



Agenda
Committee of Adjustment
Special Meeting

April 20, 2026, 10:00 a.m.

City Hall - 808 2nd Avenue East - Council Chambers

The public can attend meetings in person. Meetings will be livestreamed to the City's Council and Committees webpage. If there are technical issues with the livestream that cannot be fixed within 15 minutes, the meeting will continue, and a recording will be available later on the webpage or by contacting the City Clerk.

Pages

1. CALL TO ORDER

2. DECLARATIONS OF INTEREST

3. ANNOUNCEMENT BY THE CHAIR

The Committee of Adjustment is now sitting as the Property Standards Committee.

The *Building Code Act* of Ontario gives the Committee all the powers and functions of the Officer who made the Order and in disposing of the matter, the Committee may confirm, modify, rescind, or extend the time for complying with the Order if, in the Committee's opinion, the general intent and purpose of the Property Standards By-law is maintained.

Please be advised that if anyone other than the owner, occupant or their representative or interested parties as copied on the Order wishes to receive notice of the decision of the Property Standards Committee, or in the event that the Committee defers its decision respecting the appeal, such person or persons must leave their names and addresses in writing with the Secretary of the Committee prior to leaving the hearing by filling out the sign-in sheet located on the table outside of Council Chambers.

In addition, the City or any owner or occupant or person affected by the Committee's decision may appeal to the Superior Court of Justice by notifying the City Clerk in writing and by applying to the Court within fourteen (14) days after a copy of the decision is sent.

4. APPEALS

4.a Appeal of Property Standards Order OSBY-2026-0076 dated February 12, 2026 Re: 235 8th Street East by Kepler Real Estate Inc.

3

This appeal hearing was adjourned from its original date of April 7, 2026.

5. **NEXT MEETING**

6. **ADJOURNMENT**

Take notice that an appeal hearing has been scheduled by the City of Owen Sound regarding an Order to comply with Property Standards By-law No. 1999-030, as amended, under the *Building Code Act*, 1992, S.O. 1992, c. 23 for the subject property known municipally as 235 8th Street East.

The Appellant, Kepler Real Estate Inc., is seeking review and consideration from the Property Standards Committee regarding Order Number OSBY-2026-0076, attached as Schedule 'A'. The Appellant's Notice of Appeal is attached as Schedule 'B'.

The Property Standards Committee for the City of Owen Sound will consider this appeal through an electronic hearing on **April 7, 2026 at 3:00 p.m.** in the Council Chambers of City Hall, located at 808 2nd Avenue East, Owen Sound.

If the Appellant or Appellant's Representative does not attend the Hearing, the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding.

If a Party intends to make use of any written or documentary evidence at the Hearing, that Party is required to serve one (1) copy of the documents (referred to as the disclosure package) to the Secretary no later than **March 24, 2026**. As per Section 36 of the Property Standards Committee Procedure, "document" includes any report, memorandum, witness list, witness statement, sound recording, videotape, file, photograph, map, plan, survey, and any information recorded or stored by any means, and any expert reports to be relied upon and a copy of the curriculum vitae of the authors of any such expert reports.

The Secretary will provide the disclosure packages to all Parties no later than **March 26, 2026**.

If the video or audio for the Appellant or Appellant's Representative, malfunction during the Hearing, the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding.

A Party may, by satisfying the Committee that holding the Hearing as an electronic hearing is likely to cause the Party significant prejudice, require the Committee to hold the Hearing as an "in person" hearing and must provide the rationale for the request.

Please be advised that this hearing is a formal process where parties involved will be given an opportunity to present oral, written, or visual evidence related to the matter. Questions of clarification may be asked by the Appellant, the City, or the Committee. Those parties providing evidence will be sworn in or affirmed before they do so. The process for this hearing must comply with the Property Standards Committee Procedure and, as necessary, the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S.22. A copy of the Property Standards Committee Procedure is available on the City of Owen Sound's website at www.owensound.ca.

The Hearing will be open to the public and as such, may be viewed in person in Council Chambers or on the City's Council and Committees webpage at owensound.ca/meetings.

If you wish to receive a copy of the decision of the Property Standards Committee in respect of the appeal, you must make a written request to the Secretary of the Property Standards Committee using the contact information listed below.

All information disclosed will become part of the decision-making process of the appeal and will be posted on the City's website. Personal information is collected under the authority of the *Building Code Act*, 1992 and will become part of the public record. Questions about this collection should be addressed to the Secretary of the Property Standards Committee.

Notice Date: March 5, 2026

Staci Landry
Secretary of the Property Standards Committee
808 2nd Avenue East
Owen Sound, ON N4K 2H4
Telephone: 519-376-4440 ext. 1235
Email: clerks@owensound.ca

Schedule 'A'

Property Standards Order

Date Issued: 2026-02-12

ORDER

KEPLER REAL ESTATE INC
43363 SPARTA LINE
ST. THOMAS, ON N5P 3S8

MUNICIPAL ADDRESS: 235 8TH ST E
LEGAL DESCRIPTION: PLAN OWEN SOUND PT
LOT 13 E;POULETT ST AND RP 16R3669;PART 5

CASE #OSBY-2026-0076

IT IS AN OFFENCE TO OBSTRUCT/REMOVE POSTED ORDER WITHOUT AUTHORIZATION

It has been established by inspection that the property municipally known as **235 8TH ST E**, City of Owen Sound, does not conform to the standards set out in the City's Property Standards By-law No. 1999-030, as amended. The particulars of the non-conformity are set out in Appendix "A" attached to this Order.

Attached is a **\$220.00** invoice for processing the Order. If payment is not made within thirty (30) days, the costs will be levied against the property and shall be recoverable as municipal taxes. This charge is being levied as the result of the preparation and mailing of the Property Standards Order as authorized by the City's Fees and Charges By-law.

IT IS HEREBY ORDERED THAT all deficiencies as contained herein be brought into compliance with the Property Standards By-law 1999-030, as amended, no later than **2026-04-21**.

TAKE NOTICE THAT if the repairs or clearance are not completed within the time specified herein, the Corporation may, in addition to any other action permitted by law, carry out the repairs or clearance at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE:

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 form along with the applicable **\$200.00** fee (documents attached) by attending City Hall in person or serving it by registered mail to:

Secretary, Staci Landry
Property Standards Committee
City Hall, 808 2nd Avenue East
Owen Sound, ON N4K 2H4

within fourteen (14) days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed. The final date for giving Notice of Appeal from the Order is **2026-03-03**.

**APPENDIX "A" - WORK REQUIRED TO COMPLY
PROPERTY STANDARDS - ORDER TO OWNER**

Pursuant to Section 15.2(2) of the *Building Code Act, S.O. 1992, C23*, as amended
By-law No. 1999-030, as amended

DATE: 2026-02-12

OWNER: KEPLER REAL ESTATE INC

PROPERTY: 235 8TH ST E

LEGAL DESCRIPTION: PLAN OWEN SOUND PT LOT 13 E;POULETT ST AND RP
16R3669;PART 5

INSPECTOR: RILEY BRUGESS, #708

NOTED VIOLATIONS:

A full consolidated copy of the City's Property Standards By-law No. 1999-030, as amended, is available on the City's Website. The following is a direct quote from the by-law and is to be adhered to:

SECTION 2.5.8 - EXTERMINATION AND/OR FUMIGATION

2.5.8.1 All buildings shall be kept free from vermin, termites and other injurious insects.

2.5.8.2 Where it is found that there is an infestation of insects or vermin within or about a building, extermination and/or fumigation shall be carried out until the infestation is eradicated in accordance with the provisions of the Environmental Protection Act and the Pesticides Act of Ontario. Where fumigation is to be undertaken, the owner of the building shall advise the Owen Sound Fire Department prior to commencement of the fumigation.

“Extermination” means the control and elimination of insects, termites, vermin, rodents or other pests by eliminating their harbouring places; by removing or making inaccessible or unpalatable materials that may serve as their food, by poison, spraying, fumigating, trapping or by any other recognised and appropriate means of pest elimination.

WORK REQUIRED TO COMPLY:

The following chart outlines the violations noted and the work required to comply with the by-law. All of the following deficiencies must be completed on or before the compliance date listed below:

Item	Description of Violation	Work Required to Comply
1	Property is not kept free from injurious insects, namely bedbugs. Live samples were found in Unit #5 on February 11, 2026. [By-law 1999-030, Section 2.5.8.1]	Inspection by a certified pest control company of Unit #5, as well as all units immediately above, below, beside, and diagonal to the subject unit, and the hallway adjacent to any such unit. Extermination conducted by the certified pest control company in any areas where bedbugs, nymphs, eggs, or any other evidence of bedbug activity is found. Any follow up treatments recommended by the pest control company to be completed to fully eradicate bedbug population in the building. Inspection/treatment report, signed by the technician, to be provided to

Item	Description of Violation	Work Required to Comply
		the Property Standards Officer for each visit completed by the certified pest control company.

Compliance Date: 2026-04-21

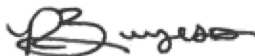
NOTE:

- Where a reinspection is conducted after the compliance date, and non-compliance is observed, a reinspection fee in the amount of \$150.00 will be applied to the tax roll of the property.
- The issuance of this order does not relieve the owner(s) from the necessity of acquiring any and all permits or approvals from the City of Owen Sound.
- Failure to comply with an order, direction, or other requirement made under the Building Code Act is an offence.
- Obstructing or removing a posted order without authorization to do so from an inspector or officer is an offence.
- A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence.
- In addition to any other action permitted by law, if the repairs or clearance are not completed within the time specified herein, the Corporation may carry out the repairs or clearance at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.

Order Issued By:

Riley Brugess, #708
Property Standards Officer
+1 519-376-4440 1270

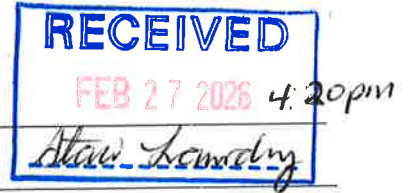
Signature



Dated at Owen Sound, on 2026-02-12

Schedule `B`

Notice of Appeal



Property and Owner Information

Location: 235 8th Street East, Owen Sound, ON N4K 1L2
Owner: Kepler Real Estate Inc
Mailing Address (if different from location): 43363 Sparta Line St. Thomas, ON N5P3S8
Phone Number: 519-377-5936 Email Address: admin@keplerresidences.com

Order Information

Issue Date: February 12, 2026 Deadline for Appeal Date: 03/03/2026
Compliance Date: 04/21/2026 Order Number: #OSBY-2026-0076

Appellant Information

Name: Kepler Real Estate Inc
Mailing Address: 43363 Sparta Line, St. Thomas, ON N5P 3S8
Phone Number: 519-377-5936 Email Address: admin@keplerresidences.com
Preferred Method of Service: Mail Email

Representative Information (if applicable)

Representative Name: _____
Address: _____
Phone Number: _____ Email Address: _____
Preferred Method of Service: Mail Email

Grounds and/or Reasons for Appeal

State the grounds and/or reasons for the appeal, including any supporting documents and photographs (attach additional pages if necessary):

The Appellant appeals Order OSBY-2026-0076 in its entirety based on the following:
2.5.8.1 has not been violated, as bedbugs are not injurious insects.
The order clearly and distinctly fails to claim that 2.5.8.2 has been violated, and does not allege that an infestation is occurring. References to this section and to an infestation are wholly omitted from the "Description of Violation" and "Work Required to Comply" sections. As a result, the order truly alleges a violation of 2.5.8.1 only, not 2.5.8.2.
The Order was issued without the mandatory physical inspection required by the Building Code Act (Violation of BCA Section 15.2). The City has failed/refused to confirm attendance at the property despite multiple demands.
The Order ignores a professional Orkin report from Jan 9, 2026, which cleared the building, relying instead on unverified third-party hearsay.
Requiring a building-wide sweep (including diagonal units/hallways) without evidence of infestation or a single complaint from other residents is unreasonable and punitive.
The City has ignored a formal Demand for Particulars for 13 or more days, obstructing the Appellant's right to a fair defense.
We reserve the right to provide further particulars and evidence prior to the hearing. We seek a full rescission of the Order and waiver of all associated fees (\$420.00 total).

Hearing

In Person Hearing Electronic Hearing Closed Hearing

If you selected an electronic hearing or a closed hearing, please provide the rationale for your request. For a closed hearing, please describe how your rationale meets the test of matters involving public security or intimate financial or personal matters (attach additional pages if necessary).

We could accommodate the city's need for an in-person hearing if required. The Landlord & Tenant Board, Ontario Superior Court, and various other courts and tribunals have migrated to a digital-first approach in 2026.

Additional Information

Attach the following documents with your Notice of Appeal form:

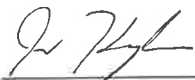
- Order related to the appeal.
- Property standards appeal fee, as set out in the City of Owen Sound's Fees and Charges By-law. This fee is non-refundable. (The by-law can be found on the City's By-laws and Policies webpage at www.owensound.ca/by-laws).
- An authorization to act as representative for notice of appeal (if applicable).

Jonathan Kepler

02/26/2026

Name

Date



Signature

Personal information on this form is collected under the authority of the *Building Code Act, 1992*. The information collected will be used for the appeal process and will form part of the public record. Questions about this collection should be addressed to Briana Bloomfield, City Clerk, at bbloomfield@owensound.ca or 519-376-4440 ext. 1247.

**ONTARIO
CITY OF OWEN SOUND
PROPERTY STANDARDS COMMITTEE
APPEAL**

BETWEEN:

KEPLER REAL ESTATE INC

Appellant/Applicant

and

CITY OF OWEN SOUND

Respondent/Appellant

APPEAL BRIEF OF THE RESPONDENT/CITY OF OWEN SOUND

Jacqueline Armstrong (LSO #P11318)
SV Paralegal Professional Corporation
Suite 4B - 325 Lambton St.
Kincardine, ON N2Z 0E3

jacqueline@svparalegal.com

Phone: (226) 396-5100

Prosecution for the City of Owen Sound

TO: Kepler Real Estate Inc.
43363 Sparta Line
St. Thomas, ON N5P 3S8

Email: admin@keplerresidences.com

Tel: (519) 377-5936

Self-represented Appellant

TABLE OF CONTENTS

TAB	DESCRIPTION	PAGE NO.
1	Notice of Appeal, dated February 26, 2026	4
2	Notice of Appeal Hearing, dated April 7, 2026	7
3	Order Issued February 12, 2026	16
4	Case Package by Assigned Officer Riley Brugess	20
5	Pictures of the Issues	52
6	Certified Copy of By-Law No. 1999-030	55

1.

TAB 1



Property Standards Committee Notice of Appeal

Property and Owner Information

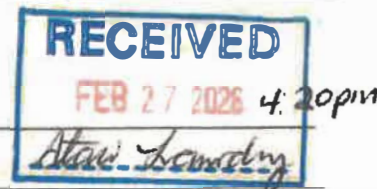
Location: 235 8th Street East, Owen Sound, ON N4K 1L2

Owner: Kepler Real Estate Inc

Mailing Address (if different from location): 43363 Sparta Line St. Thomas, ON N5P3S8

Phone Number: 519-377-5936

Email Address: admin@keplerresidences.com



Order Information

Issue Date: February 12, 2026

Deadline for Appeal Date: 03/03/2026

Compliance Date: 04/21/2026

Order Number: #OSBY-2026-0076

Appellant Information

Name: Kepler Real Estate Inc

Mailing Address: 43363 Sparta Line, St. Thomas, ON N5P 3S8

Phone Number: 519-377-5936

Email Address: admin@keplerresidences.com

Preferred Method of Service: Mail Email

Representative Information (if applicable)

Representative Name: _____

Address: _____

Phone Number: _____ Email Address: _____

Preferred Method of Service: Mail Email

Grounds and/or Reasons for Appeal

State the grounds and/or reasons for the appeal, including any supporting documents and photographs (attach additional pages if necessary):

The Appellant appeals Order OSBY-2026-0076 in its entirety based on the following:
2.5.8.1 has not been violated, as bedbugs are not injurious insects.
The order clearly and distinctly fails to claim that 2.5.8.2 has been violated, and does not allege that an infestation is occurring. References to this section and to an infestation are wholly omitted from the "Description of Violation" and "Work Required to Comply" sections. As a result, the order truly alleges a violation of 2.5.8.1 only, not 2.5.8.2.
The Order was issued without the mandatory physical inspection required by the Building Code Act (Violation of BCA Section 15.2). The City has failed/refused to confirm attendance at the property despite multiple demands.
The Order ignores a professional Orkin report from Jan 9, 2026, which cleared the building, relying instead on unverified third-party hearsay. Requiring a building-wide sweep (including diagonal units/hallways) without evidence of infestation or a single complaint from other residents is unreasonable and punitive.
The City has ignored a formal Demand for Particulars for 13 or more days, obstructing the Appellant's right to a fair defense.
We reserve the right to provide further particulars and evidence prior to the hearing. We seek a full rescission of the Order and waiver of all associated fees (\$420.00 total).

Hearing

- In Person Hearing
 Electronic Hearing
 Closed Hearing

If you selected an electronic hearing or a closed hearing, please provide the rationale for your request. For a closed hearing, please describe how your rationale meets the test of matters involving public security or intimate financial or personal matters (attach additional pages if necessary).

We could accommodate the city's need for an in-person hearing if required. The Landlord & Tenant Board, Ontario Superior Court, and various other courts and tribunals have migrated to a digital-first approach in 2026.

Additional Information

Attach the following documents with your Notice of Appeal form:

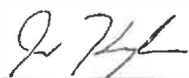
- Order related to the appeal.
- Property standards appeal fee, as set out in the City of Owen Sound's Fees and Charges By-law. This fee is non-refundable. (The by-law can be found on the City's By-laws and Policies webpage at www.owensound.ca/by-laws).
- An authorization to act as representative for notice of appeal (if applicable).

Jonathan Kepler

02/26/2026

Name

Date



Signature

Personal information on this form is collected under the authority of the *Building Code Act, 1992*. The information collected will be used for the appeal process and will form part of the public record. Questions about this collection should be addressed to Briana Bloomfield, City Clerk, at bbloomfield@owensound.ca or 519-376-4440 ext. 1247.

TAB 2

Take notice that an appeal hearing has been scheduled by the City of Owen Sound regarding an Order to comply with Property Standards By-law No. 1999-030, as amended, under the *Building Code Act*, 1992, S.O. 1992, c. 23 for the subject property known municipally as 235 8th Street East.

The Appellant, Kepler Real Estate Inc., is seeking review and consideration from the Property Standards Committee regarding Order Number OSBY-2026-0076, attached as Schedule 'A'. The Appellant's Notice of Appeal is attached as Schedule 'B'.

The Property Standards Committee for the City of Owen Sound will consider this appeal through an electronic hearing on **April 7, 2026 at 3:00 p.m.** in the Council Chambers of City Hall, located at 808 2nd Avenue East, Owen Sound.

If the Appellant or Appellant's Representative does not attend the Hearing, the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding.

If a Party intends to make use of any written or documentary evidence at the Hearing, that Party is required to serve one (1) copy of the documents (referred to as the disclosure package) to the Secretary no later than **March 24, 2026**. As per Section 36 of the Property Standards Committee Procedure, "document" includes any report, memorandum, witness list, witness statement, sound recording, videotape, file, photograph, map, plan, survey, and any information recorded or stored by any means, and any expert reports to be relied upon and a copy of the curriculum vitae of the authors of any such expert reports.

The Secretary will provide the disclosure packages to all Parties no later than **March 26, 2026**.

If the video or audio for the Appellant or Appellant's Representative, malfunction during the Hearing, the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding.

A Party may, by satisfying the Committee that holding the Hearing as an electronic hearing is likely to cause the Party significant prejudice, require the Committee to hold the Hearing as an "in person" hearing and must provide the rationale for the request.

Please be advised that this hearing is a formal process where parties involved will be given an opportunity to present oral, written, or visual evidence related to the matter. Questions of clarification may be asked by the Appellant, the City, or the Committee. Those parties providing evidence will be sworn in or affirmed before they do so. The process for this hearing must comply with the Property Standards Committee Procedure and, as necessary, the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S.22. A copy of the Property Standards Committee Procedure is available on the City of Owen Sound's website at www.owensound.ca.

The Hearing will be open to the public and as such, may be viewed in person in Council Chambers or on the City's Council and Committees webpage at owensound.ca/meetings.

If you wish to receive a copy of the decision of the Property Standards Committee in respect of the appeal, you must make a written request to the Secretary of the Property Standards Committee using the contact information listed below.

All information disclosed will become part of the decision-making process of the appeal and will be posted on the City's website. Personal information is collected under the authority of the *Building Code Act*, 1992 and will become part of the public record. Questions about this collection should be addressed to the Secretary of the Property Standards Committee.

Notice Date: March 5, 2026

Staci Landry
Secretary of the Property Standards Committee
808 2nd Avenue East
Owen Sound, ON N4K 2H4
Telephone: 519-376-4440 ext. 1235
Email: clerks@owensound.ca

Property Standards Order

Date Issued: 2026-02-12

ORDER

KEPLER REAL ESTATE INC
43363 SPARTA LINE
ST. THOMAS, ON N5P 3S8

MUNICIPAL ADDRESS: 235 8TH ST E
LEGAL DESCRIPTION: PLAN OWEN SOUND PT
LOT 13 E;POULETT ST AND RP 16R3669;PART 5

CASE #OSBY-2026-0076

IT IS AN OFFENCE TO OBSTRUCT/REMOVE POSTED ORDER WITHOUT AUTHORIZATION

It has been established by inspection that the property municipally known as **235 8TH ST E**, City of Owen Sound, does not conform to the standards set out in the City's Property Standards By-law No. 1999-030, as amended. The particulars of the non-conformity are set out in Appendix "A" attached to this Order.

Attached is a **\$220.00** invoice for processing the Order. If payment is not made within thirty (30) days, the costs will be levied against the property and shall be recoverable as municipal taxes. This charge is being levied as the result of the preparation and mailing of the Property Standards Order as authorized by the City's Fees and Charges By-law.

IT IS HEREBY ORDERED THAT all deficiencies as contained herein be brought into compliance with the Property Standards By-law 1999-030, as amended, no later than **2026-04-21**.

TAKE NOTICE THAT if the repairs or clearance are not completed within the time specified herein, the Corporation may, in addition to any other action permitted by law, carry out the repairs or clearance at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE:

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 form along with the applicable **\$200.00** fee (documents attached) by attending City Hall in person or serving it by registered mail to:

Secretary, Staci Landry
Property Standards Committee
City Hall, 808 2nd Avenue East
Owen Sound, ON N4K 2H4

within fourteen (14) days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed. The final date for giving Notice of Appeal from the Order is **2026-03-03**.

