

SV4-1.1

**MUNICIPAL LICENSING & STANDARDS
PROPERTY STANDARDS COMMITTEE**

STAFF REPORT

DATE: March 26, 2019 OFFICER: Tami ABOTT

LOCATION: 1 Fountainhead Rd., Toronto

OWNER: Maplegrove York Apartments Ltd.,
c/o Rane Property Management

BACKGROUND:

On October 30, 2018 Officer ABOTT attended the property located at 1 Fountainhead Rd., Toronto. In response to a complaint regarding the cleanliness of the exterior windows. The property is a multi-residential 22 storey building and is a registered building with the Apartment Building Standards Program.

Officer ABOTT attended the property in response to a complaint regarding the cleanliness of the exterior surface of the windows, specifically the bedroom window. The bedroom window is a larger rectangular shaped window that is comprised of three sections A large glass panel that is not operable and two smaller sections on the bottom that are operable. The balcony for the units does not extend the length of the unit and therefore the exterior window surface is not accessible by the resident to clean the exterior surfaces on their own.

The Officer noted that the exterior surface area of the window appeared to be dirty. The complainant indicated that when there is direct sunlight on the window a significant amount of dirt/grime is visible. The complainant provided the Officer with a photograph of the window which was taken on a previous day.

After speaking with the complainant the Officer returned to the main floor office of the property management team. No one was available the Officer left her business card requesting contact.

On October 31 2019 the Officer received an email response from the Senior Property Manager, Ashok SOLANKI for Rane Property Management regarding the Officers visit. There was a series of email between Oct 31, 2018 and Nov 26, 2018 between the Officer and Mr. SOLANKI. Mr. SOLANKI questioned the validity and procedural process of enforcing the City of Toronto Property Standards Bylaw, Chapter 629. Mr. SOLANKI also put forth a series of hypothetical questions/situations to the Officer who could not provide specific answers to. The Officer did clarify the complaint was specific to inaccessible exterior windows. It was suggested by Mr. SOLANKI suggested that a resident could lean out of their 15th storey window and clean as far as they could reach.

On November 22, 2018 as a result of her investigation Officer ABOTT issued Property Standard Order 18-257438 PRS 00 IV. (see attached).

March 8 2019 Officer ABOTT received an email from the City Of Toronto Clerks office advising that Property Standard Order 18-257438 PRS 00 IV was appealed.

COMMENTS: Section 21.D states: Glazed doors, windows and other transparent surfaces shall be kept reasonably clean in order to permit unimpeded visibility and unrestricted passage of light.

There is no provision in the Ontario Building Code Act nor the City of Toronto Property Standards By-law, stating the number of complaints required before responding to and take action on a complaint. In addition the Order is not vague as it applies to the exterior windows that are inaccessible to tenants.

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STAFF REPORT

In the interest of cost effectiveness the Officer stated in the Order that all exterior in accessible window surfaces of the building be cleaned so that the property owner would not be inundated with subsequent calls and possible Orders to clean the other exteriors surface windows.

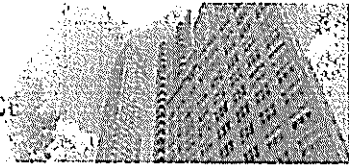
Further as part of the Apartment Building Standards Program multi residential building owners are required to have a regular cleaning schedule for cleaning interior and exterior common areas and common elements. The property owners have the opportunity to develop a schedule which thereby residents and Officers would be informed of the process and schedule pending potential future complaints.

RECOMMENDATION: Order confirmed as written.



4122 BATHURST STREET
TORONTO, ON M3H 3P2
TEL: 416-756-3962
FAX: 416-756-2399

RECEIVED
CITY CLERK'S OFFICE
NORTH YORK
CIVIC CENTRE



2018 DEC -5 A 9:15

Date: 11/29/2018

To,

Property Standard Committee,
North York Panel,
5100 Yonge Street,
Toronto, ON
M2N 5V7

Subject:- Appeal to order Folder# 18 257438 PRS 00 IV for 1 Fountainhead Rd .

Dear Manager,

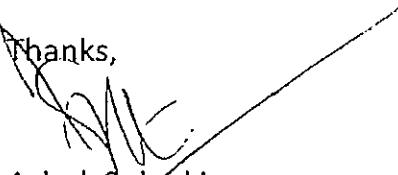
578238560 (Money order)

We are attaching the cheque#~~453~~ for \$285.20 as non-refundable fee to appeal this order. We are appealing claiming order cannot be vague but specific to a unit or common area where work / repairs needed to be done. The copies of email communication with Municipal Standard officer & order are attached.

Please schedule a hearing after Jan. 2019 as I am not available to attend the hearing before this.

If you have any question. Please email to ashok@ranee.ca or call 647-806-3426.

