, Municipal Prosecutor identified herself to the Chair and explained she was acting on behalf of the Property Standards Officer for the City of Barrie.

Mr. Perry Van Kessel identified himself to the Chair as the Appellant's, Mrs. Salma Hakim and Mr. Hassan Hakim, representative. Mr. P. Van Kessel indicated he was not prepared to continue as he was not aware that these proceedings were a hearing. Chair Dolan clarified for Mr. P. Van Kessel that the Property Standards Committee was a quasi-judicial tribunal.

Mr. P. Van Kessel requested an adjournment for time to prepare. It was clarified by the Clerk that all notifications were sent out by registered mail, indicating the date and time of the hearing and to request evidence to be presented in advance of the hearing.

The Chair asked Ms. C. Powell for her input on Mr. P. Van Kessel's request. Ms. C. Powell indicated that with all the evidence she was provided with, and her witness, she was prepared to proceed.

The Chair polled the Committee with a motion to adjourn, after hearing Ms. C. Powell's submissions and Mr. P. Van Kessel's comments.

Mr. Phillip Moore, a member of this Committee clarified that both Mr. P. Van Kessel and his clients, Mrs. Salma Hakim and Mr. Hassan Hakim, should have come to the hearing prepared. Mr. P. Moore made a motion to adjourn the meeting to a later date based on Mr. P. Van Kessel's explanation. The Chair asked the Clerk to take a vote on the motion. Based on further comments made by Mr. P. Van Kessel, Mr. P. Moore withdrew his motion to adjourn.

The Chair clarified that there was no motion to adjourn before the Committee and that the Property Standards Committee hearing would continue.

Property Standards Officer, S. Zapple was affirmed by Ms. B. Thompson, Committee Support Clerk. Ms. C. Powell qualified Officer Zapple's note, respecting Property Standards Orders PSC21-00100, PSC21-00155, and PSC21-00067. Ms. C. Powell presented evidence and examined Officer Zapple as a witness. Several pieces of

evidence were entered into the record as Exhibits.

Mr. P. Van Kessel called an objection during the examination-in-chief of Officer Zapple, for reason of a Property Standards Order number discrepancy. Mr. Van Kessel indicated that PSC21-00100 was not mentioned in the appeal, and therefore, no evidence was prepared.

Ms. C. Powell provided the Committee with rebutting submissions based on Mr. P. Van Kessel's objection. Ms. C. Powell clarified for the Committee that the correspondence sent to the appellants contained a misprint and that it was Mr. P. Van Kessel that initiated the proceedings; therefore, he would have known that he was responding to all three orders.

Chair Dolan brought to the Committee the objection by Mr. P. Van Kessel and the rebutting submissions by Ms. C. Powell, calling the Committee to either bring a motion to sustain or overrule Mr. P. Van Kessel's objection. It was decided by the Committee that Mr. P. Van Kessel's objection was overruled. Ms. C. Powell continued with her examination of Officer Zapple.

Mr. P. Van Kessel cross-examined Officer Zapple with respect to the evidence that had been provided.

Mr. Don Parker was affirmed by Ms. B. Thompson, Committee Support Clerk. Mr. P. Van Kessel examined Mr. D. Parker. Documentation was not entered into the record as evidence at that time.

Ms. C. Powell cross-examined Mr. D. Parker with respect to the evidence that had been provided.

Mr. P. Van Kessel was affirmed by Ms. B. Thompson, Committee Support Clerk and Mr. P. Van Kessel presented evidence. Documentation was not entered into the record as evidence.

Ms. C. Powell cross-examined Mr. P. Van Kessel with respect to the evidence that had been presented.

Members of the Committee requested and received clarification of the evidence presented by the Appellant's representative and the Property Standards Officer.

Ms. C. Powell provided a closing statement on behalf of the Property Standards Officer.

Mr. P. Van Kessel provided a closing statement.

Upon the adoption of the required procedural motion, the Property Standards Committee met In-Camera/Closed Session at 8:50 p.m. to deliberate on the appeal hearing of Mrs. Salma Hakim and Mr. Hassan Hakim. The members of the Committee and the City Clerk were present for this portion of the meeting.

The Property Standards Committee resumed in open session in the Council Chamber at 9:35 p.m.

Mr. J. Dolan, Chair of the Property Standards Committee advised that the Committee had made a decision regarding the appeal by Mr. P. Van Kessel, on behalf of Salma and Hassan Hakim.

The Chair advised that the Appellants may appeal to the Superior Court of Justice by notifying the City Clerk of the City of Barrie in writing and by applying to the court within 14 days after a copy of the decision is sent.

The Committee approved the following recommendation with respect to the appeal by Mr. Van Kessel, on behalf of Mrs. Salma Hakim and Mr. Hassan Hakim.

"The decision of the Property Standards Committee is that the appeal of By-law 2011-138 by the Appellants, Mrs. Salma Hakim and Mr. Hassan Hakim through their representative, Mr. Perry Van Kessel, regarding orders

PSC-21-00100 and PSC-21-00155 is to uphold the order in whole with additional time granted for all of the deficiencies regarding order PSC-21-0067, whereas, the owner of 118 St. Vincent Street be granted until July 9th, 2021 to complete the repairs as stated.

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