**APPENDIX "A" - WORK REQUIRED TO COMPLY
PROPERTY STANDARDS - ORDER TO OWNER**

Pursuant to Section 15.2(2) of the *Building Code Act, S.O. 1992, C23*, as amended
By-law No. 1999-030, as amended

DATE: 2026-02-12

OWNER: KEPLER REAL ESTATE INC

PROPERTY: 235 8TH ST E

LEGAL DESCRIPTION: PLAN OWEN SOUND PT LOT 13 E;POULETT ST AND RP
16R3669;PART 5

INSPECTOR: RILEY BRUGESS, #708

NOTED VIOLATIONS:

A full consolidated copy of the City's Property Standards By-law No. 1999-030, as amended, is available on the City's Website. The following is a direct quote from the by-law and is to be adhered to:

SECTION 2.5.8 - EXTERMINATION AND/OR FUMIGATION

2.5.8.1 All buildings shall be kept free from vermin, termites and other injurious insects.

2.5.8.2 Where it is found that there is an infestation of insects or vermin within or about a building, extermination and/or fumigation shall be carried out until the infestation is eradicated in accordance with the provisions of the Environmental Protection Act and the Pesticides Act of Ontario. Where fumigation is to be undertaken, the owner of the building shall advise the Owen Sound Fire Department prior to commencement of the fumigation.

"Extermination" means the control and elimination of insects, termites, vermin, rodents or other pests by eliminating their harbouring places; by removing or making inaccessible or unpalatable materials that may serve as their food, by poison, spraying, fumigating, trapping or by any other recognised and appropriate means of pest elimination.

WORK REQUIRED TO COMPLY:

The following chart outlines the violations noted and the work required to comply with the by-law. All of the following deficiencies must be completed on or before the compliance date listed below:

Item	Description of Violation	Work Required to Comply
1	Property is not kept free from injurious insects, namely bedbugs. Live samples were found in Unit #5 on February 11, 2026. [By-law 1999-030, Section 2.5.8.1]	Inspection by a certified pest control company of Unit #5, as well as all units immediately above, below, beside, and diagonal to the subject unit, and the hallway adjacent to any such unit. Extermination conducted by the certified pest control company in any areas where bedbugs, nymphs, eggs, or any other evidence of bedbug activity is found. Any follow up treatments recommended by the pest control company to be completed to fully eradicate bedbug population in the building. Inspection/treatment report, signed by the technician, to be provided to

Item	Description of Violation	Work Required to Comply ⁰¹¹
		the Property Standards Officer for each visit completed by the certified pest control company.

Compliance Date: 2026-04-21


NOTE:

- Where a reinspection is conducted after the compliance date, and non-compliance is observed, a reinspection fee in the amount of \$150.00 will be applied to the tax roll of the property.
- The issuance of this order does not relieve the owner(s) from the necessity of acquiring any and all permits or approvals from the City of Owen Sound.
- Failure to comply with an order, direction, or other requirement made under the Building Code Act is an offence.
- Obstructing or removing a posted order without authorization to do so from an inspector or officer is an offence.
- A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence.
- In addition to any other action permitted by law, if the repairs or clearance are not completed within the time specified herein, the Corporation may carry out the repairs or clearance at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.

Order Issued By:

Riley Brugess, #708
Property Standards Officer
+1 519-376-4440 1270

Signature



Dated at Owen Sound, on 2026-02-12

Notice of Appeal



Property Standards Committee Notice of Appeal

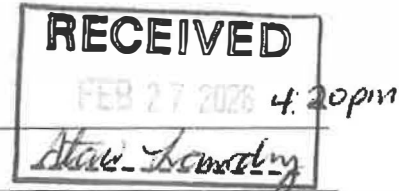
Property and Owner Information

Location: 235 8th Street East, Owen Sound, ON N4K 1L2

Owner: Kepler Real Estate Inc

Mailing Address (if different from location): 43363 Sparta Line St. Thomas, ON N5P3S8

Phone Number: 519-377-5936 Email Address: admin@keplerresidences.com



Order Information

Issue Date: February 12, 2026 Deadline for Appeal Date: 03/03/2026

Compliance Date: 04/21/2026 Order Number: #OSBY-2026-0076

Appellant Information

Name: Kepler Real Estate Inc

Mailing Address: 43363 Sparta Line, St. Thomas, ON N5P 3S8

Phone Number: 519-377-5936 Email Address: admin@keplerresidences.com

Preferred Method of Service: Mail Email

Representative Information (if applicable)

Representative Name: _____

Address: _____

Phone Number: _____ Email Address: _____

Preferred Method of Service: Mail Email

Grounds and/or Reasons for Appeal

State the grounds and/or reasons for the appeal, including any supporting documents and photographs (attach additional pages if necessary):

The Appellant appeals Order OSBY-2026-0076 in its entirety based on the following:
 2.5.8.1 has not been violated, as bedbugs are not injurious insects.
 The order clearly and distinctly fails to claim that 2.5.8.2 has been violated, and does not allege that an infestation is occurring. References to this section and to an infestation are wholly omitted from the "Description of Violation" and "Work Required to Comply" sections. As a result, the order truly alleges a violation of 2.5.8.1 only, not 2.5.8.2.
 The Order was issued without the mandatory physical inspection required by the Building Code Act (Violation of BCA Section 15.2). The City has failed/refused to confirm attendance at the property despite multiple demands.
 The Order ignores a professional Orkin report from Jan 9, 2026, which cleared the building, relying instead on unverified third-party hearsay. Requiring a building-wide sweep (including diagonal units/hallways) without evidence of infestation or a single complaint from other residents is unreasonable and punitive.
 The City has ignored a formal Demand for Particulars for 13 or more days, obstructing the Appellant's right to a fair defense.
 We reserve the right to provide further particulars and evidence prior to the hearing. We seek a full rescission of the Order and waiver of all associated fees (\$420.00 total).

Hearing

In Person Hearing
 Electronic Hearing
 Closed Hearing

If you selected an electronic hearing or a closed hearing, please provide the rationale for your request. For a closed hearing, please describe how your rationale meets the test of matters involving public security or intimate financial or personal matters (attach additional pages if necessary).

We could accommodate the city's need for an in-person hearing if required. The Landlord & Tenant Board, Ontario Superior Court, and various other courts and tribunals have migrated to a digital-first approach in 2026.

Additional Information

Attach the following documents with your Notice of Appeal form:

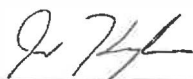
- Order related to the appeal.
- Property standards appeal fee, as set out in the City of Owen Sound's Fees and Charges By-law. This fee is non-refundable. (The by-law can be found on the City's By-laws and Policies webpage at www.owensound.ca/by-laws).
- An authorization to act as representative for notice of appeal (if applicable).

Jonathan Kepler

02/26/2026

Name

Date



Signature

Personal information on this form is collected under the authority of the *Building Code Act, 1992*. The information collected will be used for the appeal process and will form part of the public record. Questions about this collection should be addressed to Briana Bloomfield, City Clerk, at bbloomfield@owensound.ca or 519-376-4440 ext. 1247.

TAB 3



City of Owen Sound
 By-law Enforcement Division
 808 2nd Avenue East
 Owen Sound, ON, N4K 2H4
 Phone: 519-376-4440 ext. 1905
 Email : enforcement@owensound.ca

Date Issued: 2026-02-12

ORDER

KEPLER REAL ESTATE INC
 43363 SPARTA LINE
 ST. THOMAS, ON N5P 3S8

MUNICIPAL ADDRESS: 235 8TH ST E
 LEGAL DESCRIPTION: PLAN OWEN SOUND PT
 LOT 13 E;POULETT ST AND RP 16R3669;PART 5

CASE #OSBY-2026-0076

IT IS AN OFFENCE TO OBSTRUCT/REMOVE POSTED ORDER WITHOUT AUTHORIZATION

It has been established by inspection that the property municipally known as **235 8TH ST E**, City of Owen Sound, does not conform to the standards set out in the City's Property Standards By-law No. 1999-030, as amended. The particulars of the non-conformity are set out in Appendix "A" attached to this Order.

Attached is a **\$220.00** invoice for processing the Order. If payment is not made within thirty (30) days, the costs will be levied against the property and shall be recoverable as municipal taxes. This charge is being levied as the result of the preparation and mailing of the Property Standards Order as authorized by the City's Fees and Charges By-law.

IT IS HEREBY ORDERED THAT all deficiencies as contained herein be brought into compliance with the Property Standards By-law 1999-030, as amended, no later than **2026-04-21**.

TAKE NOTICE THAT if the repairs or clearance are not completed within the time specified herein, the Corporation may, in addition to any other action permitted by law, carry out the repairs or clearance at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE:

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 form along with the applicable **\$200.00** fee (documents attached) by attending City Hall in person or serving it by registered mail to:

Secretary, Staci Landry
 Property Standards Committee
 City Hall, 808 2nd Avenue East
 Owen Sound, ON N4K 2H4

within fourteen (14) days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed. The final date for giving Notice of Appeal from the Order is **2026-03-03**.

**APPENDIX "A" - WORK REQUIRED TO COMPLY
PROPERTY STANDARDS - ORDER TO OWNER**

Pursuant to Section 15.2(2) of the *Building Code Act, S.O. 1992, C23*, as amended
By-law No. 1999-030, as amended

DATE: 2026-02-12

OWNER: KEPLER REAL ESTATE INC

PROPERTY: 235 8TH ST E

LEGAL DESCRIPTION: PLAN OWEN SOUND PT LOT 13 E;POULETT ST AND RP
16R3669;PART 5

INSPECTOR: RILEY BRUGESS, #708

NOTED VIOLATIONS:

A full consolidated copy of the City's Property Standards By-law No. 1999-030, as amended, is available on the City's Website. The following is a direct quote from the by-law and is to be adhered to:

SECTION 2.5.8 - EXTERMINATION AND/OR FUMIGATION

2.5.8.1 All buildings shall be kept free from vermin, termites and other injurious insects.

2.5.8.2 Where it is found that there is an infestation of insects or vermin within or about a building, extermination and/or fumigation shall be carried out until the infestation is eradicated in accordance with the provisions of the Environmental Protection Act and the Pesticides Act of Ontario. Where fumigation is to be undertaken, the owner of the building shall advise the Owen Sound Fire Department prior to commencement of the fumigation.

"Extermination" means the control and elimination of insects, termites, vermin, rodents or other pests by eliminating their harbouring places; by removing or making inaccessible or unpalatable materials that may serve as their food, by poison, spraying, fumigating, trapping or by any other recognised and appropriate means of pest elimination.

WORK REQUIRED TO COMPLY:

The following chart outlines the violations noted and the work required to comply with the by-law. All of the following deficiencies must be completed on or before the compliance date listed below:

Item	Description of Violation	Work Required to Comply
1	Property is not kept free from injurious insects, namely bedbugs. Live samples were found in Unit #5 on February 11, 2026. [By-law 1999-030, Section 2.5.8.1]	Inspection by a certified pest control company of Unit #5, as well as all units immediately above, below, beside, and diagonal to the subject unit, and the hallway adjacent to any such unit. Extermination conducted by the certified pest control company in any areas where bedbugs, nymphs, eggs, or any other evidence of bedbug activity is found. Any follow up treatments recommended by the pest control company to be completed to fully eradicate bedbug population in the building. Inspection/treatment report, signed by the technician, to be provided to

Item	Description of Violation	Work Required to Comply 018
		the Property Standards Officer for each visit completed by the certified pest control company.

Compliance Date: 2026-04-21

NOTE:

- Where a reinspection is conducted after the compliance date, and non-compliance is observed, a reinspection fee in the amount of \$150.00 will be applied to the tax roll of the property.
- The issuance of this order does not relieve the owner(s) from the necessity of acquiring any and all permits or approvals from the City of Owen Sound.
- Failure to comply with an order, direction, or other requirement made under the Building Code Act is an offence.
- Obstructing or removing a posted order without authorization to do so from an inspector or officer is an offence.
- A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence.
- In addition to any other action permitted by law, if the repairs or clearance are not completed within the time specified herein, the Corporation may carry out the repairs or clearance at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.

Order Issued By:

Riley Brugess, #708
Property Standards Officer
+1 519-376-4440 1270

Signature



Dated at Owen Sound, on 2026-02-12

TAB 4

CASE PACKAGE

CASE INFORMATION

Case Number
OSBY-2026-0076

Category
Property

Additional Categories
Property Standards

Assigned Officer
Riley Brugess, #708

Case Created Date
2026-01-27, 8:39:01 a.m. EST

Package Generation Date
2026-03-03, 10:11:22 a.m. EST

Case Description

Property Standards - Interior - Rental Property - Pests - Bedbugs

PLOT INFORMATION

Address
235 8TH ST E, Owen Sound

Property Information
4259030021041000000, PLAN
OWEN SOUND PT LOT 13 E;POULETT
ST AND RP 16R3669;PART 5

Additional Location Details

PARTIES

NAME/COMPANY	CONTACT DETAILS	ROLES
JERICO DODD	5, 235 8TH ST E OWEN SOUND [REDACTED]	Complainant
KEPLER REAL ESTATE INC	43363 SPARTA LINE ST. THOMAS +1 519-377-5936	Property owner

COMPLAINTS

Date: 2026-01-27, 8:38:00 a.m. EST
Complainant name: Robert Reid, Public Health Inspector
Description from the complaint: This email is to inform you that a sample of bedbugs brought to the Grey Bruce Health Unit today by a resident of 235 8th Street East in Owen Sound has been positively identified as bedbugs. The resident had informed the landlord last year and a pest control representative provided a quick treatment and informed the resident that his unit was not the source of the bedbugs. The resident found more evidence of bedbugs on January 20, 2026 and informed the landlord. The Grey Bruce Health Unit requests that the landlord provide GBHU and Owen Sound By-Law with a plan to eradicate these pests from this apartment building in a timely manner. Thank you for your cooperation. Robert
Received via: Email

ADDITIONAL COMPLAINT CATEGORIES

Categories: Property Standards

Filename: Re Bedbugs at 235 8th Street East, Owen Sound N4K 1L2.pdf
Media type: application/pdf
Uploaded by: Riley Brugess, #708
Uploaded on: 2026-03-03, 10:07:28 a.m. EST
Description: Emails - Property Owner



Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

From Customer Service <admin@keplerresidences.com>
Date Tue 2/17/2026 12:07 PM
To Riley Brugess <rbrugess@owensound.ca>
Cc Briana Bloomfield <bbloomfield@owensound.ca>; Rob Reid <R.Reid@publichealthgreybruce.on.ca>

External sender <admin@keplerresidences.com>
Make sure you trust this sender before taking any actions.

Good afternoon,

We understand you may have a volume of email to process after the long weekend. My manager asked me to recirculate the below to ensure it is at back up to the top of your inbox.

--

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.

On Fri, Feb 13, 2026 at 1:02 PM Customer Service <admin@keplerresidences.com> wrote:

Good afternoon,

Pursuant to the principles of procedural fairness and the mandatory requirements of Section 15.2(2) of the Building Code Act, S.O. 1992, c. 23, Kepler Real Estate Inc. hereby demands the following particulars regarding the "inspection" cited in the Order issued on February 12, 2026.

The Order states that "it has been established by inspection" that the property does not conform to City By-law 1999-030. To ensure a fair hearing before the Property Standards Committee and to finalize our filing with the Ontario Ombudsman, please provide the following information by February 20, 2026:

1. Verification of Physical Entry: Please confirm whether the Officer physically entered the interior of Unit #5 at 235 8th St E to establish the alleged non-conformity.

2. Inspection Logistics: If a physical entry occurred, please provide the exact time of entry and the duration of the inspection conducted on February 11, 2026.
3. Nature of Evidence: Please clarify if the "live samples" referenced in the Order were observed *in-situ* (in their natural location) by the Officer during a physical inspection of the premises, or if the Officer relied on samples provided by a third party (the tenant) outside of the rental unit.
4. Scientific/Professional Basis: Please provide the professional or technical criteria used by the Officer to determine that a provided "sample" constitutes an "infestation" as defined in Section 2.5.8.2 of the By-law, particularly given the negative professional finding by a licensed pest control provider on January 9, 2026.
5. Scope of Order Justification: Provide the evidentiary basis or documented complaints from other building residents that justify the requirement for inspections of "diagonal" units and common hallways.

Please be advised that the \$220.00 processing fee is formally disputed. It is our position that the Order is procedurally defective as no lawful inspection of the real property was conducted to establish a finding of non-conformity.

Failure to provide the requested particulars by the date specified will be interpreted as an admission that no physical inspection of the interior of the property occurred, and that the Order was issued solely upon unverified third-party hearsay.

--

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.

On Fri, Feb 13, 2026 at 12:54 PM Customer Service <admin@keplerresidences.com> wrote:

Good afternoon,

That was an even more deficient response than we anticipated. Your conduct brazenly violates longstanding city policies and procedures, and a cursory 30 second search finds on a prima facie basis one or more ways this is not wholly in accordance with the Building Code Act either.

Your false statements are purposeful, not inadvertent. Expect an appeal, and expect to be held accountable for your misconduct.

Send all evidence to this email address as soon as you receive this message.

--

CUSTOMER SERVICE TEAMadmin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.www.KeplerResidences.com

Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.

On Fri, Feb 13, 2026 at 11:52 AM Riley Brugess <rbrugess@owensound.ca> wrote:

This order was issued in accordance with the by-laws, policies, and procedures of the City, and in accordance with the Building Code Act, and the Municipal Act.

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
519-376-4440 ext. 1270
rbrugess@owensound.ca
www.owensound.ca
www.owensound.ca/living-here/by-law-enforcement/

[Report a By-law Concern](#)**Disclaimer**

The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection and Privacy Act. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you.

From: Customer Service <admin@keplerresidences.com>

Sent: Friday, February 13, 2026 8:00 AM

To: Riley Brugess <rbrugess@owensound.ca>

Cc: Briana Bloomfield <bbloomfield@owensound.ca>; Rob Reid <R.Reid@publichealthgrevbruce.on.ca>

Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Warning: Unusual link

This message contains an unusual link, which may lead to a malicious site. Confirm the message is safe before clicking any links.

Good morning Riley,

Your email is suspiciously absent of most of the usual claims and statements that would ordinarily be made by the city in these circumstances. It seems you failed to attend the property, failed to complete an inspection, failed to provide us with any evidence whatsoever of a violation, and that Rob Reid did not attend the property or complete an inspection either. Please reconfirm in writing that you believe you are in an appropriate position to write this order at this time, and that you hold the good-faith belief that your actions do not violate established policies and procedures set upon you and enforced by your workplace superior.

--

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.

On Thu, Feb 12, 2026 at 10:43 AM Riley Brugess <rbrugess@owensound.ca> wrote:

Good morning,

Please be advised that live bedbugs were found in Unit #5 on February 11, 2026.

Attached you will find a Property Standards Order. The order must be complied with no later than **April 21, 2026**.

In the event that factors outside of your control require a reasonable extension to this timeline, let me know prior to the compliance date, advising of the reason for the need for an extension, the date with which you are requesting an extension, and providing any evidence of the factor being outside of your control.

Additionally attached you will find an invoice, as well as a Notice of Appeal form. The invoice must be paid no later than March 12, 2026. If the invoice remains unpaid after that date, the amount of the invoice will be added to the tax roll of the property, and collected in the same manner as property taxes. Further information regarding the appeal process is available at owensound.ca/living-here/by-law-enforcement/property-standards-appeals/. The final date for giving notice of Appeal is March 3, 2026.

Regards,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
519-376-4440 ext. 1270
rbrugess@owensound.ca
www.owensound.ca
www.owensound.ca/living-here/by-law-enforcement/

[Report a By-law Concern](#)



Disclaimer

The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection and Privacy Act. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you.

From: Riley Brugess <rbrugess@owensound.ca>

Sent: Wednesday, February 4, 2026 2:14 PM

To: Customer Service <admin@keplerresidences.com>

Cc: Briana Bloomfield <bbloomfield@owensound.ca>; Rob Reid <R.Reid@publichealthgreybruce.on.ca>

Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Good afternoon,

Thank you for sending a copy of the inspection/treatment report. As you will note in the initial email sent to you by Grey Bruce Public health, the bedbug samples were found on January 20th, which is after the inspection by Orkin (completed on January 9th).

However, at this time, the resident has been advised to continue monitoring the unit. Should any more bedbugs be found, further inspection and treatment by a pest control company will be required. I would encourage you to proactively monitor and control bedbugs, using methods such as the ones listed on your contractors website under "Commercial Bed Bug Control".

Regards,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
519-376-4440 ext. 1270
rbrugess@owensound.ca
www.owensound.ca
www.owensound.ca/living-here/by-law-enforcement/

[Report a By-law Concern](#)



Disclaimer

The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection and Privacy Act. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you.

From: Customer Service <admin@keplerresidences.com>
Sent: Monday, February 2, 2026 1:22 PM
To: Riley Brugess <rbrugess@owensound.ca>
Cc: Briana Bloomfield <bbloomfield@owensound.ca>; Robert Reid <R_Reid@publichealthgreybruce.on.ca>
Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

External sender <admin@keplerresidences.com>

Make sure you trust this sender before taking any actions.

Dear Riley,

We are in receipt of your request for an eradication plan for 235 8th Street East. Please find the attached Orkin Service Report #24998181 dated January 9, 2026, which serves as our official professional record for this matter.

On January 9, 2026, a licensed Orkin technician conducted a thorough inspection of the subject unit. The findings were as follows:

- Zero Live Activity: The technician explicitly stated: "At the time of service inspection did not find any activity".
- Attestation of Facts: The resident was present for the inspection and signed the report, formally attesting to the technician's findings.
- Source Discrepancy: The only physical evidence produced were three adult bedbugs the resident claimed were found three weeks prior to the inspection. No nymphs, eggs, or fresh activity were found to suggest an ongoing or migrating infestation.
- Proactive Treatment: Despite the lack of live activity, we proactively authorized a "Crack and Crevice" application of OnGuard Bed Bug Killer (PCP #31515) to ensure a residual barrier.
- Scope of Work: Based on the professional finding of zero live activity by a licensed expert, there are no reasonable or probable grounds to suggest a building-wide issue. We will not be conducting speculative, building-wide inspections of the surrounding units or commercial spaces. Such a request is invasive, costly, and unsupported by the physical evidence verified on-site. Any new claims by the resident follow proper clearance of the premises by a professional, and are currently being addressed via the appropriate Form N5 under the Residential Tenancies Act issued to the tenant for interfering with our lawful rights and interests.

Be advised that all future inquiries regarding maintenance, pest control, or property standards for Kepler Residences, Kepler Real Estate Inc., and all other associated corporations must be directed solely to our management office. Our third-party contractors are not authorized representatives of the landlord for the purpose of municipal inquiries. We are aware that you have previously contacted our private contractors directly regarding other properties, an interference that nearly caused the termination of a critical business relationship (and for which we are told by the contractor you subsequently personally apologized for). Any further unauthorized contact with our contractors will be documented and included in a formal grievance to the Ombudsman. Contacting any of our third party contractors without explicit, written authorization represents gross negligence. If you are grossly negligent in this regard, your employer will not indemnify you, and we would sue you personally for recovery of associated financial losses.