Thanks,


Ashok Solanki
Sr. Property Manager

Folder Status: Order to Comply Appealed

Folder No: 20 18 243368 PRS 00 IR

Sub Folder Type:

Property Address: 1 FOUNTAINHEAD RD

Folder Name: 1 FOUNTAINHEAD RD 1508 -- N0803

Description: property_issue=N/A
additional_information=[Dwelling repair] Exterior - building element in disrepair '
<<Assigned Officer: Abbott, Tami / Tami.Abbott@toronto.ca>>

Current/Last Assigned User: Tami Abbott

Folder In Date: Oct 16, 2018

Work Proposed: Property Standards

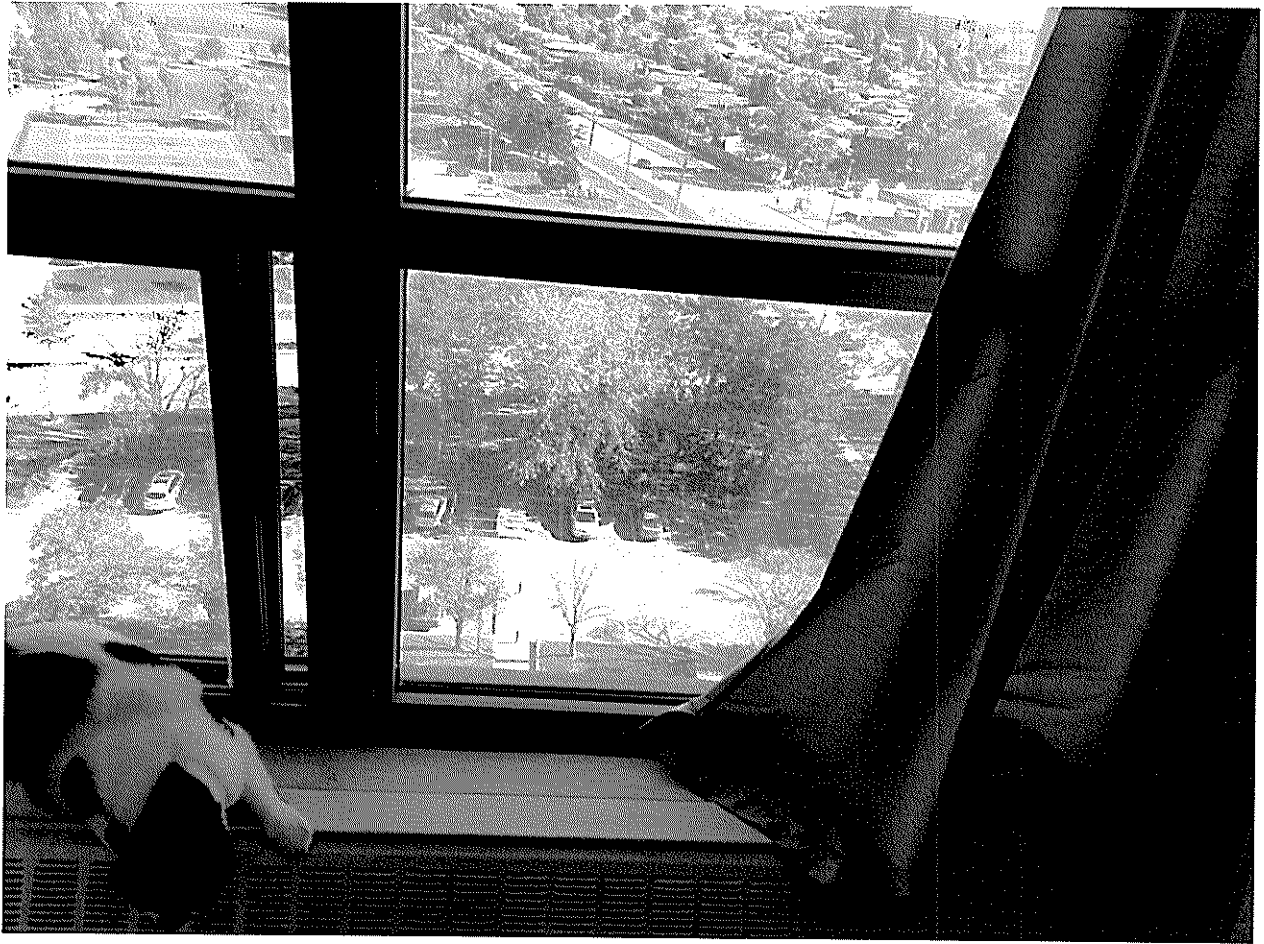
Unit No:

Process Date (mm/dd/yy)	Investigation Process	Process Action	Action Date	Attendance/ Inspection Date	Findings/Observations	Assigned User	Logged User	Process Sign-off User
10/16/18	Receive Complaint	Forward to Investigator	10/16/18			311 Customer Service Rep	311 Customer Service Rep	311 Customer Service Rep
10/16/18	Investigation Results - Property Std	Comment only	10/24/18		complaint assigned to me today	Abbott, Tami	Abbott, Tami	Abbott, Tami
	Investigation Results - Property Std	Inspection Rescheduled	10/25/18		email sent to complainant to get more details about her specific concerns	Abbott, Tami	Abbott, Tami	Abbott, Tami
10/30/18	Investigation Results - Property Std	Comment only	10/25/18	10/30/18	Received email from complainant - area of concern is the exterior windows of he unit. Windows do not open and they are unable to clean. Has requested that management clean and they indicated that they currently do not clean exterior windows.	Abbott, Tami	Abbott, Tami	Abbott, Tami
	Investigation Results - Property Std	Comment only	10/30/18	10/30/18	12:54 pm attended the property and met with complainant in the unit. Did notice that window is dirty. Complainant indicated when sun hits window the dirty is very visible (see attached photo from complainant) In addition complainant indicated that the window had been replaced but it leaks did notice damage to ceiling and there is damage to the parquet flooring by the window. Took photos.	Abbott, Tami	Abbott, Tami	Abbott, Tami
					Left unit and returned to main floor to speak with management - office door was locked. Took Sr Property Managers Information and left my business card stuck in door frame with please contact written on it.			
	Investigation Results - Property Std	Comment only	10/31/18	10/30/18	email correspondence with Sr Property management - he has indicated that cleaning the exterior windows is not part of the plan this year - also stated that tenants could reach out and clean the windows themselves - Indicate he was not aware window was leaking and they would attend unit and fix window and fix ceiling. see attached	Abbott, Tami	Abbott, Tami	Abbott, Tami
					Sent subsequent email to complainant for an update prior to issuing an Order for repairs.			
	Investigation Results - Property Std	Order to Comply issued	11/16/18	10/30/18	issuing order to have exterior windows cleaned on building - providing one year to complete	Abbott, Tami	Abbott, Tami	Abbott, Tami
11/25/19	Follow-Up Investigation - Prop. Std.	Comment only	11/19/18		Order sent by Registered Mail on Nov 19, 2018. Tracking # RN 253 116 451 CA	Abbott, Tami	Jariwala, Nikita	Abbott, Tami

