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May 21, 2021

Our File No. 32159

SENT BY REGISTERED MAIL

Property Standards Committee
Toronto and East York Panel
City Clerk's Office
City Hall, Second Floor
100 Queens Street West
Toronto, Ontario M5H 2N2

Dear Sirs/Mesdames:

**Re: Notice of Appeal - Property Standards Order re: 235 Roncesvalles Ave.
issued by Martin Rygiel on May 6, 2021**

Please be advised that we are the lawyers for AAP Holdings Inc. ("AAP").

AAP is the tenant at 235 Roncesvalles Avenue in Toronto.

On May 6, 2021, Officer Martin Rygiel issued a Property Standards Order with respect to 235 Roncesvalles Avenue (the "Order").

AAP is appealing the Order for, *inter alia*, the following reasons:

- (a) The Order does not comply with subsection 15.2(2) of the *Building Code Act*, S.O., 1992, Chapter 23, as amended;
- (b) The Order is invalid and/or defective as the City of Toronto (the "City") and/or Mr. Rygiel failed to stipulate a remedy therein;
- (c) There is no obstruction to any walkway;

- (d) The area behind 235 Roncesvalles Avenue does not constitute a “walkway” as defined in Chapter 629, Property Standards, of the *Toronto Municipal Code*;
- (e) Pedestrians do not have the right to travel across the landlord’s property at the rear of the building at 235 Roncesvalles Avenue;
- (f) The City and/or Mr. Rygiel have misapprehended the facts relating to this matter;
- (g) The City and/or Mr. Rygiel had no authority to issue the Order as the complaints made to the City relate to a civil matter;
- (h) The City and/or Mr. Rygiel had no jurisdiction to issue the Order;
- (i) The City and/or Mr. Rygiel have no authority to order AAP to remove the garbage and recycling bins from the lands owned by the Landlord at the rear of the building at 235 Roncesvalles Avenue;
- (j) The garbage bins for 235 Roncesvalles Avenue have historically been located at the rear of the building at the said property;
- (k) The bins at the rear of the building at 235 Roncesvalles Avenue are located solely within the property owned by the landlord;
- (l) The bins located at the rear of the building at 235 Roncesvalles Avenue do not in any way obstruct the ability of the owners of 125 Fermanagh Avenue from walking on the lands which they own along the west side of their house;
- (m) There is no alternative location in which to store the garbage bins for 235 Roncesvalles Avenue;
- (n) The bins cannot be stored on the north side of the building at 235 Roncesvalles Avenue as: (i) the landlord does not own this property. The City has advised that the lands to the north of the building are part of the public right of way; (ii) the air intake vents for AAP’s HRV Unit which supports the circulation of clean air and satisfies the air changes per hour standards are on the north side of the building and cannot be rerouted; (iii) If AAP were to place the garbage bins below the air intake vents, it would constitute a health and safety hazard for those inside the medical facility; (iv) it would attract dumping of garbage along the north side of the building; (v) it would be aesthetically displeasing for the community; (vi) it would create an unpleasant odour for members of the public travelling on nearby sidewalks;

- (o) APP cannot locate its bins on the lands to the north of the building at 235 Roncesvalles Avenue and they must be placed at the rear of the building;
- (p) Bylaw Section 22.G. of Chapter 629, Property Standards, of the *Toronto Municipal Code*, does not apply to the bins at the rear of 235 Roncesvalles Avenue which are located on private property;
- (q) There are no conditions at 235 Roncesvalles Avenue which are in contravention of the standards prescribed by the *Toronto Municipal Code*, Chapter 629, Property Standards;
- (r) The occupant of 235 Roncesvalles Avenue is in compliance with the prescribed standards;
- (s) The City and/or Mr. Rygiel issued the Order for improper and/or invalid reasons as the Order is not based upon any contravention of the standards prescribed by the *Toronto Municipal Code*; and
- (t) The City and/or Mr. Rygeil have no right to interfere with private property rights.

Enclosed please find a certified cheque or money order in the amount of \$288.75 payable to the Treasurer, City of Toronto, in payment of the required fee for the appeal.

Yours very truly,

TEPLITSKY, COLSON LLP

Per:

Karey Dhirani

Karey Anne Dhirani

KAD/nn