We consider the property to be in compliance with Property Standards based on the attached professional findings.

--

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

On Tue, Jan 27, 2026 at 10:27 AM Riley Brugess <rbrugess@owensound.ca> wrote:

Good morning,

Kepler Residences Customer Service Team: Please provide myself and the GBHU Inspector, **no later than February 2, 2026**, a response indicating your plan to eradicate bedbugs from the subject property. The plan must include:

- Scheduled date and time for work to be completed
- Name of contractor that will be completing the work
- Product type and application methods
- Scope of work (where product will be placed - must include areas inside the unit and common areas).
- Any follow up/secondary application appointments (date and time).

Thank you,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
519-376-4440 ext. 1270
rbrugess@owensound.ca
www.owensound.ca
www.owensound.ca/living-here/by-law-enforcement/

[Report a By-law Concern](#)



Disclaimer

The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection and Privacy Act. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you.

From: Robert Reid <R.Reid@publichealthgreybruce.on.ca>

Sent: Monday, January 26, 2026 4:12 PM

To: Customer Service <admin@keplerresidences.com>

Cc: Riley Brugess <rbrugess@owensound.ca>; [REDACTED]

Subject: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Warning: Unusual sender <r.reid@publichealthgreybruce.on.ca>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

This email is to inform you that a sample of bedbugs brought to the Grey Bruce Health Unit today by a resident of 235 8th Street East in Owen Sound has been positively identified as bedbugs. The resident had informed the landlord last year and a pest control representative provided a quick treatment and informed the resident that his unit was not the source of the bedbugs. The resident found more evidence of bedbugs on January 20, 2026 and informed the landlord.

The Grey Bruce Health Unit requests that the landlord provide GBHU and Owen Sound By-Law with a plan to eradicate these pests from this apartment building in a timely manner.

Thank you for your cooperation.

Robert



Robert Reid [B.A.Sc.](mailto:r.reid@publichealthgreybruce.on.ca), CIPHI

Public Health Inspector

Grey Bruce Public Health

101 17th Street East

Owen Sound, ON, N4k 0A5

519-376-9420 ext.1355

r.reid@publichealthgreybruce.on.ca

Please note that the privacy and security of email communication cannot be guaranteed. Please refrain from using email messages to send personal information.

Vision: A healthier future for all.

Mission: Working with Grey Bruce communities to protect and promote health.

Core Values: Respect, Integrity, Transparency and Excellence

Land Acknowledgment: Grey Bruce Health Unit (GBHU) is situated on the traditional territory of the Nawash and Saugeen Nations, a place that has long served as a site of meeting and exchange amongst many First Nations including the Iroquois Confederacy, Huron/Wendat, Abenaki, and Anishinabek.

GBHU recognizes and respects the Anishinabek as the traditional custodians of the lands and water. We are committed to supporting the Anishinabek

and Haudenosaunee Peoples, among other First Nations, Inuit, Métis, and Indigenous Peoples globally.

This email, including any following pages is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient, or have received this message in error, please notify us immediately by telephone, fax or email and permanently delete the original transmission from us, without making a copy. Thank you.

Filename: ORKIN CANADA CORPORATION Service Report 24998181 (1)
(1).pdf
Media type: application/pdf
Uploaded by: Riley Brugess, #708
Uploaded on: 2026-02-12, 9:26:13 a.m. EST
Description: Orkin Report - January 9th



SERVICE REPORT

034

CONTACT ORKIN CANADA CORPORATION:

(705) 734-9477
016-BARRIE
4 ALLIANCE BLVD
Unit 12
BARRIE, ON L4M 7G3

CUSTOMER INFORMATION

Business Name KEPLER REAL ESTATE INC
Customer Since 2025
SERVICE ADDRESS
Name ALICIA GILLESPIE
Address 235 8TH ST E
OWEN SOUND, ON N4K 1L2
Telephone [REDACTED]
Account # [REDACTED]
Program ID 1640037

SERVICE INFORMATION

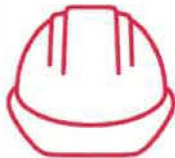
Date of Service 1/9/2026
Service Type PC Standard - Odd Job
Service Event Type PC Odd Job 1st Service
Time In 11:03 AM **Time Out** 12:05 PM

INVOICE INFORMATION

Invoice / Service Report # 249 [REDACTED]

BILLING ADDRESS

Name ALICIA GILLESPIE
Address 43363 SPARTA LINE
ST THOMAS, ON N5P 3S8
Telephone [REDACTED]
Email Address [REDACTED]



TECHNICIAN NAME
JAMES GRAHAM
LICENSE # L-206-1117733331

COMMENTS ABOUT TODAY'S SERVICE

At the time of service inspection did not find any activity. Tenant showed me three bedbugs that were found about three weeks ago. I dusted cracks and crevices.

TODAY'S OBSERVATIONS



Observation: Structural Concern
Pest Type:
Recommendation: Crack/gap in wall that requires sealing
Responsibility: Customer
Status: Pending (Customer resolution needed)



Location: Hole in ground in front of garage
Observation: Structural Concern
Pest Type:
Recommendation: Crack/gap in wall that requires sealing (Backfill hole and seal any remaining gaps)
Responsibility: Customer
Status: Resolved

PRODUCT DETAILS

For additional information, a copy of the Label and/or SDS may be requested from your local branch or from [http:// www.orkincanada.ca](http://www.orkincanada.ca).

Product Name ONGUARD BED BUG KILLER PCP #31515	Quantity 1	Active Ingredient D-Phenothrin/Tetramethrin, .2%	Target Pests Bed Bug
Formulation Aerosol/Aérosol	PCP # 31515	Application Method Crack and Crevice	Location Interior - Perimeter
Application Rate D-Phenothrin 0.20% and Tetramethrin 0.20%	Lot Number	Application Equipment Power Duster	



Technician's Signature



Customer's Signature
ALICIA GILLESPIE

If you would prefer to not have photos included on future service reports, contact your local branch.

ADDITIONAL DETAILS

WAS THERE EXTERIOR USE OF INSECTICIDE / HERBICIDE / FUNGICIDE / MITICIDE?
NO

Filename: Re Tenant Bedbugs at 235 8th Street East, Owen Sound N4K 1L2.pdf
Media type: application/pdf
Uploaded by: Riley Brugess, #708
Uploaded on: 2026-03-03, 10:07:44 a.m. EST
Description: Emails - Tenant



Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

From Riley Brugess <rbrugess@owensound.ca>

Date Tue 2/17/2026 8:00 AM

To Jerico Dodd [REDACTED]

Good morning Jerico,

I apologize if the City's response is not in line with your expectations. We are required to follow provincial law when dealing with these concerns, which include issuing an order to the owner of the property.

Kind regards,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
519-376-4440 ext. 1270
rbrugess@owensound.ca
www.owensound.ca
www.owensound.ca/living-here/by-law-enforcement/

[Report a By-law Concern](#)



Disclaimer

The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection and Privacy Act. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you.

From: Jerico Dodd [REDACTED]

Sent: Friday, February 13, 2026 6:15 PM

To: Riley Brugess <rbrugess@owensound.ca>

Cc: Robert Reid <R.Reid@publichealthgreybruce.on.ca>
Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Warning: Unusual link

This message contains an unusual link, which may lead to a malicious site. Confirm the message is safe before clicking any links.

This has been going on since November of last year! I'm really not happy with this.

Get [Outlook for Android](#)

From: Riley Brugess <rbrugess@owensound.ca>
Sent: Thursday, February 12, 2026 1:41:32 PM
To: Jerico Dodd [REDACTED]
Cc: Robert Reid <R.Reid@publichealthgreybruce.on.ca>
Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Good afternoon Jerico,

Please be advised that an order was issued to have pest control completed on the property. I will keep you updated on the status.

Thanks,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
519-376-4440 ext. 1270
rbrugess@owensound.ca
www.owensound.ca
www.owensound.ca/living-here/by-law-enforcement/

[Report a By-law Concern](#)

**Disclaimer**

The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection and Privacy Act. If you have received this message in error, please

notify the sender immediately advising of the error and delete the message without making a copy. Thank you.

From: Jerico Dodd [REDACTED]
Sent: Wednesday, February 11, 2026 7:33 PM
To: Riley Brugess <rbrugess@owensound.ca>
Cc: Robert Reid <R.Reid@publichealthgreybruce.on.ca>
Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Warning: Unusual link

This message contains an unusual link, which may lead to a malicious site. Confirm the message is safe before clicking any links.

Yeah, so I'm still finding these little bastards and I'm still getting bit!
I thought this treatment was supposed to be killing them!
Not happy with this!
Get [Outlook for Android](#)

From: Riley Brugess <rbrugess@owensound.ca>
Sent: Wednesday, February 4, 2026 2:05:11 PM
To: Jerico Dodd [REDACTED]
Cc: Robert Reid <R.Reid@publichealthgreybruce.on.ca>
Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Good afternoon Jerico,

I can confirm that we did receive correspondence from Kepler Residences, providing an inspection and treatment report from Orkin Pest Control dated January 9th. The treatment completed should continue to kill any bugs that show up.

At this time, please continue to monitor for recurring issues. If you continue to see issues, please let myself and inspector Reid know. A photo of a dead sample sent by email will be sufficient.

Thank you,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
519-376-4440 ext. 1270
rbrugess@owensound.ca
www.owensound.ca
www.owensound.ca/living-here/by-law-enforcement/

[Report a By-law Concern](#)

**Disclaimer**

The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection and Privacy Act. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you.

From: Customer Service <admin@keplerresidences.com>

Sent: Monday, February 2, 2026 8:12 PM

To: Jerico Dodd [REDACTED]

Cc: Riley Bruggess <rbruggess@owensound.ca>; Robert Reid <R.Reid@publichealthgreybruce.on.ca>

Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Warning: Unusual link

This message contains an unusual link, which may lead to a malicious site. Confirm the message is safe before clicking any links.

Hello,

There was, in fact, something back from us today. We used our discretion and omitted you as a CCed party. We will deliver details of our position, and the actions/prohibitions your government may correspondingly require of you, via one or more forthcoming legal notices.

--

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

On Mon, Feb 2, 2026 at 2:38 PM Jerico Dodd [REDACTED] wrote:

Still nothing from Kepler!

Get [Outlook for Android](#)

From: Riley Brugess <rbrugess@owensound.ca>

Sent: Tuesday, January 27, 2026 10:27:12 AM

To: Robert Reid <R.Reid@publichealthgreybruce.on.ca>; Customer Service <admin@keplerresidences.com>

Cc: [REDACTED]

Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Good morning,

Kepler Residences Customer Service Team: Please provide myself and the GBHU Inspector, **no later than February 2, 2026**, a response indicating your plan to eradicate bedbugs from the subject property. The plan must include:

- Scheduled date and time for work to be completed
- Name of contractor that will be completing the work
- Product type and application methods
- Scope of work (where product will be placed - must include areas inside the unit and common areas).
- Any follow up/secondary application appointments (date and time).

Thank you,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
519-376-4440 ext. 1270
rbrugess@owensound.ca
www.owensound.ca
www.owensound.ca/living-here/by-law-enforcement/

[Report a By-law Concern](#)



Disclaimer

The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection and Privacy Act. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you.

From: Robert Reid <R.Reid@publichealthgreybruce.on.ca>

Sent: Monday, January 26, 2026 4:12 PM

To: Customer Service <admin@keplerresidences.com>

Cc: Riley Brugess <rbrugess@owensound.ca>

Subject: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Warning: Unusual sender <r.reid@publichealthgreybruce.on.ca>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

This email is to inform you that a sample of bedbugs brought to the Grey Bruce Health Unit today by a resident of 235 8th Street East in Owen Sound has been positively identified as bedbugs. The resident had informed the landlord last year and a pest control representative provided a quick treatment and informed the resident that his unit was not the source of the bedbugs. The resident found more evidence of bedbugs on January 20, 2026 and informed the landlord.

The Grey Bruce Health Unit requests that the landlord provide GBHU and Owen Sound By-Law with a plan to eradicate these pests from this apartment building in a timely manner.

Thank you for your cooperation.

Robert



Robert Reid [B.A.Sc., CIPHI](mailto:r.reid@publichealthgreybruce.on.ca)

Public Health Inspector

Grey Bruce Public Health

101 17th Street East

Owen Sound, ON, N4k 0A5

519-376-9420 ext.1355

r.reid@publichealthgreybruce.on.ca

Please note that the privacy and security of email communication cannot be guaranteed. Please refrain from using email messages to send personal information.

Vision: A healthier future for all.

Mission: Working with Grey Bruce communities to protect and promote health.

Core Values: Respect, Integrity, Transparency and Excellence

Land Acknowledgment: Grey Bruce Health Unit (GBHU) is situated on the traditional territory of the Nawash and Saugeen Nations, a place that has long served as a site of meeting and exchange amongst many First Nations including the Iroquois Confederacy, Huron/Wendat, Abenaki, and Anishinabek. GBHU recognizes and respects the Anishinabek as the traditional custodians of the lands and water. We are committed to supporting the Anishinabek and Haudenosaunee Peoples, among other First Nations, Inuit, Métis, and Indigenous Peoples globally.

This email, including any following pages is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient, or have received this message in error, please notify us immediately by telephone, fax or email and permanently delete the original transmission from us, without making a copy. Thank you.



Owen Sound
Municipal Law Enforcement
City of Owen Sound
By-law Enforcement Division
808 2nd Avenue East
Owen Sound, ON, N4K 2H4
Phone: 519-376-4440 ext. 1905
Email : enforcement@owensound.ca

INSPECTION REPORT

Case number: OSBY-2026-0076

Municipal address: 233 8TH ST E

Legal PLAN OWEN SOUND PT LOT 13
address: E;POULETT ST AND RP 16R3669;PART 5

Case Status: Completed

Case description:

Property Standards - Interior - Rental Property - Pests - Bedbugs

Parties

No parties added to case

Violations

No deficiencies or remarks noted.

Inspections

SITE CONDITIONS

Inspector: Riley Brugess, #708

Visit date: 2026-02-04

Visit time: 2:15 p.m.

Visit result: Passed (Substantially complete)

Failure reason: No violation and No action required

Inspection Notes:

Property owner submitted contractor reports of work completed.

Photographs



Owen Sound
Municipal Law Enforcement
City of Owen Sound
By-law Enforcement Division
808 2nd Avenue East
Owen Sound, ON, N4K 2H4
Phone: 519-376-4440 ext. 1905
Email : enforcement@owensound.ca

INSPECTION REPORT

Case number: OSBY-2026-0076

Municipal address: 235 8TH ST E

Legal PLAN OWEN SOUND PT LOT 13
address: E;POULETT ST AND RP 16R3669;PART 5

Case Status: Active

Case description:

Property Standards - Interior - Rental Property - Pests - Bedbugs

Parties

NAME AND COMPANY	CONTACT DETAILS	ROLES
JERICO DODD	5, 235 8TH ST E, OWEN SOUND [REDACTED]	Complainant
KEPLER REAL ESTATE INC	43363 SPARTA LINE, ST. THOMAS +1 519-377-5936	Property owner

Violations

DISCOVERY DATE	COMPLY BY DATE	DESCRIPTION
2026-02-11	-	Property is not kept free from injurious insects, namely bedbugs. Live samples were found in unit #5 on February 11, 2026. [By-law 1999-030, Section 2.5.8.1]

Inspections

Inspector: Riley Brugess, #708

Visit date: 2026-02-12

Visit time: 9:26 a.m.

Visit result: Failed (Not substantially complete)

Failure reason: Violations

Inspection Notes:

Received follow up email from the complainant, stating that the complainant continued to see bed bugs in the property, and including photos, dated February 11, 2026 at 7:29 PM.

Photographs

Upload Date:

Photo Description:

2026-02-12
9:28 a.m.

February 11, 2026 @ 7:29PM - Photo submitted via email by complainant. Photo depicts what clearly appears to be bedbugs in the palm of a hand.



Upload Date:

Photo Description:

2026-02-12
9:28 a.m.

February 11, 2026 @ 7:28PM - Photo submitted via email by complainant. Photo depicts what appears to be bite marks from a bedbug(s).





City of Owen Sound
 By-law Enforcement Division
 808 2nd Avenue East
 Owen Sound, ON, N4K 2H4
 Phone: 519-376-4440 ext. 1905
 Email : enforcement@owensound.ca

Date Issued: 2026-02-12

ORDER

KEPLER REAL ESTATE INC
 43363 SPARTA LINE
 ST. THOMAS, ON N5P 3S8

MUNICIPAL ADDRESS: 235 8TH ST E
 LEGAL DESCRIPTION: PLAN OWEN SOUND PT
 LOT 13 E;POULETT ST AND RP 16R3669;PART 5

CASE #OSBY-2026-0076

IT IS AN OFFENCE TO OBSTRUCT/REMOVE POSTED ORDER WITHOUT AUTHORIZATION

It has been established by inspection that the property municipally known as **235 8TH ST E**, City of Owen Sound, does not conform to the standards set out in the City's Property Standards By-law No. 1999-030, as amended. The particulars of the non-conformity are set out in Appendix "A" attached to this Order.

Attached is a **\$220.00** invoice for processing the Order. If payment is not made within thirty (30) days, the costs will be levied against the property and shall be recoverable as municipal taxes. This charge is being levied as the result of the preparation and mailing of the Property Standards Order as authorized by the City's Fees and Charges By-law.

IT IS HEREBY ORDERED THAT all deficiencies as contained herein be brought into compliance with the Property Standards By-law 1999-030, as amended, no later than **2026-04-21**.

TAKE NOTICE THAT if the repairs or clearance are not completed within the time specified herein, the Corporation may, in addition to any other action permitted by law, carry out the repairs or clearance at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE:

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 form along with the applicable **\$200.00** fee (documents attached) by attending City Hall in person or serving it by registered mail to:

Secretary, Staci Landry
 Property Standards Committee
 City Hall, 808 2nd Avenue East
 Owen Sound, ON N4K 2H4

within fourteen (14) days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed. The final date for giving Notice of Appeal from the Order is **2026-03-03**.

**APPENDIX "A" - WORK REQUIRED TO COMPLY
PROPERTY STANDARDS - ORDER TO OWNER**

Pursuant to Section 15.2(2) of the *Building Code Act, S.O. 1992, C23*, as amended
By-law No. 1999-030, as amended

DATE: 2026-02-12

OWNER: KEPLER REAL ESTATE INC

PROPERTY: 235 8TH ST E

LEGAL DESCRIPTION: PLAN OWEN SOUND PT LOT 13 E;POULETT ST AND RP
16R3669;PART 5

INSPECTOR: RILEY BRUGESS, #708

NOTED VIOLATIONS:

A full consolidated copy of the City's Property Standards By-law No. 1999-030, as amended, is available on the City's Website. The following is a direct quote from the by-law and is to be adhered to:

SECTION 2.5.8 - EXTERMINATION AND/OR FUMIGATION

2.5.8.1 All buildings shall be kept free from vermin, termites and other injurious insects.

2.5.8.2 Where it is found that there is an infestation of insects or vermin within or about a building, extermination and/or fumigation shall be carried out until the infestation is eradicated in accordance with the provisions of the Environmental Protection Act and the Pesticides Act of Ontario. Where fumigation is to be undertaken, the owner of the building shall advise the Owen Sound Fire Department prior to commencement of the fumigation.

"Extermination" means the control and elimination of insects, termites, vermin, rodents or other pests by eliminating their harbouring places; by removing or making inaccessible or unpalatable materials that may serve as their food, by poison, spraying, fumigating, trapping or by any other recognised and appropriate means of pest elimination.

WORK REQUIRED TO COMPLY:

The following chart outlines the violations noted and the work required to comply with the by-law. All of the following deficiencies must be completed on or before the compliance date listed below:

Item	Description of Violation	Work Required to Comply
1	Property is not kept free from injurious insects, namely bedbugs. Live samples were found in Unit #5 on February 11, 2026. [By-law 1999-030, Section 2.5.8.1]	Inspection by a certified pest control company of Unit #5, as well as all units immediately above, below, beside, and diagonal to the subject unit, and the hallway adjacent to any such unit. Extermination conducted by the certified pest control company in any areas where bedbugs, nymphs, eggs, or any other evidence of bedbug activity is found. Any follow up treatments recommended by the pest control company to be completed to fully eradicate bedbug population in the building. Inspection/treatment report, signed by the technician, to be provided to

Item	Description of Violation	Work Required to Comply
		the Property Standards Officer for each visit completed by the certified pest control company.

Compliance Date: 2026-04-21

NOTE:

- Where a reinspection is conducted after the compliance date, and non-compliance is observed, a reinspection fee in the amount of \$150.00 will be applied to the tax roll of the property.
- The issuance of this order does not relieve the owner(s) from the necessity of acquiring any and all permits or approvals from the City of Owen Sound.
- Failure to comply with an order, direction, or other requirement made under the Building Code Act is an offence.
- Obstructing or removing a posted order without authorization to do so from an inspector or officer is an offence.
- A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence.
- In addition to any other action permitted by law, if the repairs or clearance are not completed within the time specified herein, the Corporation may carry out the repairs or clearance at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.

Order Issued By:

Riley Brugess, #708
Property Standards Officer
+1 519-376-4440 1270

Signature



Dated at Owen Sound, on 2026-02-12

TAB 5





TAB 6



BY-LAW NO. 1999-030

“BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE CITY OF OWEN SOUND”

Originally Passed and Enacted March 1, 1999

Amended By By-law:	Passed On:
2008-050	April 28, 2008
2008-128	September 8, 2008
2009-023	February 9, 2009
2009-054	April 6, 2009
2011-116	July 4, 2011
2013-030	February 11, 2013
2018-044	April 9, 2018
2024-052	April 15, 2024

Consolidated Version
Revised April 16 2024

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk’s Department.

WD

BY-LAW NO. 1999-030**THE CORPORATION OF THE CITY OF OWEN SOUND****BEING A BY-LAW FOR PRESCRIBING STANDARDS
FOR THE MAINTENANCE AND OCCUPANCY OF
PROPERTY WITHIN THE CITY OF OWEN SOUND**

WHEREAS under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, a By-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the Official Plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for The Corporation of the City of Owen Sound includes provisions relating to property conditions;

AND WHEREAS the Council of The Corporation of the City of Owen Sound is desirous of passing a By-law under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23;

AND WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 requires that a By-law passed under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS THE FOLLOWING:

PART 1 - INTERPRETATION AND ADMINISTRATION**SECTION 1.1 - SHORT TITLE**

1.1.1 This By-law may be cited as the City of Owen Sound Property Standards By-law.

SECTION 1.2 - DEFINITIONS

In this By-law:

"Accessory Building" means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property.