Folder Status: Order to Comply AppealedCurrent/Last Assigned User: Tami Abbott
Folder No: 20 18 243368 PRS 00 IRFolder In Date: Oct 16, 2018
Sub Folder Type: Work Proposed: Property Standards
Property Address: 1 FOUNTAINHEAD RDUnit No:
Folder Name: 1 FOUNTAINHEAD RD 1508 -- N0803

Description:property__issue=N/A
additional_information=[Dwelling repair] 'Exterior - building element in disrepair '
<<Assigned Officer: Abbott, Tami / Tami.Abbott@toronto.ca>>

Process Date (mm/dd/yy)	Investigation Process	Process Action	Action Date	Attendance/ Inspection Date	Findings/Observations	Assigned User	Logged User	Process Sign-off User
11/25/19	Follow-Up Investigation - Prop. Std.	Order to Comply Appealed	03/08/19		order was appealed in Nov 2019 to be held until 2019 see attached email-	Abbott, Tami	Abbott, Tami	Abbott, Tami
11/25/19	Follow-Up Investigation - Prop. Std.		N/A			Abbott, Tami		
	Deficiency Documentation	Process Deficiency			1. Exterior Of Building - The surface of a window is not kept reasonably clean. Namely: Clean exterior building windows for all units that can not be reasonably nor safety cleaned by residents so as to ensure that exterior window surfaces are free from dirt and grime.	N/A	Abbott, Tami	



1 Fountainhead Rd. Unit 1508

Tuesday, October 30, 2018

Photograph # 1

VR

T. ABOIT
6127



1 Fountainhead Rd photo submitted by complainant
Oct 30/18

Tami Abbott
Municipal Standards Officer
399 The West Mall, 3rd Fl, North Blk
Toronto, ON M9C 2Y2
Phone No.: 416-394-2867
Fax No.:
Email: Tami.Abbott@toronto.ca

Folder #: 18 257438 PRS 00 IV

MAPLEGROVE YORK APARTMENTS LTD
4122 BATHURST ST
TORONTO, ON M3H 3P2
CAN

ORDER

Issued pursuant to section 15.2(2) of
The Building Code Act, S.O. 1992, chapter 23, as amended.

November 22, 2018

Re: 1 FOUNTAINHEAD RD
Legal Description: PLAN M1299 BLK D
Roll Number: 1908033331005000000
City of Toronto

The above-described property, which is owned by you or in which you have an interest has been inspected by a Property Standards Officer. The inspection revealed that in some respects the property does not conform with the standards prescribed by the Toronto Municipal Code, Chapter 629, Property Standards.

It is ordered that, the repairs necessary to correct the defects set out in Schedule 'A' be carried out and the property brought to a condition of compliance with the prescribed standards on or before **November 22, 2019**.

Contacting the Investigating Officer

If you wish to speak to the officer directly you may do so in accordance with the contact information provided at the top of this document. The best time to contact the officer is between 8:30 AM and 9:30 AM.

However, if you cannot call between these hours or have difficulty reaching the officer for any reason you may contact our *Investigation Services at 416-395-7366*, Monday to Friday between the hours of 8:30 AM to 4:30 PM.

Appeal Procedure

You are advised that, if you are not satisfied with the terms or conditions of this Order you may appeal to the Property Standards Committee by sending a Notice of Appeal by registered mail to:

Property Standards Committee, North York Panel, City Clerk's Office
North York Civic Centre, Ground Floor
5100 Yonge Street
Toronto, ON M2N 5V7

on or before **December 11, 2018, stating your grounds for appeal**. A \$285.20 non-refundable fee is required (make certified cheque or money order payable to **Treasurer, City of Toronto**).

In the event that no appeal is taken within the above prescribed period, the Order shall be deemed to be confirmed and shall be final and binding upon you, requiring you to comply with its Terms within the time and in the manner specified in the Order.

You are further advised that, all correspondence received and collected by the City of Toronto relating to an appeal is maintained for the purpose of creating a record that is available to the general public under section 27 of the Municipal Freedom of Information and Protection of Privacy Act.

Remedial Action

Where, it has been determined that the necessary repairs or demolition have not been completed in accordance with this Order, as confirmed or modified, in addition to any possible court action the City of Toronto may cause the property to be repaired or demolished. The costs of such action and any other applicable fee may be registered as a lien on the land and shall be deemed municipal real property taxes. Additionally, the Clerk of the Municipality may add the costs to the collectors roll. Collection will occur in the same manner and with the same priority as municipal real property taxes.

If after reviewing the content of this order, you are unclear as to the implications or requirements imposed on you as the property owner, you may contact Tami Abbott at 416-394-2867 or Investigation Services for clarification.

