



**City of Kingston  
Appeals Committee  
Meeting Number 08-2023  
Minutes**

**Monday, November 20, 2023 at 12:00 p.m.  
Hosted from Councillors' Lounge, 3<sup>rd</sup> Floor, City Hall**

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**Committee Members Present**

Councillor M<sup>c</sup>Laren, Chair  
Tara Kainer  
Robert Knox  
Todd Storms

**Regrets**

Councillor Oosterhof

**Staff Members Present**

Graeme Gemmill, Property Standards & Municipal Law Enforcement Officer  
Joe Harry, Property Standards & Municipal Law Enforcement Officer  
Steve Mothersell, Supervisor, Enforcement  
Derek Ochej, Deputy City Clerk  
Andrew Reeson, Senior Legal Counsel  
Iain Sullivan, Committee Clerk

**Others Present**

Mario Kalemi, Appellant  
Adam Koven, Appellant  
Youko Leclerc, Appellant  
Members of the public were present.

**This is not a verbatim report.**

### **Meeting to Order**

The Chair called the meeting to order at 12:00 p.m.

### **Approval of the Agenda**

Moved by Mr. Knox

Seconded by Ms. Kainer

**That** the agenda be approved.

**Carried**

### **Confirmation of Minutes**

Moved by Ms. Kainer

Seconded by Mr. Knox

**That** the minutes of Appeals Committee Meeting Number 07-2023 held on Monday, October 16, 2023, be approved.

**Carried**

### **Disclosure of Pecuniary Interest**

There were none.

### **Delegations**

There were none.

### **Briefings**

There were none.

### **Business**

- a) **New Appeals**
  - i) **314 Weller Avenue**

Mr. Gemmill conducted a PowerPoint presentation regarding New Appeal – 314 Weller Avenue Street. A copy of the presentation is available upon request through the City Clerk's Department.

Mr. Knox sought a further description of the correspondence between Mr. Gemmill and the property owner. Mr. Gemmill responded that he had spoken with the property owner over the phone and exchanged emails regarding the property.

Mr. Knox spoke to the significant number of items listed in the Order to Remedy. He asked if a person would be safe living under those conditions. Mr. Gemmill stated that there are safety concerns for the tenant adding that any determination of life safety would be outside of the scope of his professional opinion.

Mr. Storms asked when Mr. Gemmill was first made aware of a complaint at the property. Mr. Gemmill responded that the first complaint was filed on July 24, 2023 and that the property owner was advised of the complaint on August 7, 2023.

Mr. Storms asked if the cause of the damage to the property was a result of long term water infiltration. Mr. Gemmill stated that in his non-professional opinion the minor repair work done to the remove is no longer adequate to prevent water infiltration.

Mario Kalemi, Appellant, spoke to the history of the property. He advised that the current tenants had resided at the property for many years without issue. Mr. Kalemi stated that in 2019-2020 the tenants stopped paying rent and the matter was brought before the Landlord and Tenant Board seeking eviction on the basis of non-payment of rent. He further stated that at this hearing is when he was first made aware of the deficiencies with the property. Mr. Kalemi stated that he was not made aware of the roof deficiencies until last year. He advised that a settlement was made that would see the tenants provided with money to complete the repair work themselves. Mr. Kalemi spoke to the efforts he undertaken to repair the property, citing specifically repairs to the roof. He claimed that the damage to the property is a result of the tenants' behaviour and that they are attempting to drive down the value of the property in order to purchase it from him at a reduced price. Mr. Kalemi stated that property requires significant repairs. He added that he received a quote of \$150,000 and timeframe of six-to-eight months to complete all repairs. He advised that he cannot complete the repairs with the tenants still residing at the property and that he has a hearing back of January at the Landlord and Tenant Board to seek their eviction in order to renovate the property.

Ms. Kainer inquired as to the last time the Appellant visited the property. Mr. Kalemi responded that he had not been inside the building in many years, adding that he drives by the property when he is in the area.

Councillor McLaren requested that the Appellant provide Mr. Gemmill with proof of the Landlord Tenant Board hearing. He sought clarity on the nature of the filing with the Board. Mr. Kalemi confirmed he had filed an N4 application for non-payment of rent.

In response to a question from Councillor McLaren, Mr. Kalemi affirmed that his statement that he was unaware of the roof condition before receiving the Order to Remedy. He added that he had discussed repairs with Mr. Gemmill, and that Mr. Gemmill's suggestion of completing work piecemeal would not be effective.