"Apartment Building" means a building containing more than four dwelling units with individual access from an internal corridor system.

"Approved" means acceptance by the Property Standards Officer.

"Basement" means that portion of a building that is partly below grade, but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.

"Bathroom" means a room containing a bathtub or shower with or without toilet and basin.

"Cellar" means that portion of a building that is partly or wholly below grade and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.

"City" means The Corporation of the City of Owen Sound.

"Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation

"Extermination" means the control and elimination of insects, termites, vermin, rodents or other pests by eliminating their harbouring places; by removing or making inaccessible or unpalatable materials that may serve as their food, by poison, spraying, fumigating, trapping or by any other recognised and appropriate means of pest elimination.

"Fence" means a structure at grade erected as a visual barrier or for the purpose of dividing or separating open space, or for restricting access to or from an open space.

"Fire Escape" means an exit or a secondary means of exit from a building.

"First Storey" means that part of a building having a floor area closest to grade with a ceiling height of more the 1.8 metres above grade.

"Garbage" means the animal and vegetable waste and related waste products resulting from the handling, preparation, cooking and consumption of food or drink.

"Good Repair" means in such a condition so as to be free from potential of accident or fire or other hazard, structurally sound, in good working order, capable of carrying out its intended function, and not unsightly by reason of deterioration, damage or defacement.

"Habitable Room" means any room in a dwelling unit used for or capable of being used for living, eating, sleeping or cooking purposes.

"Medical Officer of Health" means the Medical Officer of Health for the Bruce-Grey-Owen Sound Health Unit.

"Multiple Dwelling" means a building or combination of buildings containing two or more dwelling units, or three or more rooming units, or a combination of rooming and dwelling units totalling three or more, and which building or buildings are located on the same lot and which lot is retained under one ownership, and shall include a lot registered under the provisions of the Condominium Act, Chapter C.26, R.S.O. 1990, as amended from time to time.

"Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to a vertical travel between storeys and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law.

"Non-Residential Property" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premise appurtenant and all of the outbuildings, fences or erections thereon or therein.

"Officer" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.

"Person" means an individual, firm, corporation, association, or partnership.

"Residential Property" means any property upon which a building has been erected containing within its walls one or more dwelling units or rooming units and which may in addition contain other accessory uses, and includes a hotel, motel, tent, trailer, mobile home, or other structures, the whole or any portion or which has been used, is used, or is capable of being used for the purpose of human habitation.

"Rooming Unit" means one or more habitable rooms with shared sanitary, cooking or eating facilities, or with no cooking or eating facilities, which are rented or are capable of being rented to one or more persons for gain.

"Rubbish" means any combustible or non-combustible discarded or waste materials except garbage and shall include debris and other refuse.

"Standards" means the standards of the physical condition and of occupancy prescribed for property by this By-law.

"Structurally Sound" means construction capable of withstanding the forces acting thereon when the building or structure is loaded in accordance with the provisions of

the Building Code and having a factor of safety equivalent to that required by the Building Code.

“Toilet Room” means a room containing a water closet and a wash basin.

“Vacant or Abandoned Building” means a building or structure that is not used or occupied in a continuous or ongoing manner for the purpose or purposes for which the building or structure is suitably designed and/or intended.

“Ventilation” means the process of supplying or removing air by natural or mechanical means to or from any space.

“Yard” means the lands, other than public highways around and appurtenant to the whole or any part of a property used or intended to be used, or capable of being used in connection with the property.

1.2.1 Where terms are not defined under the provisions of this By-law, they shall have the meanings ascribed to them in the Building Code or, if not defined in the Building Code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

SECTION 1.3 - APPLICATION

1.3.1 This By-law shall apply to all property within the corporate limits of the City of Owen Sound under the authority of the City's Official Plan.

1.3.2 The standards for the maintenance and occupancy of property set forth in this By-law are hereby prescribed and adopted as the minimum standards for the City of Owen Sound.

Amended by By-laws 2009-054 and 2018-044

1.3.3 *Notwithstanding the provisions of this By-law, the Property Standards Officers will, if required be a Resolution of Council adopted from time to time, conduct a preliminary inspection of properties in the City, which preliminary inspection will be carried out pursuant to the provisions of this By-law at any property where the Officer views conditions that appear to the Officer to contravene this By-law.*

1.3.4 *The preliminary inspection shall include the matters set out on Schedule 'A' under the heading "Observations of the Property Shall Include the Following..."*

1.3.5 *The Officer shall not, without the consent of the Owner or Occupant of the property, enter onto the said property to carry out the preliminary inspection, carried out pursuant to this By-law.*

1.3.6 *Following the preliminary inspection of any property pursuant to subsection 1.3.3 hereof, the Officer may, in writing, notify the Owner or Occupant of the property of any work required to be carried out thereon in order that the said property will conform with the requirements in By-law 1999-030 insofar as the same are apparent to the Officer conducting the preliminary inspection.*

1.3.7 *City Council will by Resolution, determine, or authorize its delegate to determine, the areas of the City where Preliminary Inspections will be carried out.*

SECTION 1.4 - PROPERTY STANDARDS OFFICER

Amended by By-law 2008-128

1.4.1 *Property Standards Officers for the Corporation of the City of Owen Sound hereafter referred to as 'the Officer' shall be appointed by By-law adopted by City Council.*

SECTION 1.5 - PROPERTY STANDARDS COMMITTEE

1.5.1 The Committee of Adjustment for the City of Owen Sound shall serve as the Property Standards Committee.

- 1.5.2 An officer who finds that a property does not conform with any standards prescribed in this by-law may make an order,
- (a) stating the municipal address or legal description of such property;
 - (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and level condition;

Amended by By-law 2008-050

- (c) *indicating the time for complying with the terms and conditions of the order and giving notice that, if the repairs or clearance is not carried out within the time specified the municipality may carry out the repair or clearance at the owner's expense.*
- (d) *Indicating the final date for giving notice of appeal from the order.*

Amended by By-laws 2013-030 and 2018-044

- 1.5.3 *Every person wishing to appeal an Order made under section 15.2 (2) of the Building Code Act, S.O. 1992 c.23, shall submit a notice of appeal in the manner and within the time frame as prescribed in section 15.3 (1) of the same act. All notices of appeal shall be filled out on the prescribed form and accompanied by a non-refundable payment of the "Appeal - Property Standards Order" fee as set out in the Fees and Charges By-law.*

SECTION 1.6 - TRANSITIONAL RULES

- 1.6.1 After the date of the passing this By-law, By-law 1994-061, as amended, shall apply only to those properties in which an Order has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings in respect of such Order, including any demolition, clearance or repair carried out by the city have been concluded.

SECTION 1.7 - CERTIFICATE OF COMPLIANCE

Amended by By-laws 2013-030 and 2018-044

- 1.7.1 *Following the inspection of a property, the Officer may, or on the request of the owner shall issue to the owner a Certificate of Compliance in the prescribed form if, in the Officer's opinion, the property is in compliance with the standards of this By-law. When the owner requests a Certificate of Compliance, the owner shall pay to the City the "Certificate of Compliance" fee as set out in the Fees and Charges By-law, which shall be collected by the Officer at the time of the issuance of such certificate.*

SECTION 1.8 - MAINTENANCE, REPAIR AND OCCUPANCY OF RESIDENTIAL PROPERTY

- 1.8.1 No person shall maintain or permit to be maintained, occupy or permit to be occupied, use or permit the use of, rent or offer to rent any residential property which does not comply with the provisions and regulations set forth in Part 2 and Part 3 of this By-law and any property which does not comply, shall be repaired and maintained to comply with the standards hereinafter set out in Part 2 and Part 3 of this By-law or the site thereof shall be cleared of all buildings, structures, garbage and rubbish, and left in a graded and levelled condition.

SECTION 1.9 - MAINTENANCE, REPAIR AND OCCUPANCY OF NON-RESIDENTIAL AND VACANT PROPERTY

- 1.9.1 No person shall maintain or permit to be maintained, occupy or permit to be occupied, use or permit the use of, rent or offer to rent any non-residential or vacant property which does not comply with the provisions and regulations set forth in Part 2 and Part 4 of this By-law

and any property which does not comply, shall be repaired and maintained to comply with the standards hereinafter set out in Part 2 and Part 4 of this By-law, or the site thereof shall be cleared of all buildings, structures, garbage and rubbish and left in a graded and levelled condition.

SECTION 1.10 - REMOVAL OF PLACARD

- 1.10.1 No person shall remove from any property any sign, notice or placard placed thereon pursuant to Section 15.2(3) of the Ontario Building Code Act, S.O. 1992, c.23.

SECTION 1.11 - PENALTIES AND ENFORCEMENT

- 1.11.1 An owner or corporation who fails to comply with an Order that is deemed to be confirmed is guilty of an offence pursuant to the penalty provisions of the *Building Code Act*, S.O. 1992, c.23.

SECTION 1.12 - VALIDITY

- 1.12.1 If any section of this By-law, or any amendments thereto, is for any reason held to be invalid, the remaining sections shall remain in effect until repealed.
- 1.12.2 Where provisions of this By-law conflict with the provisions of another By-law in force in the City, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

SECTION 1.13 - INTERCHANGEABILITY

- 1.13.1 Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

SECTION 1.14 - HEADINGS NOT PART OF BY-LAW

- 1.14.1 The headings in the body of this By-law form no part of the By-law and are inserted for convenience of reference only.

SECTION 1.15 - ADMINISTRATION FEE

Amended by By-laws 2008-050, 2009-023, 2011-116 and 2013-030

- 1.15.1 *Supervision of the clearing of yards when the work required under an order has not been done shall be billed to the property owner as set out in the Fees and Charges By-law, as amended from time to time, under the heading "Property Clean Up" for each staff person required on site with a minimum two hour charge.*

By-law 2011-116

- 1.15.2 *A Property sub-search fee will be added to the municipal tax roll of any property that a sub-search is obtained by the Officer, the amount of this fee is specified in the City of Owen Sound Fees and Charges By-law.*
- 1.15.3 *A Work Order fee will be added to the municipal tax roll of any property that has a Work Order issued by the Officer, the amount of this fee is specified in the City of Owen Sound Fees and Charges By-law.*
- 1.16 *All fees and charges shall be recoverable in a like manner as taxes.*

PART 2 - MAINTENANCE, REPAIR AND OCCUPANCY OF ALL PROPERTY

SECTION 2.1 - GENERAL

SECTION 2.1.1 - SCOPE

2.1.1.1 The provisions of Part 2 of this By-law are applicable to all property subject to this By-law.

SECTION 2.2 - LANDS AND OPEN SPACES

SECTION 2.2.1 - YARDS

2.2.1.1 All yards, including vacant property, shall be maintained in a good condition and shall be:

- a) kept free from garbage, rubbish, brush, discarded materials and other debris, except that which is stored in suitable, clean receptacles for removal;
- b) kept free from noxious weeds and the excessive growth of other weeds and grasses;
- c) kept free of all vermin and injurious insects, and any condition, which might result in the harbouring of such pests;
- d) maintained free from dangerous holes or excavations;
- e) protected by suitable ground cover which prevents erosion of the soil, excluding areas used in connection with an active agricultural or gardening operation;
- f) graded so as to be maintainable.

2.2.1.2 All trees in any yard or on vacant property shall be kept pruned so as to be free from dead or dying branches, the collapse of which would be capable of causing injury or damage. All dead trees and shrubs shall be promptly removed from any yard or vacant property.

2.2.1.3 All hedges and ornamental shrubs in any yard or on vacant property shall be pruned and trimmed so as not to present an unsightly appearance or to extend beyond the limits of the property in such a way as to interfere with the reasonable use of adjoining property and so as not to obstruct windows, doors, drains, sidewalks, vents, or exits or entrances to property.

2.2.1.4 All sodded and grass covered areas on any property shall be kept in a good living condition and properly maintained including adequate cutting or mowing so as not to present an unsightly appearance. For residential property, lawns designed and intended to be mowed shall be maintained such that grass does not exceed .1 metres in height, and for non-residential property, lawns designed and intended to be mowed shall be maintained such that grass does not exceed .15 metres in height.

2.2.1.5 Subject to the provisions of Section 4.2.4.1 of this By-law, no machinery, vehicle, or other chattels including a boat, trailer or mobile home or parts thereof, which are in a wrecked, discarded, dismantled or partially dismantled or abandoned condition shall be parked, stored or left in any yard or on vacant property.

2.2.1.6 No machinery, vehicle, other material or other object or condition not associated with the normal occupancy and use of the property, including among other things appliances, fixtures, indoor furniture, paper, cartons, boxes or building materials such as lumber, masonry units or glass other than that intended for immediate use on the property shall be stored or allowed to remain in any yard or on vacant property.

2.2.1.7 Unused refrigerators or freezers shall not be stored in any yard or on vacant property, but where kept temporarily in a yard awaiting removal, the doors to the same must be securely locked or the hinges of the refrigerator or freezer door removed.

- 2.2.1.8 Where refrigerators or freezers are used outside, the doors and/or lids to the same shall be locked to prevent small children from gaining access to them.
- 2.2.1.9 All wells located on any property shall be capped with a structurally secure material such as concrete which can not be readily removed, and which shall be maintained in good repair.
- 2.2.1.10 The occupant of a residential property may provide for compost heap(s) provided that the compost heap is no larger than one square metre and 1.8 metres in height and is enclosed on all sides by concrete block, or a forty-five gallon container, a metal or wooden frame building with a concrete floor, or a commercial enclosed container designed for composting. Compost heaps shall not emit odour(s) that are detectable on any adjoining property.

SECTION 2.2.2 - DRAINAGE

- 2.2.2.1 All yards, including vacant property, shall be graded and maintained in such a manner so as to prevent the excessive or recurrent ponding of stormwater thereon, or the drainage of such water into any basement or cellar, and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil, provided however, that the grade level of such lands shall not be altered so as to either impede the natural flow of water through such property from any adjoining property, nor as to cause the drainage of stormwater onto any adjacent property, unless such alteration is in accordance with a grading plan approved by the City.
- 2.2.2.2 Stormwater run-off from all downspouts or impervious surfaces, and the drainage of water from all swimming pools, shall be contained within the limits of the property from which it originated until absorbed by the soil or drained to a storm sewer or to a naturally created swale or watercourse or to an artificially created ditch or watercourse that has been approved or constructed by the City. Such drainage shall be extended to take the stormwater run-off from all roof and other artificially created impervious surfaces except that the aforementioned extension may be omitted if appropriate measures are taken to ensure that such stormwater run-off is self-contained on the property as heretofore described, and further, that said stormwater will not collect thereon in such a manner as to endanger or create nuisance to persons on or adjacent to the property.

SECTION 2.2.3 - WASTE WATER

- 2.2.3.1 Sewage and water from waste pipes shall not be discharged onto the surface of the ground, whether into a natural or artificial drainage system or otherwise. All sewage and wastewater shall be discharged into the City's sewerage system or a private sewage disposal system approved by the Medical Officer of Health.

SECTION 2.3 - GENERAL PROVISIONS FOR BUILDINGS AND STRUCTURES

SECTION 2.3.1 - SAFETY SYSTEMS AND SUPPORT FACILITIES

- 2.3.1.1 All sprinkler systems, fire hoses, smoke detectors, fire extinguishers, fire alarm systems and apparatus, exit signs and other equipment or facilities installed in a building to provide protection from fire or other disaster shall be maintained in good repair.

Amended by By-law 2008-050

- 2.3.1.2 All elevators and elevating devices, hoists, lifts, and moving walkways and stairs shall be maintained in good repair. ~~in accordance with applicable Acts of the Province of Ontario.~~

SECTION 2.3.2 - UNSAFE BUILDINGS AND STRUCTURES

- 2.3.2.1 Any material forming part of the supporting structure of a building or other structure, other than a farm-related accessory building or structure, which shows evidence of decay or other deterioration shall be repaired.
- 2.3.2.2 Where any building or other structure has been damaged by fire, explosion, or by any other natural or unnatural force;
- a) any remaining portion of the building or structure shall be promptly removed or secured by bracing if there is a possibility of collapse;
 - b) temporary fencing shall be installed to secure the property to prevent incidental entry by unauthorised persons; and
 - c) all damaged materials shall be immediately removed from the property, or temporarily placed within a building which shall be secured to prevent entry by unauthorised persons.

Amended by By-law No. 2024-52

- 2.3.2.3 *All vacant and abandoned buildings shall be secured against unauthorized entry, and shall be maintained in a secured state with the yards maintained in accordance with section 2.2 of this By-law.*
- 2.3.2.3.1 *For the purposes of section 2.3.2.3, windows, doors, hatchways, skylights and other exterior openings through which entry may be obtained into a vacant building are required to be:*
- a. maintained so as to properly perform their intended function and closed and secured from unauthorized entry; or*
 - b. entry shall be prevented by closing and securing an opening with any of the following materials that are weather resistant, completely cover the opening, and are securely fastened to the vacant building:*
 - i. wood sheathing of at least 12.7 millimetres plywood (or equivalent product);*
 - ii. metal sheathing;*
 - iii. brick or concrete block and mortar; or*
 - iv. any other material approved by a Property Standards Officer.*
- 2.3.2.4 All collapsed or dilapidated buildings or structures, including buildings and structures severely damaged by fire, explosion, or by any other natural or unnatural force, shall be removed from the property.

SECTION 2.3.3 - SERVICES TO A VACANT BUILDING

- 2.3.3.1 Where a building remains unoccupied or vacant for a period of time exceeding ninety (90) days, all utilities servicing the building except those necessary for the safety or security of the building shall be properly disconnected or otherwise secured, to prevent accidental damage to the building or adjacent properties.

SECTION 2.3.4 - ACCESSORY BUILDINGS AND STRUCTURES

- 2.3.4.1 All garages, carports, sheds, fences, radio and television towers, artificial lighting standards, swimming pools, signs, awnings, retaining walls, flagpoles, and other accessory buildings and structures shall be kept in good repair.
- 2.3.4.2 All fences and other accessory structures shall be weather-resistant through the use of a proper weather-resistant material including paint or other preservatives, unless the aesthetic character is enhanced by the lack of such material.
- 2.3.4.3 All outdoor children's play areas and fixed playground equipment shall be maintained in good repair.

SECTION 2.4 - EXTERIOR MAINTENANCE OF BUILDINGS**SECTION 2.4.1 - EXTERIOR WALLS AND THEIR COMPONENTS**

- 2.4.1.1 The exterior walls of a building and their components shall be maintained so as to be weather-tight, free from loose or unsecured materials and objects and in good repair.
- 2.4.1.2 The exterior walls of a building and their components shall be maintained so as to retard deterioration due to weather, insects, or other causes. Where necessary, exterior walls and their components shall be so maintained by the painting, restoring, recovering with weatherproof material, or repairing of coping or flashing, waterproofing of joints and of the wall itself and other components, installing or repairing of termite shields, treating the soil with chemicals or using other suitable means.
- 2.4.1.3 Appropriate measures shall be taken to remove any objectionable markings, stains or other defacements occurring on the exposed finished exterior surfaces of any structure, and where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the marking, staining, or defacement occurred.
- 2.4.1.4. Exterior surfaces of a building shall be kept clean.
- 2.4.1.5 The exterior façade of all buildings shall be kept in good repair and shall be maintained so as to be free of loose or deteriorated paint and or material that would be detrimental to the aesthetic appearance of the building. The windows in any vacant building shall be maintained and be free of missing and or broken glass or the openings be covered so as not to present an unsightly appearance.

SECTION 2.4.2 - ROOF AND ROOF STRUCTURES

- 2.4.2.1 A roof of a building including the fascia board, soffit and cornice shall be maintained in a water-tight condition so as to prevent leakage of water into the building, and every fascia board, soffit and cornice shall be maintained so as to retard deterioration due to weather. Maintenance shall include the repair or replacement of broken, defective or deteriorated components with the application of paint, or other preservative, or covering with a weather-proof material.
- 2.4.2.2 A roof of a building shall be free from loose or unsecured or unsafe objects and materials.
- 2.4.2.3 All radio and television aerials, lightning arrestors, air conditioning units, stacks, pipes, vents and lighting or similar rooftop apparatus shall be maintained in good repair.

SECTION 2.4.3 - FOUNDATIONS

- 2.4.3.1 The foundation walls of a building or the foundation of any other structure shall be maintained in good repair so as to prevent settlement detrimental to the appearance or safety of the building or structure, or the entrance of insects, rodents, or excessive moisture into the building or structure. Without limiting the generality of the foregoing, maintenance shall include the shoring or underpinning of the walls, installing subsoil drains at the footings, the grouting of masonry cracks, waterproofing of the walls and joints, and the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance or the safety of the building or structure.

SECTION 2.4.4 - EXTERIOR STAIRS, PORCHES, VERANDAS, AND BALCONIES

- 2.4.4.1 All exterior stairs, balconies, verandas, porches and every other similar outside appurtenance of a building shall be maintained in good repair.

- 2.4.4.2 All balustrades, handrails and supporting structures to exterior stairs, balconies, verandas, porches, and every other outside appurtenance of a building shall be adequate to safely support persons using the same, and the spindles shall be so placed as to meet the provisions of the Building Code.
- 2.4.4.3 Where any exterior stairs, balcony, veranda, porch, or other similar outside appurtenance of a building is replaced, the same shall be constructed in compliance with the regulations contained within the Building Code.

SECTION 2.4.5 - WINDOWS AND EXTERIOR DOORS

- 2.4.5.1 Windows, skylights exterior doors and basement or cellar hatchways of a building shall be maintained in good repair, which includes the repairing, replacing or restoring of defective or missing parts or components and the application of paint or other preservative where required.
- 2.4.5.2 All openable windows and all exterior doors shall have hardware so as to be capable of being securely closed in order to prevent the entrance of wind, rain and snow into the building.
- 2.4.5.3 Rotted or damaged doors, door frames, window frames, sashes and casings and defective door and window hardware and broken window glass shall be repaired or replaced.
- 2.4.5.4 Basement or cellar windows used or required for ventilation and every other opening in a basement, cellar or crawlspace that might permit the entry of vermin or injurious insects shall be screened with wire mesh or other material that will effectively prevent vermin or injurious insects from entering the building.

SECTION 2.4.6 - EAVESTROUGHING

- 2.4.6.1 Where eavestroughing is provided on a building, every eavestrough, roof gutter and down pipe shall be maintained in good repair, which includes the repairing, replacing or restoring of defective or missing parts or components and the application of paint or other preservative.