SCHEDULE 'A'

November 22, 2018

Re: 1 FOUNTAINHEAD RD
Legal Description: PLAN M1299 BLK D
Roll Number: 1908033331005000000
City of Toronto

The item(s) listed herein are in violation of the Toronto Municipal Code, Chapter 629, Property Standards.

ITEM	LOCATION	DEFECT	SECTION
1	Exterior Of Building	The surface of a window is not kept reasonably clean. Namely: Clean exterior building windows for all units that cannot be reasonably nor safety cleaned by residents, so as to ensure that exterior window surfaces are free from dirt and grime.	21.D.

Additional Information You Need to Know About this Order

Method of Repair

All repairs and maintenance of property required by the standards prescribed by the Code shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose. No person shall use, occupy, permit the use or occupancy of, rent, or offer to rent, any property that does not conform with the standards prescribed in this chapter.

Inspection Fees

Be advised, if compliance to this Order is not achieved as specified, inspection fees will be charged in accordance with the Municipal Code Chapter 441 - Fees and Charges, Appendix C - Schedule 12. Chargeable inspections will be invoiced every 30 days. This fee is subject to an annual inflationary increase.

Required Permits

Where a permit is required to undertake any repair required to conform with the standards as prescribed in this Order, it is the responsibility of the Owner to obtain any such permit. Please contact your local **Toronto Building Services office by calling 311**. In addition, information related to the requirements for a permit can also be found at http://www.toronto.ca/building/building_permits.htm.

Hiring Building Contractors/Trades People

As well, in those cases where building contractors or trades people are hired to conduct work at your property, be advised that building renovators and certain tradespersons require a City of Toronto business license to perform work within the City. Please ensure that any contractor you may hire has the required license(s). For further information you can contact: **Municipal Licensing and Standards, Licensing Services, East York Civic Centre, 850 Coxwell Avenue, Third Floor, Toronto, ON M4C 5R1 (Licensing Services Call Centre: (416) 392-6700 or http://www.toronto.ca/licensing/bto_licensing.htm)**.

TORONTO MUNICIPAL CODE
CHAPTER 354, APARTMENT BUILDINGS

CHAPTER 354

APARTMENT BUILDINGS

ARTICLE 1
General

§ 354-1.1. Definitions.

ARTICLE 2
Registration

§ 354-2.1 Registration.

ARTICLE 3
Owner and Operator Obligations

§ 354-3.1 Tenant service request process.

§ 354-3.2. Tenant notification procedures.

§ 354-3.3. Pest management.

§ 354-3.4. Waste management.

§ 354-3.5. Cleaning.

§ 354-3.6. Certified tradesperson; use of.

§ 354-3.7. State of good repair capital plan.

ARTICLE 4
Record Keeping

§ 354-4.1. Record keeping obligations.

ARTICLE 5
Audits and Inspections

§ 354-5.1. Audits and regular site visits.

ARTICLE 6
Renting Units to New Tenants While Non-Compliant

§ 354-6.1. Prohibition on rental of vacant rental units.

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ARTICLE 7
Offences, Entry to Inspect, Orders

§ 354-7.1. Offences.

§ 354-7.2. Entry to inspect.

§ 354-7.3. Orders to comply.

§ 354-7.4. Remedial action.

[History: Adopted by City of Toronto Council on April 28, 2017 by By-law 448-2017¹.
Amendments noted where applicable.]

General References

Building Code Act, 1992 – See S.O. 1992, c. 23.
City of Toronto Act, 2006 – See S.O. 2006, c. 11.

ARTICLE 1
General

§ 354-1.1. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

APARTMENT BUILDING - A purpose-built rental building with three or more storeys and ten or more rental units but does not include a long-term care home, a licensed retirement home or a housing co-operative.

EXECUTIVE DIRECTOR - The Executive Director, Municipal Licensing and Standards or her or his designate.

MANDATORY WASTE DIVERSION REQUIREMENTS - Requirements to divert waste from landfill, as indicated in any applicable federal, provincial or municipal statute, by-law or regulation.

OPERATOR - The superintendent or property manager of an apartment building or property who may take on some of the roles relating to permitting occupancy but does not include an owner.

OWNER - The owner of an apartment building or property.

PROPERTY and REPAIR - The same meanings as in subsection 15.1(1) of the *Building Code Act, 1992*. These meanings are noted as follows, for reference purposes only, and are subject to Subsection C:

¹ Editor's Note: This By-law was passed under the authority of sections 7 and 8 of the *City of Toronto Act, 2006*. By-law 448-2017 shall come into force July 1, 2017.

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- (1) **PROPERTY** - A building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- (2) **REPAIR** - Includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section.

RENTAL UNIT - Any living accommodation used or intended for use as rented residential premises.

STOREY - The portion of a building:

- (1) That is situated between the top of any floor and the top of the floor next above it; or
- (2) That is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

TENANT - Includes a person who pays rent in return for the right to occupy a rental unit and includes the tenant's heirs, assigns and personal representatives, but "tenant" does not include a person who has the right to occupy a rental unit by virtue of being:

- (1) an owner or co-owner of the property in which the rental unit is located; or
- (2) a shareholder of a corporation that owns the property.

- B. A term not defined in Subsection A shall have the same meaning as the term in the *Building Code Act, 1992* or Chapter 629, Property Standards.
- C. In this chapter a reference to an Act, regulation or by-law is to that Act, regulation or by-law as it is amended or re-enacted from time to time.

ARTICLE 2
Registration

§ 354-2.1 Registration.

- A. No owner shall operate or allow the operation of an apartment building that is not registered in accordance with this section.

