

Municipality of Lakeshore

Minutes of the Property Standards Committee Meeting



Wednesday, July 21, 2021, 4:30 PM

Electronic hosted from Council Chambers, 419 Notre Dame Street, Belle River

Members Present: Chair Mark Hacon, Member Ron Barrette, Member Steve Diemer, Member Robert Sylvestre

Members Absent: Member Michael Hoffman

Staff Present: Corporate Leader - Strategic & Legal Affairs Kristen Newman,
Division Leader - Building Services Morris Harding, Planner I -
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1. Call to Order

Chair Hacon called the meeting to order at 4:36 PM. All Committee members and parties participated in the meeting through video conferencing technology from remote locations.

2. Disclosures of Pecuniary Interest

3. Hearings

a. Appeal of Order - 2125 Big Creek Drive

a. Presentation by Respondent

By-law Compliance Officer Raylene Bailey provided a PowerPoint presentation as overview of the Order:

- In 2019, the Municipality of Lakeshore's Drainage Department received a complaint from R. Beaulieu (18725 Tecumseh Road), regarding the operation of the nearby municipal drain along the South side of Tecumseh Rd. and storm water originating from the neighbouring property of Bernard & Rachelle Moison (2125 Big Creek Rd.), which the complainant must pump into the municipal drain.
- The complainant made a follow-up inquiry into the status of his complaints in July 2020 and Bylaw Compliance Staff were asked to investigate the matter and determine if the situation is in violation of the Municipality of

Lakeshore's Municipal Bylaws.

- The property of 2125 Big Creek Rd. is graded so that a significant portion of both its Northern and North-Western portions drain towards 18725 Tecumseh Rd. The grade of the land is significant and no means of mitigating the overland flow of drainage was observed to be in place.
- The Property Standards violation pertains to the surface runoff, which is permitted to drain toward 18725 Tecumseh Rd. and cross the property boundary.
- Based on inspection it was deemed appropriate to issue a Property Standards Order against the owners of 2125 Big Creek Rd. for violating Section 5.19 of the Municipality of Lakeshore Bylaw No. 23-2018; namely 5.19 (2) that requires all vacant lots and every yard shall be graded as to prevent surface drainage from adversely affecting neighbouring properties.
- The Property Standards Order was drafted on July 24th 2020, which had a compliance date of September 11th 2020 – giving the property owners approximately six (6) weeks after time for mail delivery to make efforts to start and/or complete the remedy process of the drainage violation.
- Raylene Bailey mentioned two "problem areas" on the property that may be contributing to the issue 1) The higher elevation and grade of 2125 Big Creek Rd. is 'funneling' a large portion of the surface drainage from the farm field directly toward the west of 18725 Tecumseh Rd. and 2) No means of mitigating said drainage through the use of berms, ditches, swales, retention walls, retention ponds or pumps are present to this day along the mutual property boundary.

b. Questions to the Respondent by the Committee members/Appellant

The Committee members did not have any questions for the Respondent following the presentation.

The Appellant asked why By-law did not call them to explain the Order that was issued, and also mentioned that the complainant may have removed top soil from their property. They stated the removal of the top soil may be resulting in the drainage issues they are experiencing. The Respondent stated that they were not aware of any top soil removal.

c. Presentation by witnesses called by the Respondent (if any)

There were no witnesses called by the Respondent.

- d. Questions to the witnesses by the Committee members/Appellant
- e. Presentation by Appellant

The Appellant told the Committee that they had not made any changes to the grade of their farm which has remained in its natural state. They noted that it is likely the complainant who has made changes to their property which has caused any problems. It was also stated that the pictures from July 2020 in the Respondent's presentation do not show any drain issues - appears dry - and the appearance of soil saturation is not a case of saturation but is in fact the natural appearance of that particular type of soil in the area.

- f. Questions to the Appellant by the Committee members/Respondent

Member Barrette asked how long the Appellant owned the property. The Appellant stated 12 years.

Member Diemer asked if the Essex Region Conservation Authority was ever involved in the investigation of the issue. The Appellant said no.

Chair Hacon asked if the complainant ever approached the appellant regarding the issue. The Appellant said the complainant approached them about the issue five years ago and there has been little communication since.

- g. Presentations by witnesses called by the Appellant (if any)

There were no witnesses called by the Appellant.

- h. Questions to the witnesses by the Committee members/Respondent

- i. Response by Respondent to new information (if any) and closing statement

By-law Compliance Officer Raylene Bailey asked if the property was in the Essex Region Conservation Authority regulated area or Lower Thames Valley Conservation Authority regulated area. The Committee suggested that it was likely in the Lower Thames Valley Conservation Authority regulated area.

- j. Response by Appellant to new information (if any) and closing statement

The Appellant noted they are currently dealing with a number of drainage scheme and pumping scheme costs. They also asked whether the Municipality can and should enforce property standards related to drainage of farm parcels. The Division Leader - Building Services stated that By-law 23-2018 requires all vacant lots, farm parcels and urban lots, to be graded and maintained to prevent surface drainage from adversely affecting adjacent properties.

k. Closing of hearing

Chair Hacon closed the hearing at 5:16 PM.

l. Decision of Committee

Chair Hacon explained that when making a decision on an appeal, the Committee has three options:

- Confirm the Order;
- Rescind the Order; or
- Modify the Order.

Member Sylvestre suggested the issue could be resolved under the Drainage Act with an engineer's report to determine the exact nature of the issue. Member Diemer suggested other properties, not just the subject property, could be contributing to the drainage issue.

The Division Leader - Building Services explained that this particular drainage issue did not relate to a municipal drain and that the drainage issue related to one property owner draining water onto another property owner's land.

1-07-2021

Moved By Robert Sylvestre

Seconded By Steve Diemer

Rescind the Order dated July 24, 2020.

In Favour (2): Steve Diemer, and Robert Sylvestre

Opposed (2): Mark Hacon, and Ron Barrette

Lost

2-07-2021

Moved By Mark Hacon

Seconded By Ron Barrette

Confirm the Order dated July 24 2020.

In Favour (3): Mark Hacon, Ron Barrette and Robert Sylvestre

Opposed (1): Steve Diemer

Carried

4. Adjournment

3-07-2021

Moved By Ron Barrette

Seconded By Robert Sylvestre

The Property Standards Committee adjourn its meeting at 5:34 PM.

Carried Unanimously

Mark Hacon
Chair

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Municipal Liaison