SECTION 2.5 - INTERIOR MAINTENANCE OF BUILDINGS

SECTION 2.5.1 - WALLS, CEILING AND FLOORS

- 2.5.1.1 All walls, ceilings and floors, including columns, beams and other supporting structures shall be maintained in good repair and be capable of safely carrying out their intended function.
- 2.5.1.2 The surface of every wall and ceiling in a building shall be maintained in good repair.
- 2.5.1.3 Every floor in a building shall be maintained in good repair; further, floors in all bathrooms, toilet rooms, and kitchens shall be maintained so that the floors can be kept in a clean and sanitary condition.
- 2.5.1.4 The floors, ceilings and walls of every building shall be kept free from such dampness or moisture as may constitute a danger to health or safety, but this shall not apply to non-habitable rooms wholly or partly below adjacent grade.
- 2.5.1.5 Every floor, wall, ceiling and fixture attached thereto in a building shall be maintained in a sanitary condition.
- 2.5.1.6 Walls, floors and ceilings within common and public areas of a building shall be kept free of defacement.
- 2.5.1.7 All interior doors and their hardware shall be kept in good repair.

- 2.5.1.8 Walls around a bathtub or shower, which are susceptible to being wet, shall be maintained so as to be waterproof and readily cleaned.

SECTION 2.5.2 - FUEL BURNING APPLIANCES/EQUIPMENT, CHIMNEYS & VENTS

- 2.5.2.1 All fuel burning appliances, heating, cooking, and cooling equipment and appurtenances thereto located in or attached to a building shall be installed, maintained in good repair and properly vented in order to:
- a) operate in a manner as to not present a safety hazard to the building, its occupants, components or contents;
 - b) prevent the heating of the surrounding combustible and structural members above a safe temperature;
 - c) prevent the entrance of gases or fumes into the building;
 - d) have ample air supply to permit combustion.
- 2.5.2.2 All fuel shall be stored in a safe manner and where there are regulations, which deal with the storage of, said fuel, such regulations shall be complied with.
- 2.5.2.3 Every chimney, smoke pipe, flue and gas vent shall be maintained in good repair so as to prevent the leakage of gases or fumes into a building with all joints sealed and all broken or loose masonry repaired and kept free of obstructions so as to be in a safe and fire resistant condition.

SECTION 2.5.3 - WATER AND SEWAGE FACILITIES

- 2.5.3.1 Where sewage facilities are provided to a building, the same shall be kept in good repair at all times in order to adequately service such building. Where sewage facilities cease to be required for any building the same shall be closed off and all plumbing leading to the same capped in order to prevent leakage or the escape of odours or gases therefrom.
- 2.5.3.2 All plumbing, including every drain pipe, water pipe, toilet, and other plumbing fixtures in a building and every connecting line to the sewerage system or other approved disposal method shall be maintained in good repair.
- 2.5.3.3 All water pipes and appurtenances thereto shall be maintained in good repair and shall be protected from freezing.
- 2.5.3.4 Each plumbing fixture shall be connected to the sewerage system or other approved disposal method through a water seal trap. All unused plumbing, drains, and/or plumbing stacks shall be closed off to prevent gas or odour from entering the building.
- 2.5.3.5 Adequate running water shall be provided for every standard flush type toilet provided in a building.
- 2.5.3.6 Where a toilet is provided, a wash basin shall be provided in the same or an adjoining room.

SECTION 2.5.4 - HEATING SYSTEM

- 2.5.4.1 Where a heating system is provided in or for a building, the same shall be maintained in good repair, in accordance with recognised standards so as to be capable of heating the building safely.
- 2.5.4.2 Heating appliances shall not be placed so as to constitute a fire hazard, and shall be placed in accordance with the requirements of the Building Code.

- 2.5.4.3 For purposes of Sections 2.5.4.1 and 2.5.4.2 of this By-law, a portable heating unit or system shall not be considered a heating system or heating appliance.

SECTION 2.5.5 - ELECTRICAL SERVICE

- 2.5.5.1 When an electrical service is provided to a building, the same including all electrical fixtures, equipment and appliances located or used in the building shall be maintained in good repair.

Amended by By-law 2008-050

- 2.5.5.2 *Every electrical system within a building shall be maintained in good repair.*
- 2.5.5.3 The capacity of the electrical service connection to a building and the system of circuits distributing the electrical supply within the building shall be adequate for the use and intended use of the building.

SECTION 2.5.6 - VENTILATION

- 2.5.6.1 Every bathroom or toilet room within a building shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights providing a minimum aggregate unobstructed free flow area of .1 square metres, provided however that an opening for natural ventilation may be omitted where a system of mechanical ventilation has been provided, such as an electric fan with a duct leading to outside the building, and which operates continuously or is activated by the light switch for the bathroom or toilet room, or by other approved means.
- 2.5.6.2 Where an aperture such as a window, skylight or louver is used for ventilation in a building, the aperture shall be maintained so as to be easily opened and closed, or kept open.
- 2.5.6.3 All systems of mechanical ventilation or air-conditioning in a building shall be maintained in good repair.

SECTION 2.5.7 - EGRESS AND FIRE ESCAPES

- 2.5.7.1 All safety equipment relative to exits and means of egress, such as doors, closures, co-ordinating devices, and astragals, smoke seals and pressurised vestibules, latching devices, hinges and the like, shall be maintained in good repair.
- 2.5.7.2 Stairways and landings shall be capable of supporting loads for which they are intended, and shall be maintained in good repair, and shall be kept clear and unobstructed.
- 2.5.7.3 Balustrades and handrails on the main means of egress and supporting structures shall be adequate to safely support persons using the facility. Stairs, guards and hand railings on the main means of egress shall be maintained in good repair and the spindles thereon shall be so placed so as to meet the provisions of the Building Code.
- 2.5.7.4 Fire escapes shall be installed in compliance with the Building Code and kept free of dangerous accumulations of snow and ice.

SECTION 2.5.8 - EXTERMINATION AND/OR FUMIGATION

- 2.5.8.1 All buildings shall be kept free from vermin, termites and other injurious insects.
- 2.5.8.2 Where it is found that there is an infestation of insects or vermin within or about a building, extermination and/or fumigation shall be carried out until the infestation is eradicated in accordance with the provisions of the Environmental Protection Act and the Pesticides Act of Ontario. Where fumigation is to be undertaken, the owner of the building shall

advise the Owen Sound Fire Department prior to commencement of the fumigation.

SECTION 2.6 - GARBAGE AND RUBBISH

SECTION 2.6.1 - REFUSE STORAGE AND REMOVAL

- 2.6.1.1 All garbage and rubbish shall be stored in a sanitary manner in containers of durable leak proof and non-absorbent material or plastic garbage bags that can be effectively closed.
- 2.6.1.2 Containers used to store or keep garbage or rubbish shall be cleaned as necessary to ensure public health and safety and to eliminate the potential of odours.
- 2.6.1.3 Garbage and rubbish shall not be permitted to accumulate and remain on any property to an extent or for a length of time so as to constitute a health or safety hazard. Garbage or rubbish stored on any property that emits an odour that is detectable within a dwelling on the same lot or within any yard on an adjoining property shall forthwith be removed.
- 2.6.1.4 Any container not located within an enclosed building which is used to store or keep putrescible garbage shall have lids or other coverings for all openings, which lids or other coverings shall remain closed at all times.

PART 3 - ADDITIONAL PROVISIONS RELATING TO MAINTENANCE, REPAIR AND OCCUPANCY OF RESIDENTIAL PROPERTY

SECTION 3.1 - GENERAL

SECTION 3.1.1 - SCOPE

- 3.1.1. The provisions of Part 3 of this By-law are special requirements that relate only to residential property and are in addition to the provisions of Part 2, which also apply to residential property.

SECTION 3.2 - MAINTENANCE OF RESIDENTIAL PROPERTY

SECTION 3.2.1 - FIRE SEPARATIONS

- 3.2.1.1 Where physically possible, where two dwelling units share one or more common walls or floors/ceilings, whether the dwelling units are located on the same lot or on separate lots, a fire rated separation between dwelling units shall be maintained, which shall include the installation of fire rated doors, frames and closures when required.

Amended by By-law 2008-050.

- 3.2.1.2 *Where three or more dwelling units share one or more common walls or floors/ ceilings, whether the dwelling units are located on the same lot or on separate lots, a fire rated separation between dwelling units shall be established and maintained.*

SECTION 3.2.2 - HEATING AND HEATING SYSTEMS

- 3.2.2.1 Every dwelling shall be provided with a heating system capable of maintaining a room temperature of 20 degrees Celsius at one (1) metre above floor level and one (1) metre and more from exterior walls in all habitable rooms, bathrooms, and toilet rooms when the temperature outside the dwelling is -21 degrees Celsius.

Amended by By-law 2008-050.

- 3.2.2.2 *Where a multiple dwelling contains a central heating system, the same shall be located in a separate service room having minimum fire separation from the remainder of the building.*

SECTION 3.2.3 - ELECTRICAL SERVICE AND LIGHTING

- 3.2.3.1 Every dwelling shall be serviced with a safe and adequate supply of electricity.

Amended by By-law 2008-050

- 3.2.3.2 *Every habitable room in a dwelling shall have a sufficient number of electrical outlets.*

- 3.2.3.3 *Every laundry area in a dwelling shall have a minimum of one (1) electrical duplex convenience outlet, which shall be maintained in good repair.*

- 3.2.3.4 Every bathroom, toilet room, kitchen, laundry area, furnace area, hall, stairway, basement, cellar, elevator, and non-habitable work area in a dwelling shall be provided with a permanent electrical light fixture that shall be maintained in good repair.

- 3.2.3.5 All common halls, vestibules, ramps, enclosed or underground automobile parking areas, interior and exterior points of ingress or egress in multiple dwellings shall be provided with an adequate degree of illumination at all times so as to ensure safe entry onto and use of said areas.

SECTION 3.2.4 - NATURAL LIGHT

- 3.2.4.1 Every habitable room within a dwelling, except a kitchen, bathroom, toilet room, storage room and den, shall have a window or windows, skylights, translucent panels, or glass area of an outside door that faces directly to the outside at least .15 metres above adjoining finished grade, or above an adjoining roof, and that admits as much natural light as would be transmitted through clear glass equal in area to 5 percent of the floor area of the room.

SECTION 3.2.5 - VENTILATION

- 3.2.5.1 Every habitable room within a dwelling, except a living room or dining room, shall have an opening or openings for natural ventilation, located in the exterior walls or through openable parts of skylights, providing a minimum aggregated unobstructed free flow area of .2 square metres, provided however that an opening for natural ventilation may be omitted if mechanical ventilation is provided which changes the total volume of air once each hour.
- 3.2.5.2 Every attic, basement, cellar and unheated crawl space in a dwelling shall be adequately vented to the outside. These areas shall be deemed to be adequately vented when, in a basement or cellar, windows which can be opened or screened openings are provided, the aggregate area of which shall not be less than 1 percent of the floor area, and for an unheated crawl space, a number of louvers with an insect screen of corrosion-resistant material are provided.

SECTION 3.2.6 - KITCHEN FACILITIES

- 3.2.6.1 Every dwelling unit shall be provided with at least one (1) kitchen sink maintained in good repair and attached to an approved means of sewage disposal.
- 3.2.6.2 Every dwelling unit shall contain a kitchen area equipped with:
- a) at least one (1) sink served with hot and cold running water and space for a stove and a refrigerator.
 - b) suitable storage area of not less than 0.23 cubic metres,
 - c) a counter or work area at least 0.61 m in width by 1.22 m in length, exclusive of sink, and covered with a material that is impervious to moisture and grease and is easily cleanable.
- 3.2.6.3 When a stove and/or refrigerator are provided in a dwelling, such appliances shall be in good repair.

- 3.2.6.4 Every kitchen in a dwelling shall have provided an adequate and approved gas, electrical or other fuel supply for cooking purposes.
- 3.2.6.5 Within a dwelling, there shall be at least .75 metres clear space above any exposed cooking surface.

SECTION 3.2.7 - TOILET AND BATHROOM FACILITIES

- 3.2.7.1 Except as otherwise provided in Section 3.2.7.4 of this By-law, every dwelling unit and rooming unit shall contain at minimum one (1) wash basin, one (1) bathtub or shower, and one (1) standard flush type toilet, attached to an approved means of sewage disposal.
- 3.2.7.2 In a multiple dwelling, every wash basin, bathtub or shower required by this By-law shall have an adequate supply of cold water and hot running water capable of being drawn from the tap at a temperature of minimum 49 degrees Celsius.
- 3.2.7.3 In a multiple dwelling, every bathtub, shower and toilet shall be fully enclosed within a room equipped with a door capable of being closed for privacy, and shall be separated from any room that is used for the preparation, cooking, storing or consumption of food, or for sleeping purposes, and shall be located within the dwelling unit or rooming unit except as otherwise provided in Section 3.2.7.4 of this By-law.
- 3.2.7.4 The requirements of Sections 3.2.7.1 and 3.2.7.2 of this By-law shall not prevent the occupants of a residential property containing only rooming units from sharing a toilet, wash basin, or bathtub or shower provided that access to the toilet, wash basin, and the bathtub or shower is available without going through a room or rooms of another rooming unit and provided that at least one (1) toilet, one (1) wash basin and one (1) bathtub or shower is supplied for each six (6) persons or fraction thereof, who share the said facilities. This Section shall not apply to limit the number of occupants of a rooming unit who have sole access to and control over the facilities specified in Section 3.2.7.1 of this By-law.

SECTION 3.2.8 - EGRESS AND FIRE ESCAPES

- 3.2.8.1. Every dwelling unit shall have a safe, continuous and unobstructed means of egress from the interior of every dwelling or rooming unit to the outside at grade level or a ground floor entrance. The egress to exit shall be kept clear at all times and shall be as direct as practical, without the necessity of passing through a room or rooms that is or are occupied by or are under the control of any other dwelling or rooming unit, or other exclusive occupancy in the building.
- 3.2.8.2 A means of egress as set out in Section 3.2.8.1 of this By-law shall not pass through an attached or built-in-garage or an enclosed part of any other building.

SECTION 3.2.9 - DRIVEWAYS, PARKING AREAS, AND WALKWAYS

Amended by By-law 2008-050

- 3.2.9.1 *On every residential property all parking lots, driveways, sidewalks, ramps, outside stairs and landings, and similar common areas that are accessible to the public shall be free of potholes, large cracks, and uneven surfaces that may be hazardous to pedestrians. Such areas shall be graded to ensure adequate drainage, and shall be maintained in a safe condition.*
- 3.2.9.2 *On every residential property all parking lots, driveways, sidewalks, ramps, designated fire routes, outside stairs, fire escapes, and landings shall be kept clear of dangerous accumulations of ice and snow.*
- 3.2.9.3 *On every residential property all parking lots, driveways, sidewalks, ramps, outside stairs, fire escapes, and landings shall be lighted with*

an adequate degree of illumination at all times so as to ensure safe use of these said areas.

- 3.2.9.4 *All off street parking areas and driveways on every residential property shall be:*
- a) *constructed and maintained with a stable surface of asphalt, concrete, brick, compacted crush stone or similar material capable of supporting the weight of motor vehicles and preventing the raising of dust; and*
 - b) *graded and drained so as to prevent surface water from being directed onto abutting lands as a result of the construction of such parking area or driveway unless such drainage is permitted pursuant to a drainage plan approved by the City.*

SECTION 3.2.10 - WINDOW

- 3.2.10.1 All windows in a dwelling that are designed to open shall open easily without the aid of special tools and shall be capable of remaining in an open position without additional supports.
- 3.2.10.2 All openable windows in a dwelling shall be screened in order to prevent the entry of insects, termites and other pests and all such screens shall be properly latched or secured in order to prevent the easy removal or opening by small children as provided for in the Building Code.
- 3.2.10.3 Where windows in a multiple dwelling are more than 3 metres from adjacent ground level and are less than one (1) metre from the floor, guards or restrictions shall be established, or such windows shall be designed to withstand lateral loading so as to prevent small children from falling through the window opening.

SECTION 3.2.11 - GARBAGE AND RUBBISH STORAGE

- 3.2.11.1 Every multiple dwelling shall have provided on the same lot therewith, whether inside or outside of a building, an area designated for the temporary storage of garbage and rubbish.
- 3.2.11.2 Where garbage or rubbish is stored inside a multiple dwelling, the storage area, garbage chutes if any, and the receptacles shall be:
- a) kept in a clean and sanitary condition, washed and disinfected as often as necessary to maintain a clean condition;
 - b) enclosed so as to prevent the entry of insects, rodents and vermin into the storage area;
 - c) provided with the necessary screens and/or shields to prevent the entry of insects or vermin into any portion of a dwelling; and
 - d) ventilated so that no noxious odours enter any portion of the dwelling.
- 3.2.11.3 All garbage and rubbish containers and receptacles kept on any residential property shall be screened from view and shall be provided with covers so that the material contained therein is not exposed to public view or to insects or other pests.

SECTION 3.2.12 - LOCKING DEVICES

- 3.2.12.1 In a multiple dwelling, all doors to the exterior or to a common entrance or exit system shall have locking devices installed and such devices shall be maintained at all times in good repair and shall be openable from the inside without requiring the use of a key or special tool.
- 3.2.12.2 In a multiple dwelling, all doors providing access to dwelling units and rooming units shall include a locking device for use by the occupant.

- 3.2.12.3 In a multiple dwelling, all windows or other openings through which unauthorized entry can be gained to a dwelling unit or a rooming unit shall be equipped with a locking or other appropriate security device for use by the occupant.
- 3.2.12.4 In a multiple dwelling, locking devices which incorporate panic hardware shall be used where necessary in accordance with the provisions of the Building Code.
- 3.2.12.5 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.

SECTION 3.2.13 - WATER FACILITIES

- 3.2.13.1 No dwelling unit or rooming unit in a multiple dwelling shall be let unless the following water facilities are provided:
- a) Where the facilities of a municipal water system are located on the street within thirty (30) metres of a multiple dwelling, every such multiple dwelling shall be connected thereto, providing permission for such connection can be obtained from the City's Public Utilities Commission.
 - b) Where the facilities of a municipal water system are not available or connection to the system is for any reason not permitted by the City's Public Utilities Commission or is not required by the City, a multiple dwelling shall be supplied with an adequate supply of potable running water in accordance with the requirements of the Building Code.
- 3.2.13.2 If an adequate supply of potable running water is being used to service a multiple dwelling from a source other than the municipal water system, occupancy of a dwelling unit or rooming unit therein shall be permitted notwithstanding the provisions of Section 3.2.13.1 a) of this By-law provided:
- a) such system is approved in writing by the Medical Officer of Health; and
 - b) the water is tested annually and such test indicates that such water is potable.

SECTION 3.2.14 - OCCUPANCY STANDARDS

- 3.2.14.1 The number of occupants in a dwelling unit or rooming unit of a multiple dwelling shall not exceed 1 person for each 9.3 square metres of the total floor area of all the habitable rooms within the dwelling unit or rooming unit.

Amended by By-law 2008-050

- 3.2.14.2 For the purpose of computing the total floor area of the habitable rooms in Section 3.2.14.1 of this By-law and the floor area in Section 3.2.14.3 of this By-law, the minimum ceiling height shall be ~~2.2~~ 2.1 metres over at least one half of the required floor area. Any part of the floor having a clear height of less than 1.4 metres shall not be considered in computing the required floor area. No room shall be considered a habitable room if located so that more than one half its height is below the level of the ground adjacent to its exterior walls.
- 3.2.14.3 No room in a multiple dwelling shall be used for sleeping purposes unless it has a minimum width of 1.8 metres and a floor area of at least 7 square metres, and further, a room used for sleeping purposes by 2 or more persons shall have a floor area of at least 4.6 square metres for each person so using the room.

PART 4 - ADDITIONAL PROVISIONS RELATING TO MAINTENANCE, REPAIR AND OCCUPANCY OF NON-RESIDENTIAL PROPERTY

SECTION 4.1 - GENERAL

SECTION 4.1.1 - SCOPE

- 4.1.1.1 The provisions of Part 4 of this By-law are special requirements that relate only to non-residential property and are in addition to the various provisions of Part 2, which also apply to non-residential property.

SECTION 4.2 - MAINTENANCE OF NON-RESIDENTIAL PROPERTY

SECTION 4.2.1 - DRIVEWAYS, PARKING AREAS, AND WALKWAYS

- 4.2.1.1 On any non-residential property, all parking lots, driveways, sidewalks, ramps, outside stairs and landings, and similar common areas that are accessible to the public shall be free of potholes, large cracks, and uneven surfaces that may be hazardous to pedestrians. Such areas shall be graded to ensure adequate drainage, and shall be maintained in a safe condition.
- 4.2.1.2 On any non-residential property, all parking lots, driveways, sidewalks, ramps, designated fire routes, outside stairs, fire escapes, and landings shall be kept clear of dangerous accumulations of ice and snow.
- 4.2.1.3 On any non-residential property, all parking lots, driveways, sidewalks, ramps, outside stairs, fire escapes, and landings shall be lighted with an adequate degree of illumination at all times so as to ensure safe use of these said areas.
- 4.2.1.4 All offstreet parking areas and driveways on any non-residential property shall be:
- a) constructed and maintained with a stable surface of asphalt, concrete, brick, or other material capable of supporting the weight of motor vehicles and preventing the raising of dust; and
 - b) graded and drained so as to prevent surface water from being directed onto abutting lands as a result of the construction of such parking area or driveway unless such drainage is permitted pursuant to a drainage plan approved by the City.

SECTION 4.2.2 - LIGHTING

- 4.2.2.1 All common halls, vestibules, ramps, stairs, elevators, enclosed or underground automobile parking areas, interior and exterior points of ingress and egress in any non-residential building shall be provided with an adequate degree of illumination so as to ensure safe entry onto and/or use of the said areas, but this requirement shall not apply to require such lighting to be used if non-use of the required lighting achieves security objectives, provided such lighting is available for use when required and no public hazard is created by such non-use.

SECTION 4.2.3 - RESTROOMS

- 4.2.3.1 Rooms containing sanitary conveniences and toilet facilities shall be cleaned regularly so as to be in a sanitary condition.

SECTION 4.2.4 - AUTOMOTIVE REPAIR AND SERVICE ESTABLISHMENTS

- 4.2.4.1 Notwithstanding the provisions of Section 2.2.1.5 of this By-law, any business engaged in the repair of automobiles may store temporarily on the same lot therewith vehicles which may be in a wrecked condition that are to be either repaired at the same premises or removed for disposal, within the immediate future.

PART 5 - GENERAL


SECTION 5.1 - BY-LAWS REPEALED

5.1.1 By-law Numbers 1994-061 and 1994-124 are hereby repealed.

SECTION 5.2 - EFFECTIVE DATE

5.2.1 This By-law shall come into full force and effect upon the final passing hereof.

FINALLY PASSED AND ENACTED this 1st day of March, 1999.