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- B. An owner shall submit a registration in a form and manner satisfactory to the Executive Director for each property every 12 months and shall pay the amount specified in Chapter 441, Fees and Charges².
- C. A registration for each property shall contain the following information:
- (1) The property owner(s) names and contact information;
 - (2) The property operator(s) names and contact information;
 - (3) Security features existing at the property including, but not limited to, locking systems, cameras and security services;
 - (4) Sub-metered electricity including name of local distribution company or provider servicing the building; and
 - (5) Any other information required by the Executive Director.
- D. Notwithstanding Subsection B, an owner must update a registration within 30 days of any change to the information required in accordance with Subsections C(1) and (2).
- E. False, inaccurate, misleading registration.
- (1) No owner shall provide inaccurate, misleading or otherwise incorrect information required in accordance with this section to the City.
 - (2) Where the Executive Director determines that the information provided in Subsection C is inaccurate, misleading or otherwise incorrect, the Executive Director shall notify the owner.
 - (3) If the owner fails to correct registration within 14 calendar days of receipt of the notice in Subsection E(2), the Executive Director shall remove the owner's registration from the registry without further notice to the owner.

ARTICLE 3
Owner and Operator Obligations

§ 354-3.1 Tenant service request process.

- A. An owner or operator shall have a process for receiving and tracking tenant service requests.
- B. The process required by Subsection A, shall at a minimum include the following:

² Editor's Note: Section 3 of By-law 448-2017, stated that the fees established shall not apply to the following social housing providers: Toronto Community Housing Corporation; a not-for-profit provider of assisted or social housing under a program administered by the City of Toronto; and a dedicated supportive housing provider funded by the Province of Ontario.

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- (1) A manner for collecting and retaining the date and time the service request was made;
- (2) A manner for collecting and retaining a description of the location of the issue(s) including a rental unit number, if applicable, and the nature of the service request as identified by the tenant;
- (3) A process for identifying when a service request is urgent;
- (4) A manner for collecting and retaining the name and contact information for the tenant making the request;
- (5) A manner for providing a copy of the information collected by the owner or operator in accordance with this section to the tenant making the service request, upon the request of the tenant making the service request; and
- (6) A manner for maintaining copies of all responses made by the owner or operator in relation to the request in accordance with Subsection C.

C. Response required.

- (1) An owner or operator in receipt of an urgent service request shall respond to the tenant making the request within 24 hours of the request being made.
- (2) An owner or operator in receipt of a service request that is not urgent shall respond to the tenant making the request within 7 days of the request being made.
- (3) For the purposes of this subsection, an urgent service request is any request related to:
 - (a) the discontinuance of the following vital services:
 - [1] fuel;
 - [2] electricity;
 - [3] gas;
 - [4] heat; and or
 - [5] hot or cold water; or
 - (b) the breach of:
 - [1] building security;

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- [2] suite security; or
- [3] building envelope.

- D. The owner and operator shall maintain any information and records necessary to demonstrate compliance with the tenant service request process required by Subsection A.

§ 354-3.2. Tenant notification procedures.

- A. An owner or operator shall erect or install a notification board in a central location within the apartment building.
- B. The following information shall be posted on the notification board:
- (1) planned or unplanned service disruptions, including disruption to heat, water, security, electricity and elevators and all information related to:
 - (a) the nature of disruption;
 - (b) duration of disruption; and
 - (c) rental units, if any, impacted by the disruption.
 - (2) major capital projects and all information related to:
 - (a) the nature of the project;
 - (b) duration of the project; and
 - (c) rental units, if any, impacted by the project.
 - (3) the cleaning plan required in accordance with this chapter.
 - (4) emergency contact information, in accordance with § 629-5.1B, C and D of Chapter 629, Property Standards.
 - (5) the location of an air-conditioned place in the building, if accessible to all tenants;
 - (6) the name, address and map to the nearest location of a publicly accessible air-conditioned location;
 - (7) any of the following orders or notices issued by the City that apply to a common area:
 - (a) a order issued in accordance with Chapter 629, Property Standards;

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- (b) a notice issued in accordance with Chapter 485, Graffiti; and
- (c) a notice of non-compliance issued in accordance with Chapter 844, Waste Collection, Residential Properties.
- (8) notice of any appeal to an Order made under s. 15.2 of the *Building Code Act, 1992* in relation to a common area of an apartment building, including the time and dates of any scheduled appeals;
- (9) the date of a scheduled audit by the City's Municipal Licensing and Standards Division;
- (10) any pest treatment activities, including:
 - (a) the date of the treatment;
 - (b) the name of the pest management operator or exterminator licensed by the Ministry of the Environment undertaking the treatment;
 - (c) the nature of the treatment; and
 - (d) such information shall not include the location of the treatment; and
- (11) any other information or document required by the Executive Director.

§ 354-3.3 Pest management.

- A. The owner or operator shall inspect the property for the presence of pests in accordance with the following schedule:
 - (1) the common areas of the property at least once every 30 days;
 - (2) any area of the property within 72 hours of the receipt of any information indicating the presence of pests in that portion or portions of a property.
- B. The owner or operator who is aware of the presence of pests at the property shall take adequate measures to:
 - (1) prevent the spread of the pests into other portions of the property;
 - (2) eliminate or exterminate the pests in all areas where the presence of the pests is detected.

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- C. The owner or operator shall retain a pest management operator or exterminator licensed by the Ministry of Environment to conduct all pest extermination activity.
- D. No owner or operator shall take any action or fail to take any action which is likely to:
 - (1) cause the spread of the pests into other portions of the property; or
 - (2) prevent the control or extermination of the pests.
- E. No person shall take any action or permit any person to take any action intended to obscure or hide the presence of pests in any portion of a property.
- F. No person shall obstruct the extermination of the pests.