Erin Zufelt advised that she was a tenant of the property. She stated that she had first made Mr. Kalemi aware of the issues with the roof and clothes dryer in October 2021. Ms. Zufelt explained that the water damage to the property was the result of a burst pipe and that some repairs had been attempted but were inadequate. She added that she has lived at the property for 10 years and no contractors had been on site in recent time. Ms. Zufelt advised that any repairs to the property had been undertaken by the tenants.

Garnet Binns advised that he was also a tenant of the property. He spoke to the condition of the roof, claiming that Mr. Kalemi had been aware of the condition for years. Mr. Binns further spoke to the repair attempts in recent years. He stated that the quote provided for the repairs was significantly larger than the amount disclosed by Mr. Kalemi.

Ms. Zufelt spoke to the issues at the property that were brought before the Landlord and Tenant Board and the lack of action taken in the intervening time.

Councillor McLaren sought clarity regarding the settlement that was reached between Mr. Kalemi and the tenants as a result of the Landlord and Tenant Board hearing. Ms. Zufelt confirmed an agreement was in place for Mr. Kalemi to provide funds to the tenant to complete the repairs, adding that the work agreed upon could not be completed due to the condition of the foundation. She further stated that she would be willing to complete the interior repairs once the roof and foundation were addressed.

In response to a question from Ms. Kainer, Ms. Zufelt provided further details regarding the settlement reached between herself and Mr. Kalemi.

In response to a question from Mr. Knox, Ms. Zufelt advised that no offers had been made to her from Mr. Kalemi to allow her to relocate during the renovation and return upon completion of the work.

Mr. Knox expressed support for confirming the Order to Remedy.

Mr. Kalemi spoke to the roof repairs that were completed in 2019. He stated that he had not been notified of the additional deficiencies with the roof that have occurred since that time.

In response to a question from Councillor McLaren, Mr. Gemmill confirmed that Mr. Kalemi would have received notice of the current deficiencies with the roof through the Order to Remedy.

Mr. Storms stated that he would not object to enforcement of the Order to Remedy. He stated that the decision needs to be made on the evidence presented, or to allow for a one-month deferral to allow for additional evidence to be provided by the parties.

Moved by Ms. Kainer

Seconded by Mr. Knox

**That** the Appeals Committee agrees to confirm Order to Remedy CEPS202305751 and the time for compliance therewith.

**Carried**

**b) Property Updates**

**i. 5 Cataraqui Street**

Mr. Harry conducted a PowerPoint presentation regarding Property Updates – 5 Cataraqui Street. A copy of the presentation is available upon request through the City Clerk's Department.

Youko Leclerc, Appellant, expressed his appreciation for the work staff had completed on the file. He stated that following the previous meeting he advised the property owner of the decision, to which the property owner agreeing to remove as much of the material as possible. Mr. Leclerc stated that he was looking to close out the work order and defer the remaining items for completion during the development phase of the property. He added that the remaining debris is filling the foundation of one of the demolished buildings to prevent water from pooling.

Adam Koven, property owner, advised that the process of working with staff on his project has been a pleasure. He spoke to the difficulty in keeping people from

trespassing on the site. Mr. Koven advised that spoke checks were being conducted to ensure the security and safety of the site.

Mr. Harry clarified that there were some smaller buildings that had been demolished for which the remaining bricks and wood required removal.

Ms. Kainer inquired about cleaning up the remaining debris spoken to by Mr. Harry. Mr. Koven responded that this work would require additional staff, adding that the debris is hidden from the street view. He spoke to unique nature of some of the debris.

Mr. Harry clarified that only the loose debris required removal at this time.

Mr. Storms sought clarity on the recommended action from staff. Mr. Harry responded that staff would be satisfied if the Order to Remedy was confirmed, adding that staff would continue to work with the property owner towards compliance.

Moved by Ms. Kainer

Seconded by Mr. Storms

**That** the Appeals Committee agrees to confirm Items 1 and 3 of Order to Remedy CEPS202304707 and the time for compliance therewith.

**Carried**

### **Motions**

There were none.

### **Notices of Motion**

There were none.

### **Other Business**

There was none.

### **Correspondence**

There was none.

### **Date and time of Next Meeting**

Appeals Committee Meeting Number 08-2023 – Monday, November 20, 2023 at 12:00 p.m.

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The next meeting of the Appeals Committee is scheduled on Monday, December 18, 2023 at 12:00 p.m.

**Adjournment**

Moved by Ms. Kainer

Seconded by Mr. Knox

**That** the meeting of the Appeals Committee adjourn at 1:00 p.m.

**Carried**