CERTIFIED TO BE A TRUE COPY OF
 BY-LAW NO. 1999-030 passed by
 City Council on March 1, 1999

 Deputy City Clerk,
 City of Owen Sound.

Signature on File Mayor

Signature on File Clerk

SCHEDULE A

Amended by By-laws 2009-054 and 2018-044

Patrols will be carried out by the Property Standards Officer mainly to observe the exterior conditions of the property.

A Property Standards Officer may inspect the side and rear yards of a property where it appears to the Officer, without entry onto the property, that there is a contravention of the Property Standards By-law or other regulatory By-laws are likely to exist.

Observations of the property shall include the following:

- Condition of the entryway to the property, walkways, brick/stonework, pathways leading to an entrance to the house
- Condition of the yard
- Fencing
- Driveways and other accesses to the property
- Front entrance including condition of any stairs, porches, verandas, entry ways as visible through cursory observation
- Exterior finish
- Condition of and access to exterior windows and doors
- Exterior soffit and fascia
- Roofing and chimney

**PROPERTY STANDARDS COMMITTEE
CITY OF OWEN SOUND**

IN THE MATTER OF an appeal pursuant to section 15.3 of the *Building Code Act, 1992*, S.O. 1992, c. 23

AND IN THE MATTER OF Property Standards Order No. OSBY-2026-0076

BETWEEN:

KEPLER REAL ESTATE INC.

Appellant

-and-

CITY OF OWEN SOUND

Respondent

**FACTUM OF THE RESPONDENT
CITY OF OWEN SOUND**

PART I – OVERVIEW

1. This appeal concerns Property Standards Order OSBY-2026-0076, issued on February 12, 2026, by Property Standards Officer pursuant to section 15.2(2) of the *Building Code Act, 1992* and the City of Owen Sound Property Standards By-law No. 1999-030. The Order relates to the residential rental property located at 235 8th Street East, Owen Sound, owned by the Appellant, Kepler Real Estate Inc. The Order requires inspection and treatment by a certified pest control company to address the presence of bedbugs reported in Unit #5 and surrounding units within the building.

2. The events leading to the Order began in January 2026 when a tenant of Unit #5 brought insect samples to Grey Bruce Public Health. On January 26, 2026, Public Health notified Kepler Real Estate Inc. and the city that the insects had been positively identified as bedbugs. The correspondence also advised that the tenant had previously reported bedbug concerns to Kepler Real Estate Inc. and had recently discovered additional evidence of

bedbugs on January 20, 2026. Public Health requested that Kepler Real Estate Inc. provide a plan to eradicate the pests from the building in a timely manner.

3. On January 27, 2026, the City's Property Standards Officer wrote to Kepler Real Estate Inc. requesting a response outlining the proposed eradication plan, including the scheduled date of treatment, the pest control contractor, the products and methods to be used, the scope of work within the unit and building, and any follow-up treatments. Kepler Real Estate Inc. subsequently provided a pest control report from Orkin Canada dated January 9, 2026, which indicated that no live bedbug activity was observed at that time but confirmed that the tenant had shown the technician several bedbugs and that a precautionary crack-and-crevice pesticide treatment had nevertheless been applied.
4. Following review of that report, the city advised the tenant on February 4, 2026, to continue monitoring the unit for further bedbug activity and to report any additional evidence. On the evening of February 11, 2026, the tenant contacted the Property Standards Officer again, reporting that bedbugs were still present and that the tenant was continuing to experience bites. The tenant provided photographs showing insect samples and visible bite reactions.
5. After receiving this follow-up complaint and evidence, the Property Standards Officer investigated on February 12, 2026, as recorded in the municipal inspection report for case OSBY-2026-0076. Based on the complaint history, the confirmation from Public Health, the photographic evidence of bedbugs dated February 11, 2026, and the investigation conducted by the officer, the city concluded that the property was not being kept free from insects, contrary to section 2.5.8.1 of the Property Standards By-law.
6. As a result, the City issued Property Standards Order OSBY-2026-0076 on February 12, 2026, requiring inspection and extermination measures by a certified pest control company in Unit #5 and surrounding units to determine the extent of bedbug activity and eradicate any infestation present. The Order required compliance by April 21, 2026, providing the owner with approximately two months to complete the required work or request an extension if circumstances beyond its control prevented compliance within that timeframe.

7. The Appellant now appeals the Order in its entirety, asserting that bedbugs are not “injurious insects,” that the Order improperly relies on section 2.5.8.1 rather than section 2.5.8.2 of the by-law, that the Order was issued without proper inspection, and that the scope of the required inspections is unreasonable. The city submits that these arguments are without merit. The Order was issued following confirmation of bedbugs by Public Health, subsequent evidence of live bedbugs reported by the tenant, and an investigation conducted by the Property Standards Officer. The remedial measures required by the Order are consistent with the city’s statutory responsibility to ensure that residential buildings are maintained in a safe, sanitary, and habitable condition.

PART II – FACTS

The Property

8. The subject property is located at 235 8th Street East, Owen Sound, Ontario, and is owned by the Appellant, Kepler Real Estate Inc. The property operates as a multi-unit residential rental building and is therefore subject to the City of Owen Sound Property Standards By-law No. 1999-030 and the provisions of the *Building Code Act*, 1992. The complaint giving rise to this matter concerns Unit #5, occupied by tenant Jerico Dodd, who reported the presence of bedbugs within the dwelling unit.
9. A by-law enforcement case concerning the property was opened on January 27, 2026, after the city received correspondence from Grey Bruce Public Health regarding a complaint from a tenant about the presence of bedbugs and confirmation the pests were in fact bedbugs on January 26, 2026.

Public Health Complaint

10. On January 26, 2026, Grey Bruce Public Health notified Kepler Real Estate Inc. and the City of Owen Sound that insect samples brought to the health unit by a resident of 235 8th Street East had been positively identified as bedbugs. Public Health advised that the resident had previously informed Kepler Real Estate Inc. of suspected bedbug activity and that a pest control representative had attended the unit but advised the tenant that the

unit was not believed to be the source of the bedbugs. The resident later discovered additional evidence of bedbugs on February 11, 2026, and again notified the landlord.

11. Following receipt of the Public Health notification, the Property Standards Officer requested that Kepler Real Estate Inc. provide a bedbug eradication plan outlining the proposed treatment schedule, contractor, product type, scope of work, and follow-up appointments.
12. In response, Kepler Real Estate Inc. provided a pest control report from Orkin Canada dated January 9, 2026. The report indicated that the technician did not observe active bedbug activity at the time of inspection but noted that the tenant had shown the technician three bedbugs believed to have been found previously. The technician nevertheless applied a crack-and-crevice treatment using OnGuard Bed Bug Killer as a precautionary measure.
13. However, Kepler Real Estate Inc. provide an inspection report by Orkin Canada that was completed before the Grey Bruce Public Health's email of January 27, 2026.
14. After reviewing the report, the city advised the tenant on February 4, 2026, to continue monitoring the unit and to notify the city if further bedbug activity was observed.

Inspection by the Property Standards Officer

15. On the evening of February 11, 2026, the tenant contacted the Property Standards Officer again and reported that bedbugs were still being found within the unit and that the tenant continued to experience bites. The tenant provided photographs showing insect samples and visible bite reactions. These photographs were dated February 11, 2026, at approximately 7:29 p.m.
16. The municipal inspection report for case OSBY-2026-0076 records that the Property Standards Officer conducted an investigation about the property on February 12, 2026, at approximately 9:26 a.m. The inspection record identifies the violation as the presence of bedbugs within Unit #5 and notes that the property was not being kept free from injurious insect's contrary to section 2.5.8.1 of Property Standards By-law No. 1999-030.

Issuance of the Property Standards Order

17. Following the investigation and inspection, the City issued Property Standards Order No. OSBY-2026-0076 on February 12, 2026. The Order cited the relevant provisions of the City's Property Standards By-law concerning extermination and pest control and identified the violation as the presence of bedbugs within the property.
18. The Order required that a certified pest control company inspect Unit #5 as well as the surrounding units immediately above, below, beside, and diagonal to the subject unit, and the adjacent hallway areas. The Order further required extermination treatment in any area where bedbugs, eggs, nymphs, or other evidence of bedbug activity were discovered, as well as completion of any recommended follow-up treatments necessary to fully eradicate the bedbug population within the building. The pest control technician was required to provide signed inspection and treatment reports to the Property Standards Officer for each visit.
19. The Order required the work to be completed by April 21, 2026, providing the owner approximately two months to complete the required inspection and extermination measures or request an extension if factors outside of the owner's control required additional time.

Notice of Appeal

20. The Appellant subsequently filed a Notice of Appeal challenging the Order in its entirety. The Appellant asserts that section 2.5.8.1 of the Property Standards By-law has not been violated because bedbugs are allegedly not "injurious insects." The Appellant further argues that the Order improperly relies on section 2.5.8.1 rather than section 2.5.8.2, that the Order was issued without the mandatory inspection required by the *Building Code Act*, that the City ignored the January 9, 2026 Orkin inspection report, and that the scope of the Order requiring inspection of surrounding units is excessive and unsupported by evidence of a building-wide infestation.

21. Instead of working with the city and coming to realistic conclusions, the Appellant exercised the right to Appeal and seeks rescission of Property Standards Order OSBY-2026-0076 and waiver of all associated fees.

PART III – ISSUES

22. The issues before the Property Standards Committee are:

- a) Whether the Property Standards Officer had authority under the Building Code Act to issue the Order.
- b) Whether bedbugs fall within the meaning of “injurious insects” under section 2.5.8.1 of the by-law.
- c) Whether the Order is invalid because the description of violation referred primarily to section 2.5.8.1 rather than section 2.5.8.2.
- d) whether the Order was issued without the inspection required by the *Building Code Act*.
- e) Whether the scope of the Order is reasonable.
- f) Whether the Order should be confirmed, modified, or rescinded

PART IV – LAW AND ANALYSIS

Authority of the Property Standards Officer Under the Building Code Act

23. Section 15.2(2) of the *Building Code Act*, 1992 authorizes a Property Standards Officer to issue an order requiring repairs or remedial work where property does not conform with the standards prescribed in a municipal property standards by-law. Once such an order is issued, section 15.3 of the Act permits the property owner to appeal the order to the Property Standards Committee.

24. This authority is reinforced by section 10(2) and section 15.1 of the *Municipal Act*, 2001, which authorize municipalities to pass by-laws respecting the health, safety and well-being of persons and the maintenance of property. Municipal property standards by-laws are remedial and are to be given a broad and purposive interpretation.

25. The City of Owen Sound has enacted Property Standards By-law No. 1999-030 pursuant to this statutory authority. The by-law establishes minimum standards for the

maintenance and occupancy of property within the municipality, including provisions addressing sanitation and pest control within residential buildings.

26. Where evidence establishes that a building is not kept free from vermin or injurious insects as required by the by-law, a Property Standards Officer is authorized to issue an order requiring remedial action necessary to restore compliance with the by-law. The Order issued in this matter falls squarely within the authority granted to the City under the *Building Code Act*.

27. The Committee's role is not to substitute its preferred standard, but to determine whether the officer acted within statutory authority and whether the Order is reasonably related to achieving compliance.

Bedbugs Are Not "Injurious Insects"

28. The Appellant asserts that section 2.5.8.1 of the Property Standards By-law has not been violated because bedbugs are allegedly not "injurious insects." This interpretation is inconsistent with both the ordinary meaning of the term and the purpose of municipal property standards legislation.

29. Section 2.5.8.1 of the by-law requires that all buildings be kept free from "vermin, termites and other injurious insects." Bedbugs are parasitic insects that feed on human blood and commonly cause bites, skin irritation, allergic reactions, sleep disturbance, and psychological distress. In multi-unit residential buildings, bedbugs can spread between units through structural openings, furnishings, and common areas if not properly controlled.

30. Municipal property standards by-laws are remedial in nature and are intended to ensure that residential buildings are maintained in a condition that is safe, sanitary, and suitable for human habitation. Within that context, bedbugs clearly fall within the category of insects that can be a health risk and nuisance to occupants and is detrimental to the safe use and enjoyment of residential premises.

31. The tenant in this case reported continued bites and provided photographs showing insect samples and visible bite reactions. These circumstances are consistent with the presence of insects within the dwelling. Accordingly, the Property Standards Officer was entitled to conclude that the building was not being kept free from injurious insects as required by section 2.5.8.2 of the by-law.
32. Bedbugs, while undesirable, are not recognized as vectors of disease and are not classified as a public health hazard in the same manner as rodents or cockroaches. Administrative decisions have consistently treated bedbugs as a pest rather than an inherently injurious one absent evidence of significant health impact.
33. Accordingly, absent evidence of actual health risk rising beyond irritation or inconvenience, bedbugs do not meet the threshold of “injurious insects” contemplated by section 2.5.8.1. The proper provision, if any, would be section 2.5.8.2 concerning infestation, which requires a different evidentiary foundation.

Appellant Argues the Order Is Not Invalid Because It Focuses on Section 2.5.8.1

34. The Appellant also argues that the Order is defective because it does not explicitly state that section 2.5.8.2 of the by-law has been violated or that an “infestation” exists. The Appellant submits that the Order therefore alleges a violation only of section 2.5.8.1 and not section 2.5.8.2.
35. This argument focuses on the wording of the Order rather than its substance. The essential purpose of a property standards order is to notify the property owner of the condition that does not comply with the by-law and to specify the work required to bring the property into compliance.
36. In this case, the Order clearly identifies the condition giving rise to the violation: the presence of bedbugs within Unit #5. The Order also sets out the corrective work required to address the issue, including professional inspection, extermination where evidence of bedbugs is found, and follow-up treatments recommended by the pest control company.

37. The Order further includes a quotation of both sections 2.5.8.1 and 2.5.8.2 under the heading identifying the applicable provisions of the by-law. Even if the description of violation refers primarily to section 2.5.8.1, the Order remains valid so long as the owner can understand the nature of the problem and the work required to remedy it.
38. The Appellant was clearly able to understand the substance of the Order, as evidenced by the detailed arguments raised in the Notice of Appeal. There is therefore no ambiguity or procedural unfairness arising from the wording of the Order.
39. Even if the Committee finds that bedbugs are not “injurious insects,” the validity of the Order turns on whether the owner had sufficient notice of the alleged deficiency and required work.
40. Courts have repeatedly held that minor defects in statutory notice do not invalidate administrative orders where no prejudice arises.
41. Here, the Order clearly identifies the presence of bedbugs and the remedial steps required. The Appellant understood the case to meet, as evidenced by the detailed appeal. There is no procedural unfairness.

The Order Was Issued Following an Inspection and Investigation

42. The Appellant argues that the Order was issued without the physical inspection required under section 15.2 of the *Building Code Act*. This allegation is not supported by the evidence.
43. Section 15.2 of the *Building Code Act* requires that an officer form an opinion that a property does not comply with the by-law; it does not require direct visual confirmation of each defect.
44. There is no statutory requirement that a Property Standards Officer personally observe or physically verify pest activity before issuing an order. In the context of property standards

enforcement, reliance on tenant complaints and public health confirmation is both common and legally sufficient.

45. The municipal inspection report for case OSBY-2026-0076 records that the Property Standards Officer investigated about the property on February 12, 2026, at approximately 9:26 a.m. The inspection record notes that the officer had received a follow-up complaint from the tenant reporting continued bedbug activity and including photographs dated February 11, 2026.
46. Property standards investigations commonly rely on a combination of sources of information, including tenant complaints, reports from public health authorities, pest control documentation, photographic evidence, and the observations of the investigating officer. The *Building Code Act* does not require that the officer personally observe each individual insect before issuing an order.
47. In this case, the officer had before him multiple sources of evidence supporting the conclusion that bedbugs were present at the property. Grey Bruce Public Health had already confirmed that insect samples brought by the tenant were bedbugs. The tenant subsequently reported continued bedbug sightings and bites and provided photographs of insect samples.
48. Taken together, this evidence provided a sufficient basis for the officer to conclude that the building was not being kept free from injurious insects and that an order was required to bring the property into compliance with the by-law.
49. In property standards enforcement, especially involving transient conditions such as bedbugs, requiring direct observation would undermine the purpose of the legislation. Bedbug activity is intermittent and often not visible during inspections. Accordingly, municipalities routinely rely on:
 - a) Public health confirmations;
 - b) Tenant evidence and photographs; and
 - c) Pest control reports.

50. Accordingly, even if no physical inspection occurred, the Order would remain valid provided the officer had a reasonable basis for forming the opinion of non-compliance.

The January 9, 2026, Orkin Report Does Not Establish Compliance

51. The Appellant relies heavily on an Orkin Canada inspection report dated January 9, 2026, arguing that the report “cleared the building” and that the city improperly ignored it.

52. The city did not ignore the Orkin report. The Property Standards Officer acknowledged receipt of the report and advised the tenant to continue monitoring the unit for further activity.

53. The report itself does not establish that the property was free from bedbugs. It records only that no active bedbug activity was observed at the time of that single inspection. The report also notes that the tenant showed the technician three bedbugs that had previously been found in the unit. The technician nonetheless applied a pesticide treatment as a precaution.

54. A single inspection that does not identify live bedbugs at a particular moment does not conclusively establish that bedbugs are absent from a residential building. Pest activity can fluctuate and may not always be visible during a short inspection.

55. Subsequent evidence received by the City on February 11, 2026, indicated that bedbugs were still being observed within the unit and that the tenant continued to experience bites. The City was therefore entitled to conclude that the January 9 inspection did not resolve the issue.

The Scope of the Order Is Reasonable and Proportionate

56. The Appellant further argues that the Order is excessive because it requires inspection of surrounding units and adjacent areas of the building.

57. However, the measures required by the Order reflect standard pest control practice for bedbug management in multi-unit residential buildings. Bedbugs are capable of migrating between units through structural openings, plumbing penetrations, electrical conduits, and shared hallways. For this reason, pest control professionals commonly recommend inspection of units adjacent to the affected unit in order to identify the extent of the infestation and prevent re-infestation after treatment.
58. Limiting inspection solely to the original unit may allow bedbugs present in neighbouring units to remain undetected and later migrate back into the treated unit. The requirement that adjacent units be inspected is therefore a reasonable precaution designed to ensure that extermination efforts are effective.
59. The Order does not require unnecessary upgrades or discretionary improvements to the property. Instead, it requires inspection and extermination measures necessary to address a pest issue affecting the habitability of a residential unit.
60. Accordingly, the scope of the Order is proportionate to the circumstances identified during the investigation.

Alleged Failure to Respond to a Demand for Particulars

61. The Appellant also argues that the city failed to respond to a “Demand for Particulars” and that this failure obstructed the Appellant’s ability to prepare a defence.
62. Property standards proceedings before a municipal Property Standards Committee are administrative hearings governed by the *Building Code Act* and the *Municipal Act* rather than formal civil litigation. The procedural requirements for such hearings are considerably less formal than those of a court proceeding.
63. The essential procedural requirement is that the owner be provided with sufficient information to understand the alleged violation and the work required to remedy it. The Order in this case clearly identifies the condition giving rise to the violation, the relevant by-law provisions, and the work required to bring the property into compliance.

64. The Appellant has demonstrated a detailed understanding of the allegations and the basis of the Order through the Notice of Appeal and accompanying submissions. Any alleged delay in responding to a request for particulars does not invalidate the Order itself.

65. In light of these factors, there is no basis for rescinding the Order.

PART V – RELIEF SOUGHT

66. The Respondent, the City of Owen Sound, respectfully requests that the Property Standards Committee:

- a) Confirm Property Standards Order No. OSBY-2026-0076; and,
- b) Grant such further and other relief as the Committee considers just.

ALL OF WHICH IS RESPECTFULLY SUBMITTED on March 20, 2026

SV Paralegal Professional Corporation

Jacqueline Armstrong
LSO P11318

4B – 325 Lambton Street
Kincardine, Ontario N2Z 0E3

Tel: 226-396-5100
jacqueline@svparalegal.com

Representative for the Respondent
City of Owen Sound

Municipal Act, 2001, S.O. 2001, c. 25

Broad authority, single-tier municipalities

10 (1) A single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public. 2006, c. 32, Sched. A, s. 8.

By-laws

(2) A single-tier municipality may pass by-laws respecting the following matters:

1. Governance structure of the municipality and its local boards.
2. Accountability and transparency of the municipality and its operations and of its local boards and their operations.
3. Financial management of the municipality and its local boards.
4. Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act.
5. Economic, social and environmental well-being of the municipality, including respecting climate change.
6. Health, safety and well-being of persons.
7. Services and things that the municipality is authorized to provide under subsection (1).
8. Protection of persons and property, including consumer protection.
9. Animals.
10. Structures, including fences and signs.
11. Business licensing. 2006, c. 32, Sched. A, s. 8; 2017, c. 10, Sched. 1, s. 1.

Municipal Act, 2001, S.O. 2001, c. 25

Specific powers, by-laws under general powers

15 (1) If a municipality has power to pass a by-law under section 9, 10 or 11 and also under a specific provision of this or any other Act, the power conferred by section 9, 10 or 11 is subject to any procedural requirements, including conditions, approvals and appeals, that apply to the power and any limits on the power contained in the specific provision. 2001, c. 25, s. 15 (1); 2006, c. 32, Sched. A, s. 11 (1).

Building Code Act, 1992, S.O. 1992, c. 23

Inspection of property without warrant

15.2 (1) Where a by-law under section 15.1 is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an order made under subsection (2) has been complied with. 1997, c. 24, s. 224 (8).

Contents of order

(2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

- (a) stating the municipal address or the legal description of the property;
- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
- (d) indicating the final date for giving notice of appeal from the order. 1997, c. 24, s. 224 (8).

Service and posting of order

(3) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property in a location visible to the public. 1997, c. 24, s. 224 (8); 2017, c. 34, Sched. 2, s. 9.

Registration of order

(4) The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (3) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 1997, c. 24, s. 224 (8).

Inspection of property without warrant

15.2 (1) Where a by-law under section 15.1 is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or

(b) whether an order made under subsection (2) has been complied with. 1997, c. 24, s. 224 (8).

Contents of order

(2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

(a) stating the municipal address or the legal description of the property;

(b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

(c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and

(d) indicating the final date for giving notice of appeal from the order. 1997, c. 24, s. 224 (8).

Service and posting of order

(3) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property in a location visible to the public. 1997, c. 24, s. 224 (8); 2017, c. 34, Sched. 2, s. 9.

Registration of order

(4) The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (3) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 1997, c. 24, s. 224 (8).

Building Code Act, 1992, S.O. 1992, c. 23

Appeal of order

15.3 (1) An owner or occupant who has been served with an order made under subsection 15.2 (2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order. 1997, c. 24, s. 224 (8).

Confirmation of order

(2) An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed. 1997, c. 24, s. 224 (8).

Duty of committee

(3) The committee shall hear the appeal. 2002, c. 9, s. 24.