§ 354-3.4. Waste management.

- A. An owner or operator shall have a waste management plan for the apartment building in accordance with this section.
- B. A waste management plan shall include the information on how the owner or operator intends to comply with:
 - (1) the garbage and debris storage and disposal requirements outlined in Chapter 629, Property Standards; and
 - (2) mandatory waste diversion requirements.
- C. The owner and operator shall maintain any information and records necessary to demonstrate compliance with the waste management plan required by Subsection A.
- D. An owner or operator shall take the following actions relating to waste diversion for the apartment building:
 - (1) post in at least one common area of the apartment building waste diversion literature that addresses, among other things, diversion items accepted and the location of collection bins for such diversion items.
 - (2) identify clearly with stickers or posters the correct place to deposit garbage, recycling and, if applicable, organic materials.

§ 354-3.5. Cleaning.

- A. An owner or operator shall inspect the common areas of an apartment building at least once every day for cleanliness.

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- B. An owner or operator shall have a cleaning plan for the property in accordance with this section.
- C. The cleaning plan required by Subsection B shall include the following information:
 - (1) A list of all common areas in the apartment building and a schedule for the frequency of the cleaning services for those common areas; and
 - (2) A process, including a timeline in hours, for the owner or operator to clean unexpected or emergency situations that would cause all or part of the common areas to be in a state of uncleanliness.
- D. The owner and operator shall maintain any information and records necessary to demonstrate compliance with the cleaning plan required by Subsection A

§ 354-3.6. Certified tradesperson; use of.

An owner or operator shall demonstrate that they have retained or used the services of a certified tradesperson where required by law for activities including but not limited to servicing heat, ventilation, air conditioning and plumbing systems.

§ 354-3.7. State of good repair capital plan.

- A. An owner or operator shall have, maintain and keep current a state of good repair capital plan.
- B. A state of good repair capital plan shall include a list of the capital elements of the apartment building(s) and a date upon which the element will be scheduled to be replaced or updated.
- C. For the purposes of Subsection B, a capital element shall include, but is not limited to, the roof, elevators, building façade, windows, mechanical systems, underground garage, interior flooring, interior wall finish, balcony guards and handrails.
- D. An owner or operator shall provide a copy of the state of good repair capital plan to any tenant or prospective tenant upon request.

ARTICLE 4
Record Keeping

§ 354-4.1. Record keeping obligations.

- A. An owner or operator shall create and retain records necessary to demonstrate compliance with this chapter.

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- B. The records required in accordance with Subsection A shall include, but are not limited to:
- (1) tenant service requests, set out in greater detail in § 354-3.1;
 - (2) logs of all scheduled or unscheduled cleaning activities including, but not limited to, the nature of the cleaning activity and the date and location on which it occurred;
 - (3) logs of all scheduled or unscheduled activities relating to the waste management plan including, but not limited to, the nature of the activity and the date and location on which it occurred;
 - (4) logs of all scheduled or unscheduled pest inspections, including:
 - (a) the date and location of all proactive and reactive pest inspections;
 - (b) the name of the pest management operator or exterminator licensed by the Ministry of the Environment retained to conduct inspections; and
 - (c) the results of the inspection, including the recommended treatment, if any;
 - (5) logs of all pest treatment activities, including:
 - (a) the date and location of treatment;
 - (b) the name of the pest management operator or exterminator licensed by the Ministry of the Environment undertaking the treatment; and
 - (c) the nature of the treatment;
 - (6) logs of service and maintenance conducted on fuel burning appliances, heating systems, cooling systems, ventilation systems and plumbing systems, including:
 - (a) the date and nature of service; and
 - (b) the name of certified tradesperson who carried out the service or maintenance, if applicable.
- C. All records created in accordance with this section shall be maintained in a secure and accessible manner for a period no less than 24 months from the date the record was created.
- D. An owner or operator shall provide the records required in accordance with § 354-4.1B(4) and (5) for any common area to any tenant or prospective tenant, upon request.

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ARTICLE 5
Audits and Inspections

§ 354-5.1. Audits and regular site visits.

- A. The Executive Director is authorized to conduct routine site visits and pre-audits of all apartment buildings to determine whether they are in compliance with this chapter and any other City by-law, enforced by the Executive Director, and the owner or operator shall pay any fees in accordance with Chapter 441, Fees and Charges³.
- B. The Executive Director is authorized to audit apartment buildings that require further investigation, to re-inspect apartment buildings to confirm that the owners or operators are complying with any issued orders and to take any other action necessary and authorized by law.

ARTICLE 6
Renting Units to New Tenants While Non-Compliant

§ 354-6.1. Prohibition on rental of vacant rental units.

- A. No person shall rent a rental unit to a new tenant if there is a confirmed property standards order issued in accordance with Chapter 629, Property Standards related to the rental unit.
- B. No person shall rent a rental unit to a new tenant if there is a discontinuance of fuel, electricity, gas, heat, or hot or cold water in the apartment building.
- C. No person shall rent a rental unit to a new tenant if the owner or operator is aware of the presence of pests in the rental unit.

ARTICLE 7
Offences, Entry to Inspect, Orders

§ 354-7.1. Offences.

- A. Every person who contravenes any provision of this chapter is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.
- B. In addition to a fine or fines provided for in this section every person who gains an economic advantage or economic gain from contravening this chapter shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.