Powers of committee

(3.1) On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c. 9, s. 24.

Appeal to court

(4) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c. 9, s. 24.

Appointment

(5) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served. 2002, c. 9, s. 24.

Judge's powers

(6) On the appeal, the judge has the same powers and functions as the committee. 1997, c. 24, s. 224 (8).

Effect of decisions

(7) An order that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee under subsection (3) or a judge under subsection (6), as the case may be, shall

be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order. 1997, c. 24, s. 224 (8).

**ONTARIO
CITY OF OWEN SOUND
PROPERTY STANDARDS COMMITTEE
APPEAL**

BETWEEN:

KEPLER REAL ESTATE INC

Appellant/Applicant

and

CITY OF OWEN SOUND

Respondent/Appellant

LIST OF WITNESSES
FOR THE RESPONDENT/CITY OF OWEN SOUND

Jacqueline Armstrong (LSO #P11318)
SV Paralegal Professional Corporation
Suite 4B - 325 Lambton St.
Kincardine, ON N2Z 0E3

jacqueline@svparalegal.com

Phone: (226) 396-5100

Prosecution for the City of Owen Sound

TO: Kepler Real Estate Inc.
43363 Sparta Line
St. Thomas, ON N5P 3S8

Email: admin@keplerresidences.com

Tel: (519) 377-5936

Self-represented Appellant

LIST OF WITNESSES

NAME	CONTACT INFORMATION
RILEY BRUGESS	City of Owen Sound Assigned Officer #708 808 2 nd Avenue East Owen Sound, Ontario N4K 2H4 rbrugess@owensound.ca
JERICO DODD	235 8 th Street East, Owen Sound, Ontario N4K 1L2 [REDACTED]

**APPEAL OF PROPERTY STANDARDS
ORDER #OSBY-2025-0076**

Property: 235 8th Street E, Owen Sound

Appellant: Kepler Real Estate Inc.

TABLE OF CONTENTS FOR DISCLOSURE

TAB A: NOTICE OF FILING UNDER PROTEST & RESERVED RIGHT TO AMEND

TAB A1: EXECUTIVE SUMMARY OF THE APPELLANT'S POSITION

TAB A2: NOTABLE COMMENTS FROM THE COMMITTEE OF ADJUSTMENT MEETING ON MARCH 3, 2026

TAB A3: THE COMMITTEE'S POWERS TO RESCIND ORDERS

TAB B: PROCEDURAL FAIRNESS & DISCLOSURE FAILURES

- **Exhibit B-1:** LOG OF FIVE (5) EMAILS SENT ASKING FOR EVIDENCE AND DISCLOSURE
- **Exhibit B-2:** ANALYSIS OF THE FEBRUARY 13 ANCHOR DEMAND
- **Exhibit B-3A:** APPLICATION OF OMBUDSMAN FINDINGS ON OVERSIGHT FAILURE
- **Exhibit B-3B:** APPLICATION OF OMBUDSMAN FINDINGS ON COMMUNICATION BREAKDOWN
- **Exhibit B-4:** ANALYSIS OF THE UNREASONABLE 4-DAY COMPLIANCE DEADLINE
- **Exhibit B-5:** COMPREHENSIVE CHRONOLOGY OF EMAIL HISTORY

TAB C: TECHNICAL & EXPERT EVIDENCE (BEDBUGS)

- **Exhibit C-1:** ORKIN CANADA REPORT (JAN 9)- FINDING OF 'ZERO LIVE ACTIVITY'
- **Exhibit C-2:** ORKIN CANADA OBSERVATION – FINDING OF FIRE HAZARD AND SANITATION ISSUE
- **Exhibit C-3:** BIOLOGICAL ANALYSIS OF NON-MIGRATION
- **Exhibit C-4:** WITNESS STATEMENT REGARDING LACK OF PEST ACTIVITY

TAB D: STATUTORY & LEGAL REBUTTALS

- **Exhibit D-1:** REBUTTAL TO TERMINOLOGY & STATUTORY MISCLASSIFICATION
- **Exhibit D-2:** ANALYSIS OF DISPROPORTIONATE & VAGUE MANDATES

TAB E: REMEDIATION & TERMINATION OF TENANCY

- **Exhibit E-1:** ARGUMENT ON THE FUTILITY OF ENFORCEMENT PENDING POSSESSION.
- **Exhibit E-2:** PROOF OF EVICTION PROCEEDINGS AND NON-VIABILITY OF TENANCY

APPENDIX 1: OMBUDSMAN REPORT; NO WAY TO COMPLY 2018

APPENDIX 2; PROPERTY STANDARDS MINUTES

TAB A

TAB A: NOTICE OF FILING UNDER PROTEST & RESERVED RIGHT TO AMEND

1. DECLARATION OF PROTEST

Kepler Real Estate Inc. (the "Appellant") hereby submits this disclosure package **UNDER PROTEST**. This filing is necessitated by the upcoming statutory hearing date of April 7, 2026, and is made despite the City of Owen Sound's ongoing and total refusal to provide basic disclosure or "particulars" regarding the subject Order.

2. THE INFORMATIONAL BLACKOUT

The Appellant has attempted to engage in a fair and transparent administrative process. As documented in **Exhibit B-5 (Chronology of Correspondence)**, the Appellant has issued five (5) formal, written requests for disclosure.

- As of the date of this filing (35+ days since the initial demand), the City has provided: zero (0) photographs, zero (0) inspection logs, and zero (0) technical justifications for the building-wide mandates.

3. PREJUDICE TO THE DEFENSE

The City's silence has forced the Appellant to formulate a defense in a vacuum. This Trial by Ambush is a direct breach of Section 15.2(2) of the Building Code Act and the principles of Procedural Fairness. Section 15.2(2) requires that an officer may only make an order once they "find" the property to not conform with standards via a physical inspection. The city will not respond to us to confirm that Riley Bruggess ever attended the property.

- The Appellant has been unable to verify the live samples cited in the Order.
- The Appellant has been unable to cross-reference the City's claims with our own expert's findings
- The Appellant has been denied the opportunity to resolve technical disputes before the hearing.

4. RESERVATION OF RIGHTS

The Appellant explicitly reserves the right to:

1. Object to the Introduction of Evidence: We will move to strike any surprise evidence or photographs introduced by the City at the April 7th hearing that were not provided to the Appellant during the 35-day blackout period.

2. Amend the Defense: Should the City finally provide disclosure after this filing, we reserve the right to submit a supplementary defense and seek an adjournment at the City's expense.
3. Seek Full Indemnity Costs: We will pursue legal costs associated with the City's bad-faith obstruction of the disclosure process.

TAB A1

TAB A1 EXECUTIVE SUMMARY: APPEAL OF ORDER

#OSBY-2026-0076

1. A Breach of Natural Justice The Appellant has been forced to prepare this defense blind. The City has ignored five (5) formal requests for disclosure over 35 days. This is a Trial by Ambush that violates the *Statutory Powers Procedure Act*.

2. Expert Finding vs. Administrative Hearsay The City's claim of a significant infestation is directly refuted by a January 9 inspection from Orkin Canada, which found Zero Live Activity. In the absence of any further evidence after repeated requests, the order was issued solely based on unverified third-party hearsay.

3. The "Diagonal" Overreach The Order mandates "diagonal" inspections and "follow-up recommendations" from private contractors. This is a disproportionate invasion of the privacy of six innocent families and an illegal delegation of municipal authority to a third-party company.

4. Misapplication of the By-law

- **The "Injurious" Error:** Bedbugs are a human nuisance; they do not injure the structure. The City is using the wrong statutory tool, attempting to misapply a section of the law whose spirit was intended to legislate against termites and other insects with the capability to make building structures vulnerable to collapse.
- **The "Eradication" Error:** The By-law defines extermination as removing harbouring places. As documented by Orkin, the tenant's hoarding (piles to the ceiling) provides the harbouring places. The Appellant is legally barred from removing these items without a Writ of Possession.

5. The Terminal Tenancy The tenant is currently facing eviction from the LTB as the tenancy is not viable. It is a waste of Statutory Power to order a building-wide chemical application for a unit that will be legally vacant and ready for professional stripping and remediation shortly.

TAB A2

TAB A2: NOTABLE COMMENTS FROM THE COMMITTEE OF ADJUSTMENT MEETING ON MARCH 3, 2026

“So I gather that you folks have a property standards appeal coming up and I also gather that you, with the exception of Brian, probably haven’t had any experience in that process. So I’ve been asked to come in on somewhat short notice...”— Erroll Treslan

“You want to bend over backwards to give the appellant a fair hearing.”— Erroll Treslan

“I don’t care if the person gets on the desk and defecates, do not use your contempt powers.”— Erroll Treslan

“Snow on the roof. Gets put into property standards. It shouldn’t. It might be May before we get around to a meeting, and then we stand around saying ‘Oh, did he remove the snow?’ It shouldn’t even be in property standards as snow, it should be a bylaw unto itself, a dangerous condition, overhanging ice, etcetera, etcetera. It should be a bylaw itself.”— Brian Green

“If we get any appeals, and they just want more time—nice, easy one.”— Brian Green

“Poor Ms. Landry has to keep strict minutes because, if it goes to court, it’s a whole different ballpark.”— Brian Green

TAB A3

TAB A3: THE COMMITTEE'S POWERS TO RESCIND ORDERS

It is vital for the committee to understand that they have unfettered power to rescind orders in any and all circumstances. They are free to do so, critically, even in cases where they are certain that the law has been violated. On September 18, 2018, the Property Standards Committee did precisely this with respect to an order against Grey Bruce Property Rentals Inc. **See Appendix 2**

In this case, the committee found that the written by-law failed to consider various realities that they would have wished to see the by-law contemplate. Therefore, since the by-law was not sufficiently well written, they determined that it was not to be enforced against Grey Bruce Property Rentals Inc.

From the meeting minutes: "The Committee carefully considered making our decision, but feels that the lack of a room or exterior garbage enclosure is an existing non-conforming type of situation. The Committee therefore rescinds the order and recommends that City Council consider amending the Property Standards By-law to consider such situations."

TAB B

TAB B: PROCEDURAL FAIRNESS AND DISCLOSURE FAILURES

KEPLER REAL ESTATE INC. EXHIBIT B-1: LOG OF FIVE (5) EMAILS SENT ASKING FOR EVIDENCE AND DISCLOSURE

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2



Customer Service <admin@keplerresidences.com>
to Riley, Briana, Rob

Fri, Feb 13, 8:00 AM ☆ 😊 ↩ ⋮

Good morning Riley,

Your email is suspiciously absent of most of the usual claims and statements that would ordinarily be made by the city in these circumstances. It seems you failed to attend the property, failed to complete an inspection, failed to provide us with any evidence whatsoever of a violation, and that Rob Reid did not attend the property or complete an inspection either. Please reconfirm in writing that you believe you are in an appropriate position to write this order at this time, and that you hold the good-faith belief that your actions do not violate established policies and procedures set upon you and enforced by your workplace superior.

--
CUSTOMER SERVICE TEAM
admin@keplerresidences.com
Thank you for your message.
It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.
www.KeplerResidences.com

Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2



Customer Service <admin@keplerresidences.com>
to Riley, Briana, Rob

Fri, Feb 13, 12:54 PM ☆ 😊 ↩ ⋮

Good afternoon,

That was an even more deficient response than we anticipated. Your conduct brazenly violates longstanding city policies and procedures, and a cursory 30 second search finds on a prima facie basis one or more ways this is not wholly in accordance with the Building Code Act either.

Your false statements are purposeful, not inadvertent. Expect an appeal, and expect to be held accountable for your misconduct.

Send all evidence to this email address as soon as you receive this message.

--
CUSTOMER SERVICE TEAM
admin@keplerresidences.com
Thank you for your message.
It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.
www.KeplerResidences.com

Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2



Customer Service <admin@keplerresidences.com>
to Riley, Briana, Rob

Feb 13, 2026, 1:02 PM ☆ 😊 ↶ ⋮

Good afternoon,

Pursuant to the principles of procedural fairness and the mandatory requirements of Section 15.2(2) of the Building Code Act, S.O. 1992, c. 23, Kepler Real Estate Inc. hereby demands the following particulars regarding the "inspection" cited in the Order issued on February 12, 2026.

The Order states that "it has been established by inspection" that the property does not conform to City By-law 1999-030. To ensure a fair hearing before the Property Standards Committee and to finalize our filing with the Ontario Ombudsman, please provide the following information by February 20, 2026:

1. Verification of Physical Entry: Please confirm whether the Officer physically entered the interior of Unit #5 at 235 8th St E to establish the alleged non-conformity.
2. Inspection Logistics: If a physical entry occurred, please provide the exact time of entry and the duration of the inspection conducted on February 11, 2026.
3. Nature of Evidence: Please clarify if the "live samples" referenced in the Order were observed *in-situ* (in their natural location) by the Officer during a physical inspection of the premises, or if the Officer relied on samples provided by a third party (the tenant) outside of the rental unit.
4. Scientific/Professional Basis: Please provide the professional or technical criteria used by the Officer to determine that a provided "sample" constitutes an "infestation" as defined in Section 2.5.8.2 of the By-law, particularly given the negative professional finding by a licensed pest control provider on January 9, 2026.
5. Scope of Order Justification: Provide the evidentiary basis or documented complaints from other building residents that justify the requirement for inspections of "diagonal" units and common hallways.

Please be advised that the \$220.00 processing fee is formally disputed. It is our position that the Order is procedurally defective as no lawful inspection of the real property was conducted to establish a finding of non-conformity.

Failure to provide the requested particulars by the date specified will be interpreted as an admission that no physical inspection of the interior of the property occurred, and that the Order was issued solely upon unverified third-party hearsay.

—
CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2



Customer Service <admin@keplerresidences.com>
to Riley, Briana, Rob

Tue, Feb 17, 12:06 PM ☆ 😊 ↶ ⋮

Good afternoon,

We understand you may have a volume of email to process after the long weekend. My manager asked me to recirculate the below to ensure it is at back up to the top of your inbox.

—
CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2



Customer Service <admin@keplerresidences.com>
to Briana, Rob, Riley ▾

Mon, Mar 9, 2:04 PM (12 days ago) ☆ 😊 ↶ ⋮

Ms. Bloomfield,

Management has, during an internal meeting, considered some possible roadmaps for how this matter may proceed. One theoretical, estimated, map is as follows:

- Riley continues to decline to provide evidence in advance of the hearing that he attended the property, or had sufficient knowledge of conditions necessary to write an order, as required by the OBC.
- Riley's submissions of the aforesaid on the day of the property standards committee meeting are deemed inadmissible due to a failure to provide evidence sufficiently in advance of the hearing.
- In the absence of admissible evidence, the City thereby does not have any, and the order does not stand.
- A statement of claim against Riley is prepared alleging gross negligence, for which his employer would not indemnify him.
- The statement of claim is served on him at his home address by a process server local to the [REDACTED] area.

Ms. Bloomfield, could you kindly confirm that it is your established position that you do not wish to provide evidence that there was attendance at the property? This position would be highly unusual, so you must understand why we are prompting for clear confirmation.

—
CUSTOMER SERVICE TEAM
admin@keplerresidences.com

*Thank you for your message.
It is our goal to respond to incoming emails within 24-48 hours.*

KEPLER REAL ESTATE INC.
www.KeplerResidences.com

KEPLER REAL ESTATE INC. EXHIBIT B-2: ANALYSIS OF THE FEBRUARY 13 ANCHOR DEMAND

The Document: Email sent Feb 13, 2026, to Officer Burgess and City Clerk Briana Bloomfield (See Exhibit B-1)

1. Immediacy and Specificity The Appellant sent this demand less than 24 hours after receiving the Order. It contained five (5) specific technical questions regarding:

- Physical entry vs. Hearsay.
- Scientific basis for infestation.
- Justification for diagonal unit mandates.

2. The Legal Trigger The email explicitly cited Section 15.2(2) of the Building Code Act and the principles of Procedural Fairness. This put the City on formal notice that the Appellant's right to a fair hearing was being compromised by a lack of information.

3. The Hearsay Admission Notice The email stated: *"Failure to provide the requested particulars... will be interpreted as an admission... that the Order was issued solely upon unverified third-party hearsay."*

- Since the City chose to remain silent for over 35 days despite this warning, the Appellant submits that the City has tacitly confirmed and wholly admitted the lack of a physical inspection as required by the Building Code.

4. The Trial by Ambush Tactic If the City attempts to provide this information only 7 days prior to the April 7th hearing, it constitutes a Trial by Ambush. The Ombudsman's report *No Way to Comply* (Para 179-180) condemns this "Communication Breakdown" as bad public service.

KEPLER REAL ESTATE INC. EXHIBIT B-3A: APPLICATION OF OMBUDSMAN FINDINGS ON OVERSIGHT FAILURE

Reference: *No Way to Comply* (2018) See Appendix 1

The Ombudsman's Standard:

"221. The failure to investigate the complaint in accordance with the complaint compliance protocol was a breach of standards... He sent her back to the very person she was complaining about, unacceptable conduct on the part of any public servant.

222. The Executive Director never responded to the Complainant despite the requirements of the standard to do so.

171. When MLS is unable to get voluntary compliance, it has the power to lay charges that ultimately may result in a court hearing.

172. With this function, comes an imperative for public accountability and trust. Both the process and decision-making must be transparent and fair.

The Appellant submitted five (5) formal requests for disclosure between February 13 and March 9, 2026. Every one of these requests was CC'd to the City Clerk, Briana Bloomfield, in her capacity as the officer responsible for municipal transparency and accountability.

1. Despite the Accountability and Transparency standards of the City of Owen Sound, the City Clerk's office provided zero responses to five consecutive requests.
2. By failing to intervene or ensure disclosure was provided, the Clerk effectively sent the Appellant back to the very person they were complaining about, allowing the primary subject of the complaint to act as the gatekeeper of the evidence against him.
3. This constitutes a Systemic Oversight Failure. When the person responsible for the integrity of the City's records ignores a taxpayer's request for those records during a statutory appeal, the entire administrative process is compromised.

The City Clerk's silence is not a mere oversight; it is an unacceptable conduct that mirrors the bad public service identified by the Ombudsman. It proves that the Informational Blackout was not limited to one officer, but was a coordinated failure at the highest levels of the Owen Sound administration.

The Committee is asked to recognize that the City's internal oversight failed. Because the Clerk failed to respond as required by Provincial standards, the Appellant was denied a fair opportunity to resolve this matter before the hearing.

KEPLER REAL ESTATE INC. EXHIBIT B-3B: APPLICATION OF OMBUDSMAN FINDINGS ON COMMUNICATION BREAKDOWN

Reference: *No Way to Comply* (2018), See Appendix 1

The Ombudsman's Standard:

"179. Repeatedly directing the Complainant to the Code in response to her questions was inappropriate..."

180. Instead of responding to her request in terms that could be more easily understood... [it] constitutes a complete communication breakdown. It is an example of bad public service."

On multiple occasions (specifically following the February 12th Order), the Appellant requested the particulars of the alleged infestation, including:

- Photographs of the alleged live samples.
- Inspection logs or field notes.
- The rationale for a 9-unit building-wide mandate following an Orkin finding earlier of Zero Activity.

Instead of providing the requested evidence or clarifying the City's position, the Officer responded with a generic, non-substantive statement:

"This order was issued in accordance with bylaws, policies and procedures of the City and in accordance with the building code act and the municipal act."

By hiding behind the names of statutes rather than providing the evidence requested, Officer Brugess has engaged in the exact bad public service and communication breakdown condemned by the Ontario Ombudsman.

This robotic response is a deliberate attempt to obstruct the Appellant's right to a fair hearing and a breach of the duty of transparency. It demonstrates that the Officer is not interested in compliance, but rather in maintaining an unchallengeable administrative authority.

KEPLER REAL ESTATE INC. EXHIBIT B-4: ANALYSIS OF THE UNREASONABLE 4-DAY COMPLIANCE DEADLINE

Reference: Communication from Officer Riley Burgess dated January 27, 2026, demanding a building-wide eradication plan by February 2, 2026 (see Exhibit B-5)

1. Logistical Impossibility The Officer demanded a comprehensive eradication plan for a 9-unit multi-residential building within only four (4) business days.

- A building-wide plan requires coordinating with 7 separate households, securing a contract with a licensed pest control provider, and scheduling specialized technicians.
- Professional bedbug treatment requires tenants to perform extensive "prep" (laundry, moving furniture, clearing closets). It is physically impossible for 7 families to receive notice, understand instructions, and complete this preparation within a 96-hour window.

2. Conflict with Provincial Law (RTA) Under the *Residential Tenancies Act* (RTA), a landlord must provide 24 hours' written notice to enter a unit.

- To inspect or treat 7 units, a landlord must issue 7 individual notices.
- By the time a landlord receives the Officer's demand, contacts a contractor to find an available date, and issues the legal 24-hour notices, the 4-day window has already expired.

3. Breach of the "Vavilov" Reasonableness Standard As established by the Supreme Court of Canada in *Vavilov*, administrative decisions must be "intelligible and justified."

- A deadline that ignores the physical and logistical reality of the work requested is not "intelligible."
- There is no evidence of an "Emergency" (which would require a Section 15.3 Order) that justifies bypassing a reasonable length of time for compliance.

KEPLER REAL ESTATE INC. EXHIBIT B-5: Comprehensive Chronology of Email History

Bedbugs at 235 8th Street East, Owen Sound N4K 1L2 External



AI Overview

- Robert Reid informed Customer Service that bedbugs were confirmed at 235 8th Street East.
- The Grey Bruce Health Unit requests the landlord provide an eradication plan in a timely manner.

By Gemini; there may be mistakes. [Learn more](#)



R Robert Reid <R.Reid@publichealthgreybruce.on.ca>
to me, Riley, jerico154@hotmail.com

Mon, Jan 26, 4:12 PM ☆ 😊 ↶ ⋮

This email is to inform you that a sample of bedbugs brought to the Grey Bruce Health Unit today by a resident of 235 8th Street East in Owen Sound has been positively identified as bedbugs. The resident had informed the landlord last year and a pest control representative provided a quick treatment and informed the resident that his unit was not the source of the bedbugs. The resident found more evidence of bedbugs on January 20, 2026 and informed the landlord. The Grey Bruce Health Unit requests that the landlord provide GBHU and Owen Sound By-Law with a plan to eradicate these pests from this apartment building in a timely manner. Thank you for your cooperation.
Robert



Robert Reid [B.A.Sc.](#), CIPHI
Public Health Inspector
Grey Bruce Public Health
101 17th Street East
Owen Sound, ON, N4k 0A5
519-376-9420 ext.1355
r.reid@publichealthgreybruce.on.ca

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2 External Inbox x



AI Overview

- Robert from Grey Bruce Health Unit reported positive bedbug identification at 235 8th Street East and requested an eradication plan.
- Riley, By-law Enforcement, requested Kepler Residences provide a detailed eradication plan by February 2, 2026.
- The current status is that Kepler Residences must provide the requested plan details to Riley and Robert.