³ Editor's Note: Section 3 of By-law 448-2017, stated that the fees established shall not apply to the following social housing providers: Toronto Community Housing Corporation; a not-for-profit provider of assisted or social housing under a program administered by the City of Toronto; and a dedicated supportive housing provider funded by the Province of Ontario.

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- C. In addition to offences referred to in Subsection A, every person is guilty of an offence under this chapter who:
- (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter;
 - (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the *City of Toronto Act, 2006*;
 - (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter.
- D. Where a corporation contravenes any of the provisions of this chapter, every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.
- E. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.
- F. Where a corporation contravenes any of the provisions of this chapter, every director or officer who concurs in such contravention is guilty of an offence and, upon conviction, is liable to a fine not exceeding \$100,000.

§ 354-7.2. Entry to inspect.

- A. In accordance with section 376 of the *City of Toronto Act, 2006*, an officer may enter upon land within the City at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:
- (1) This chapter; or
 - (2) A notice or order issued in accordance with this chapter.
- B. For the purposes of an inspection under Subsection A, an officer may:
- (1) Require, for inspection, the production of documents or things relevant to the inspection;
 - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
 - (3) Require information from any person concerning a matter related to the inspection;

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- (4) Be accompanied by such person or persons as the officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
- (5) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

§ 354-7.3. Orders to comply.

- A. An officer who finds a contravention of this article may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under section 384 or 385 of the *City of Toronto Act, 2006*.
- B. The order may be served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.
- C. If there is evidence that the occupant of the land is not the registered property owner, the notice shall be served on both the registered property owner and the occupant of the land.
- D. If the address of the owner is unknown or the City is unable to effect service on the owner or occupant under Subsection B, a placard stating the terms of the order and placed in a conspicuous place upon land on or near the property shall be deemed to be sufficient notice to the owner.
- E. If the delay necessary to give an order under the preceding subsections would result in an immediate danger to the health or safety of any person, the order may be served personally on the person to whom it is directed or by a placard stating the terms of the order and placed in a conspicuous place upon land on or near the property.

§ 354-7.4. Remedial action.

If a person fails to comply with an order to do work to correct a contravention of this article, the Executive Director, or persons acting upon his or her instructions, may enter the lands at any reasonable time for the purposes of doing the things described in the order at the person's expense.

Google Maps Fountainhead Rd

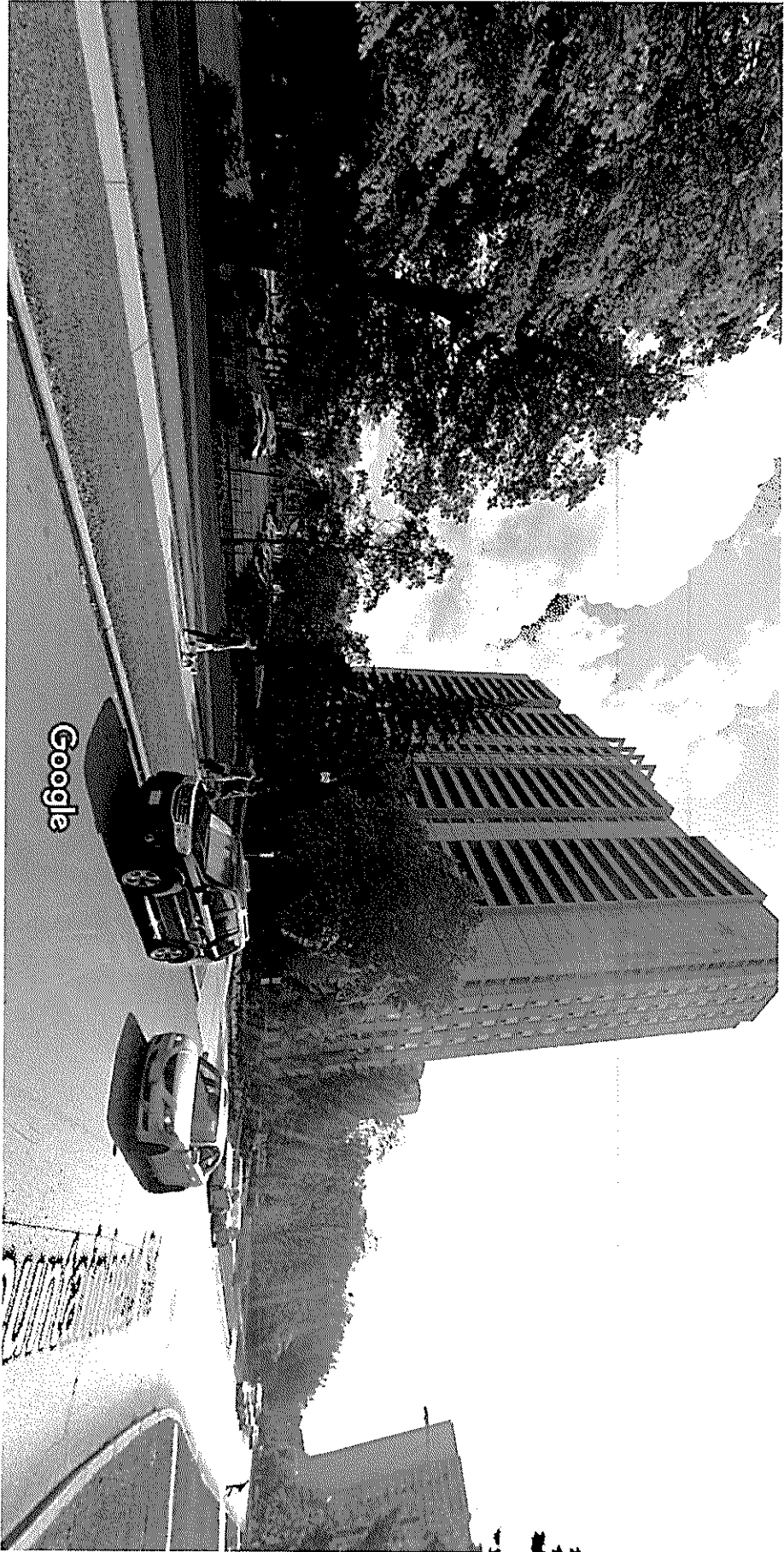


Image capture: Aug 2017 © 2019 Google

Toronto, Ontario

Google

Street View - Aug 2017

Tami Abbott

From: ashok@ranee.ca
Sent: October 31, 2018 10:20 AM
To: Tami Abbott
Subject: 1 Fountainhead rd

Good Morning Tami,

Yesterday my site staff found your business card in the office. Is there anything I can help you with?
Please email to me about any issues about the building.

Thanks,
Ashok Solanki
Sr.Property Manager

Tami Abbott

From: ashok@ranee.ca
Sent: October 31, 2018 11:27 AM
To: Tami Abbott
Subject: RE: 1 Fountainhead rd

Hi Tami,

[REDACTED] with regards to exterior windows cleaning of unit [REDACTED] we do not plan to do this year now. The operating window of bedroom can be removed and cleaned by tenants themselves. They can also reach to the area of window through the opening for the purpose of cleaning. These are new windows by the way installed only couple of years back. I am not sure if tenant filled maintenance request for ceiling. We will check it out for any leak, and get the ceiling fixed.

Thanks,
Ashok Solanki
Sr. Property Manager

From: Tami Abbott <Tami.Abbott@toronto.ca>
Sent: Wednesday, October 31, 2018 10:58 AM
To: ashok@ranee.ca
Subject: Re: 1 Fountainhead rd

Good Morning,

Thank you for contacting me.

I was at the property yesterday with regards to a couple of complaints I received.

[REDACTED]

The second complaint is related to Unit 1508. Concerns with a leaking and dirty window in the bedroom. I noted damage to the ceiling as well as the flooring near the window. In addition, the exterior of the window does have layers of dirt.

Can you provide any addition information with regards to either matters?

Thank you

Tami Abbott

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: ashok@ranee.ca

Tami Abbott

From: ashok@ranee.ca
Sent: November 26, 2018 1:37 PM
To: Tami Abbott
Cc: ilanag@ranee.ca
Subject: RE: 1 Fountainhead rd- Order Folder #18 257438 PRS PRS 00 IV for exterior windows cleaning

Hi Tami,

Thanks for your response, based on this it does not seem fair to us to get an order to clean entire building's windows, when there is no specific time frame. It is not fair to landlord to get orders like this to clean windows solely at the discretion of investigating officer on one tenant's complain. We strongly feel that order should be limited to a specific unit. we will appeal this order.

Once again thanks,
Ashok Solanki
Sr.Property Manager

On Mon, 26 Nov 2018 17:43:38 +0000, Tami Abbott wrote:

Morning Ashok,

My answers are below marked in red.

Regards,

Tami

From: ashok@ranee.ca [mailto:ashok@ranee.ca]
Sent: November 23, 2018 3:52 PM
To: Tami Abbott <Tami.Abbott@toronto.ca>
Subject: RE: 1 Fountainhead rd- Order Folder #18 257438 PRS PRS 00 IV for exterior windows cleaning

Hi Tami,

Here are some questions-

1. How many times a landlord has to clean exterior windows as per property standard ?

The Toronto Municipal Code 629 (Property Standards) and Code 354 (Apartment Buildings) do not speak about specific time frames.

2. How the decision is made that which unit's window to be cleaned?

The decision would be based on an individual and case by case basis.

3. We feel all our exterior windows are clean, so why on complain from Unit1508-1 Fountainhead, we got order to clean entire building's windows even no other tenant's ever complained ?

If the company disagrees with the provisions of the Order, in whole or in part the option to appeal the Order is available.

4. What happens if we clean all windows and few months after another tenant complain of dirty windows? How often we are suppose to clean?

Each complaint would be investigated on its own merit and a decision to the course of action taken would be based on the assigned Officers' discretion.

Please clarify your legal position on this, as it seem that order issued is vague. We may appeal the order after we get your response to this email.

Thanks,
Ashok Solanki CPM
Sr.Property Manager

On Thu, 22 Nov 2018 21:35:17 +0000, Tami Abbott wrote:

Good Afternoon,

The Order is for all exterior windows that cannot be cleaned by tenants due to access and/or safety concerns.

I hope this clarifies the matter.

Regards,

Tami

From: ashok@ranee.ca [<mailto:ashok@ranee.ca>]

Sent: November 22, 2018 12:46 PM

To: Tami Abbott <Tami.Abbott@toronto.ca>

Cc: gtufa@ranee.ca; kay@ranee.ca

Subject: 1 Fountainhead rd- Order Folder #18 257438 PRS PRS 00 IV for exterior windows cleaning

Good Afternoon Tami,

We acknowledge the receipt of your order listed above. The compliance date is Nov.22nd,2019 and appeal date is Dec.11th,2018. Tami, my understanding is the order should be very specific about the area which needs repairs, this order does not specify c unit number which has dirty windows. Please check again to be specific which unit number windows needs to be cleaned from outside? The building has 370 units and not all windows are dirty. We have not received complain except a tenant of Unit 1508 about windows, no other tenant complained about it.