By Gemini; there may be mistakes. [Learn more](#)



R Riley Brugess <rbrugess@owensound.ca>
to Robert, me, [REDACTED]

Tue, Jan 27, 10:27 AM ☆ 😊 ↶ ⋮

Good morning,

Kepler Residences Customer Service Team: Please provide myself and the GBHU Inspector, **no later than February 2, 2026**, a response indicating your plan to eradicate bedbugs from the subject property. The plan must include:

- Scheduled date and time for work to be completed
- Name of contractor that will be completing the work
- Product type and application methods
- Scope of work (where product will be placed - must include areas inside the unit and common areas).
- Any follow up/secondary application appointments (date and time).

Thank you,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2



Customer Service <admin@keplerresidences.com>
to Riley, Briana, Robert

Mon, Feb 2, 1:22 PM ☆ 😊 ↶ ⋮

Dear Riley,

We are in receipt of your request for an eradication plan for 235 8th Street East. Please find the attached Orkin Service Report #24998181 dated January 9, 2026, which serves as our official professional record for this matter.

On January 9, 2026, a licensed Orkin technician conducted a thorough inspection of the subject unit. The findings were as follows:

- Zero Live Activity: The technician explicitly stated: "At the time of service inspection did not find any activity".
- Attestation of Facts: The resident was present for the inspection and signed the report, formally attesting to the technician's findings.
- Source Discrepancy: The only physical evidence produced were three adult bedbugs the resident claimed were found three weeks prior to the inspection. No nymphs, eggs, or fresh activity were found to suggest an ongoing or migrating infestation.
- Proactive Treatment: Despite the lack of live activity, we proactively authorized a "Crack and Crevice" application of OnGuard Bed Bug Killer (PCP #31515) to ensure a residual barrier.
- Scope of Work: Based on the professional finding of zero live activity by a licensed expert, there are no reasonable or probable grounds to suggest a building-wide issue. We will not be conducting speculative, building-wide inspections of the surrounding units or commercial spaces. Such a request is invasive, costly, and unsupported by the physical evidence verified on-site. Any new claims by the resident follow proper clearance of the premises by a professional, and are currently being addressed via the appropriate Form N5 under the Residential Tenancies Act issued to the tenant for interfering with our lawful rights and interests.

Be advised that all future inquiries regarding maintenance, pest control, or property standards for Kepler Residences, Kepler Real Estate Inc., and all other associated corporations must be directed solely to our management office. Our third-party contractors are not authorized representatives of the landlord for the purpose of municipal inquiries. We are aware that you have previously contacted our private contractors directly regarding other properties, an interference that nearly caused the termination of a critical business relationship (and for which we are told by the contractor you subsequently personally apologized for). Any further unauthorized contact with our contractors will be documented and included in a formal grievance to the Ombudsman. Contacting any of our third party contractors without explicit, written authorization represents gross negligence. If you are grossly negligent in this regard, your employer will not indemnify you, and we would sue you personally for recovery of associated financial losses.

We consider the property to be in compliance with Property Standards based on the attached professional findings.

--

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

External Inbox x



AI Overview

- Robert requested a pest eradication plan for bedbugs at 235 8th Street East from the landlord.
- Riley demanded a detailed plan by February 2, 2026, including contractor and scope details.
- Customer Service responded by citing a January 9 Orkin report showing no live activity, refusing building-wide treatment.
- Riley acknowledged the report timing discrepancy and advised the landlord to proactively monitor for further activity.

By Gemini; there may be mistakes. [Learn more](#)



Riley Brugess <rbrugess@owensound.ca>
to me, Briana, Rob

Wed, Feb 4, 2:14 PM ☆ 😊 ↶ ⋮

Good afternoon,

Thank you for sending a copy of the inspection/treatment report. As you will note in the initial email sent to you by Grey Bruce Public health, the bedbug samples were found on January 20th, which is after the inspection by Orkin (completed on January 9th).

However, at this time, the resident has been advised to continue monitoring the unit. Should any more bedbugs be found, further inspection and treatment by a pest control company will be required. I would encourage you to proactively monitor and control bedbugs, using methods such as the ones listed on your contractors website under "Commercial Bed Bug Control".

Regards,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

- Customer Service initially refused building-wide treatment, citing a January 9 Orkin report showing no live activity.
- Riley issued a Property Standards Order for Unit #5 compliance by April 21, 2026, after live bedbugs were found on February 11.

By Gemini; there may be mistakes. [Learn more](#)



R Riley Brugess <rbrugess@owensound.ca>
to me, Briana, Rob

Thu, Feb 12, 10:43 AM ☆ 😊 ↶ ⋮

Good morning,

Please be advised that live bedbugs were found in Unit #5 on February 11, 2026.

Attached you will find a Property Standards Order. The order must be complied with no later than **April 21, 2026**.

In the event that factors outside of your control require a reasonable extension to this timeline, let me know prior to the compliance date, advising of the reason for the need for an extension, the date with which you are requesting an extension, and providing any evidence of the factor being outside of your control.

Additionally attached you will find an invoice, as well as a Notice of Appeal form. The invoice must be paid no later than March 12, 2026. If the invoice remains unpaid after that date, the amount of the invoice will be added to the tax roll of the property, and collected in the same manner as property taxes. Further information regarding the appeal process is available at owensound.ca/living-here/by-law-enforcement/property-standards-appeals/. The final date for giving notice of Appeal is March 3, 2026.

Regards,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
[519-376-4440](tel:519-376-4440) ext. 1270

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2



C Customer Service <admin@keplerresidences.com>
to Riley, Briana, Rob

Fri, Feb 13, 8:00 AM ☆ 😊 ↶ ⋮

Good morning Riley,

Your email is suspiciously absent of most of the usual claims and statements that would ordinarily be made by the city in these circumstances. It seems you failed to attend the property, failed to complete an inspection, failed to provide us with any evidence whatsoever of a violation, and that Rob Reid did not attend the property or complete an inspection either. Please reconfirm in writing that you believe you are in an appropriate position to write this order at this time, and that you hold the good-faith belief that your actions do not violate established policies and procedures set upon you and enforced by your workplace superior.

--
CUSTOMER SERVICE TEAM
admin@keplerresidences.com
Thank you for your message.
It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.
www.KeplerResidences.com

Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.

AI Overview

- Robert reported positive bedbug identification at 235 8th Street East, requesting an eradication plan from the landlord.
- Riley issued a formal plan request, which Customer Service initially denied based on a prior inspection finding zero live activity.
- Riley issued a Property Standards Order for Unit #5 after live bedbugs were found on February 11th, setting compliance and appeal deadlines.
- Customer Service questioned Riley's authority to issue the order without an on-site inspection, to which Riley confirmed compliance with city procedures.

By Gemini; there may be mistakes. [Learn more](#)



R

Riley Brugess <rbrugess@owensound.ca>
to me, Briana, Rob

Fri, Feb 13, 11:52 AM ☆ 😊 ↶ ⋮

This order was issued in accordance with the by-laws, policies, and procedures of the City, and in accordance with the Building Code Act, and the Municipal Act.

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
519-376-4440 ext. 1270
rbrugess@owensound.ca
www.owensound.ca
www.owensound.ca/living-here/by-law-enforcement/

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2



C

Customer Service <admin@keplerresidences.com>
to Riley, Briana, Rob

Fri, Feb 13, 12:54 PM ☆ 😊 ↶ ⋮

Good afternoon,

That was an even more deficient response than we anticipated. Your conduct brazenly violates longstanding city policies and procedures, and a cursory 30 second search finds on a prima facie basis one or more ways this is not wholly in accordance with the Building Code Act either.

Your false statements are purposeful, not inadvertent. Expect an appeal, and expect to be held accountable for your misconduct.

Send all evidence to this email address as soon as you receive this message.

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2



Customer Service <admin@keplerresidences.com>
to Riley, Briana, Rob

Feb 13, 2026, 1:02 PM ☆ 😊 ↶ ⋮

Good afternoon,

Pursuant to the principles of procedural fairness and the mandatory requirements of Section 15.2(2) of the Building Code Act, S.O. 1992, c. 23, Kepler Real Estate Inc. hereby demands the following particulars regarding the "inspection" cited in the Order issued on February 12, 2026.

The Order states that "it has been established by inspection" that the property does not conform to City By-law 1999-030. To ensure a fair hearing before the Property Standards Committee and to finalize our filing with the Ontario Ombudsman, please provide the following information by February 20, 2026:

1. Verification of Physical Entry: Please confirm whether the Officer physically entered the interior of Unit #5 at 235 8th St E to establish the alleged non-conformity.
2. Inspection Logistics: If a physical entry occurred, please provide the exact time of entry and the duration of the inspection conducted on February 11, 2026.
3. Nature of Evidence: Please clarify if the "live samples" referenced in the Order were observed *in-situ* (in their natural location) by the Officer during a physical inspection of the premises, or if the Officer relied on samples provided by a third party (the tenant) outside of the rental unit.
4. Scientific/Professional Basis: Please provide the professional or technical criteria used by the Officer to determine that a provided "sample" constitutes an "infestation" as defined in Section 2.5.8.2 of the By-law, particularly given the negative professional finding by a licensed pest control provider on January 9, 2026.
5. Scope of Order Justification: Provide the evidentiary basis or documented complaints from other building residents that justify the requirement for inspections of "diagonal" units and common hallways.

Please be advised that the \$220.00 processing fee is formally disputed. It is our position that the Order is procedurally defective as no lawful inspection of the real property was conducted to establish a finding of non-conformity.

Failure to provide the requested particulars by the date specified will be interpreted as an admission that no physical inspection of the interior of the property occurred, and that the Order was issued solely upon unverified third-party hearsay.

—
CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2



Customer Service <admin@keplerresidences.com>
to Riley, Briana, Rob

Tue, Feb 17, 12:06 PM ☆ 😊 ↶ ⋮

Good afternoon,

We understand you may have a volume of email to process after the long weekend. My manager asked me to recirculate the below to ensure it is at back up to the top of your inbox.

—
CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2



Customer Service <admin@keplerresidences.com>
to Briana, Rob, Riley

Mon, Mar 9, 2:04 PM (12 days ago) ☆ 😊 ↩ ⋮

Ms. Bloomfield,

Management has, during an internal meeting, considered some possible roadmaps for how this matter may proceed. One theoretical, estimated, map is as follows:

- Riley continues to decline to provide evidence in advance of the hearing that he attended the property, or had sufficient knowledge of conditions necessary to write an order, as required by the OBC.
- Riley's submissions of the aforesaid on the day of the property standards committee meeting are deemed inadmissible due to a failure to provide evidence sufficiently in advance of the hearing.
- In the absence of admissible evidence, the City thereby does not have any, and the order does not stand.
- A statement of claim against Riley is prepared alleging gross negligence, for which his employer would not indemnify him.
- The statement of claim is served on him at his home address by a process server local to the [redacted] area.

Ms. Bloomfield, could you kindly confirm that it is your established position that you do not wish to provide evidence that there was attendance at the property? This position would be highly unusual, so you must understand why we are prompting for clear confirmation.

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

- Robert reported positive bedbug identification at 235 8th Street East, requesting an eradication plan from the landlord.
- Riley issued a formal Property Standards Order with a compliance date of April 21, 2026, after new live bedbugs were found in Unit #5 on February 11.
- Customer Service disputed the Order's basis, demanding Riley provide evidence of physical entry and inspection details by February 20, 2026.
- Customer Service then forwarded a theoretical roadmap to Briana, suggesting Riley's failure to provide evidence will lead to the Order being overturned and a claim against Riley.

By Gemini; there may be mistakes. [Learn more](#)



Staci Landry <slandry@owensound.ca>
to me, Briana, Riley, Robert

Tue, Mar 10, 8:38 AM (11 days ago) ☆ 😊 ↩ ⋮

Good morning,

The City Clerk has forwarded your email to me for response as the Secretary of the Property Standards Committee.

As per the Notice of Appeal Hearing emailed to you on March 5, 2026 (and in accordance with the [Property Standards Committee Procedure](#)), disclosure packages are due to me no later than **March 24, 2026**. I will provide the disclosure packages to all Parties no later than **March 26, 2026**. The disclosure package may contain any written or documentary evidence that the Party intends to make use of at the Hearing on **April 7, 2026**. I have attached my email of March 5, 2026 to this email for ease of reference.

Since the Order has been appealed, the Property Standards Committee must now determine if they will confirm, rescind, modify, or extend the timeline for complying with the Order. Under the *Building Code Act*, the Committee has the same powers as the By-law Enforcement Officer.

On your Notice of Appeal, you indicated that you would like to have an electronic hearing. I will send an invitation to you closer to the Hearing date with a Teams link to join the meeting virtually. This invite will from the email address, council3@owensound.ca.

Let me know if you have any questions.

Best,

Staci Landry

Deputy Clerk

Corporate Services Department

City of Owen Sound

TAB C

TAB C: TECHNICAL & EXPERT EVIDENCE (BEDBUGS)

KEPLER REAL ESTATE INC. Exhibit C-1: ORKIN CANADA REPORT (JAN 9)- FINDING OF 'ZERO LIVE ACTIVITY'



SERVICE REPORT

CONTACT ORKIN CANADA CORPORATION:

(705) 734-9477
016-BARRIE
4 ALLIANCE BLVD
Unit 12
BARRIE, ON L4M 7G3

CUSTOMER INFORMATION

Business Name KEPLER REAL ESTATE INC
Customer Since 2025
SERVICE ADDRESS
Name ALICIA GILLESPIE
Address 235 8TH ST E
OWEN SOUND, ON N4K 1L2
Telephone [REDACTED]
Account # [REDACTED]
Program ID 1640037

BILLING ADDRESS

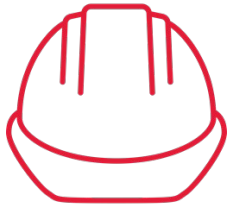
Name ALICIA GILLESPIE
Address 43363 SPARTA LINE
ST THOMAS, ON N5P 3S8
Telephone [REDACTED]
Email Address [REDACTED]

SERVICE INFORMATION

Date of Service 1/9/2026
Service Type PC Standard - Odd Job
Service Event Type PC Odd Job 1st Service
Time In 11:03 AM **Time Out** 12:05 PM

INVOICE INFORMATION

Invoice / Service Report # 249 [REDACTED]



TECHNICIAN NAME
JAMES GRAHAM
LICENSE # L-206-1117733331

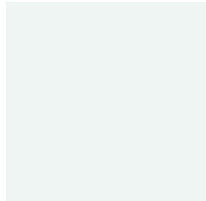
COMMENTS ABOUT TODAY'S SERVICE

At the time of service inspection did not find any activity. Tenant showed me three bedbugs that were found about three weeks ago. I dusted cracks and crevices.

TODAY'S OBSERVATIONS



Observation: Structural Concern
Pest Type:
Recommendation: Crack/gap in wall that requires sealing
Responsibility: Customer
Status: Pending (Customer resolution needed)



Location: Hole in ground in front of garage
Observation: Structural Concern
Pest Type:
Recommendation: Crack/gap in wall that requires sealing (Backfill hole and seal any remaining gaps)
Responsibility: Customer
Status: Resolved

PRODUCT DETAILS

For additional information, a copy of the Label and/or SDS may be requested from your local branch or from [http:// www.orkincanada.ca](http://www.orkincanada.ca).

Product Name ONGUARD BED BUG KILLER PCP #31515	Quantity 1	Active Ingredient D-Phenothrin/Tetramethrin, .2%	Target Pests Bed Bug
Formulation Aerosol/Aérosol	PCP # 31515	Application Method Crack and Crevice	Location Interior - Perimeter
Application Rate D-Phenothrin 0.20% and Tetramethrin 0.20%	Lot Number	Application Equipment Power Duster	



Technician's Signature



Customer's Signature
ALICIA GILLESPIE

If you would prefer to not have photos included on future service reports, contact your local branch.

ADDITIONAL DETAILS

WAS THERE EXTERIOR USE OF INSECTICIDE / HERBICIDE / FUNGICIDE / MITICIDE?
NO

**KEPLER REAL ESTATE INC. Exhibit C-2: ORKIN CANADA OBSERVATION – FINDING OF
FIRE HAZARD AND SANITATION ISSUE**

Re: Follow up regarding 5-325 8th St E Documentation request External Inbox x



AI Overview



← **Chessell, Michelle**
to me ▾

Fri, Mar 20, 11:12 AM (2 days ago) ☆ 😊 ↶ ⋮

Hello Alicia,

I have finally heard back from Jim and he has written the following observations.

"At the time of service and inspection no live activity was found. As the inspection continued I noticed some bugs on the box spring, so I lightly dusted around the bed area. I also noticed that the apartment was very messy and untidy. There were piles of boxes and various other things piled almost to the ceilings. There was a foul odour of cat feces, garbage and marijuana. There were pathways to moved about the apartment. The tenant had two cats that I noticed while I was in the apartment. The overall condition of the apartment, I feel, is a very high sanitation issue to which could possibly be why pests are being brought into the apartment. As well, I feel, also that due to the overcrowding of the apartment, it is not only a fire hazard as well as a haven for pests. The tenant showed me three bed bugs in a zip lock bag and told me where he found them. He also proceeded to tell me that he removed a bunch of items from the possible area of his findings and moved them to another part of the apartment. The tenant also mentioned that he feels that the issue is coming from another apartment. The tenant was very nice and apologized about the condition of the apartment."

Thanks,
Michelle Chessell
Customer Service Admin/Accounts Receivable
Orkin Canada
4 Alliance Blvd. Unit # 12
Barrie, ON
L4M 7G3
Tel: 705-408-2505
Fax: 705-734-0532
www.orkincanada.com



KEPLER REAL ESTATE INC. EXHIBIT C-3: BIOLOGICAL ANALYSIS OF NON-MIGRATION

1. The Nature of Bedbug Migration Bedbugs are active crawlers that migrate between units in multi-residential buildings via:

- Electrical conduits and wall voids.
- Plumbing chases and shared heating ducts.
- Common hallways and shared laundry facilities.
- Baseboards and flooring gaps.

2. The "Migration Gap" as Negative Proof The City issued a Building-Wide Order (#OSBY-2026-0076) on the premise of a "significant infestation."

- The Physical Reality: In a 9-unit building, a "significant" infestation (one large enough to be "found" and "established") would inevitably result in secondary infestations in adjacent units—specifically the units beside, above, and directly below the source unit (Unit #5).
- The Evidence of Absence: As of March 23rd, 2026, zero complaints have been received from any of the other units in the building.
- The Office Observation: Two Kepler Real Estate employees work 40 hours per week in the professional office situated directly beneath Unit #5. Both employees have reported zero sightings, zero bites, and zero biological activity over the two-month period of this dispute.

3. The "Over-Inclusive" Error Section 2.5.8.2 of the Owen Sound Property Standards By-law allows for extermination only where an infestation is "found."

- The City has provided zero evidence of a finding in the common areas or the other units.
- By ordering a building-wide spray without evidence of migration, the City is engaging in "Over-Inclusive Enforcement"

4. Scientific Improbability: If a "significant infestation" existed on February 11th, it is biologically improbable that it would remain contained within a single unit for over 40 days without spreading. The lack of sightings elsewhere is proof that the condition in Unit #5 is, at most, an isolated introduction, not meeting the required definition of infestation.

KEPLER REAL ESTATE INC. EXHIBIT C-4: WITNESS STATEMENT REGARDING LACK OF PEST ACTIVITY

1. Personal Knowledge and Observation I am an employee of Kepler Real Estate Inc. and my primary place of work is the professional office located directly beneath Unit #5 at 235 8th St E. I have worked in this location for over 2 years and am present in the office for approximately 40 hours per week.

2. Physical Location Context The office I occupy is situated directly beneath the floorboards of Unit #5. It shares electrical conduits, plumbing chases, and wall voids with the residential unit above. As a person working in this space daily, I am uniquely positioned to observe any migration of pests (specifically bedbugs) from the unit above into the commercial space below.

3. Statement of Facts

- **Zero Sightings:** Between January 1, 2026, and the date of this statement (March 23rd), I have observed zero live bedbugs, nymphs, or eggs within the office premises.
- **Zero Physical Evidence:** I have found no physical evidence of bedbug activity, such as fecal spotting, shed skins (exuviae), or blood stains on office furniture or common area surfaces.
- **Zero Physical Irritation:** At no time during this period have I experienced bites, itching, or skin irritation associated with bedbug activity while working in the office.

4. Conclusion on Migration The City has ordered a "Building-Wide" eradication based on a "significant infestation" in Unit #5. Based on my daily presence in the space directly adjacent to the alleged source, I can state with certainty that no such infestation has migrated to the lower level of the building.

If a "significant" infestation existed, it is highly probable that activity would be visible in the office directly below. My experience confirms that no such activity exists.

TAB D

TAB D: STATUTORY AND LEGAL REBUTTALS

KEPLER REAL ESTATE INC. EXHIBIT D1: REBUTTAL TO TERMINOLOGY & STATUTORY MISCLASSIFICATION

Owen Sound Property Standards By-law #1999-030,

Section 2.5.8:

2.5.8.1 All buildings shall be kept free from vermin, termites and other injurious insects.

2.5.8.2 Where it is found that there is an infestation of insects or vermin within or about a building, extermination and/or fumigation shall be carried out until the infestation is eradicated in accordance with the provisions of the Environmental Protection Act and the Pesticides Act of Ontario.

1. The "Ejusdem Generis Rule Under the legal principle of *Ejusdem Generis*, general words ("other injurious insects") that follow specific words ("vermin, termites") must be interpreted as belonging to the same class as the specific words.

- **The Class:** Termites and vermin (rats/mice) are structurally destructive. They destroy wood, chew through electrical wiring, and compromise insulation. They "injure" the real property.
- **The Mismatch:** Bedbugs do not feed on wood, they do not compromise the structural integrity of a building, and they do not cause "injury" to the property. They are a human nuisance.

2. Health Canada & Ministry of Health Classification Health Canada and Public Health Ontario categorize bedbugs as a Nuisance Pest, explicitly stating they are "not known to spread disease" and are "not a health hazard."

- If a pest does not damage the building (not a Property Standards issue) and does not spread disease (not a Health Hazard issue), it remains a "Nuisance."
- Officer Brugess is attempting to use a Structural Building Code to solve a Human Nuisance issue. This is an "Ultra Vires" (beyond power) use of the By-law.

3. The "Infestation" Burden of Proof (Section 2.5.8.2) The City relies on the word "infestation" to justify its building-wide order.

- An infestation requires proof of a self-sustaining population (eggs, multiple life stages).
- On January 9, Orkin Canada conducted an inspection and found "Zero Live Activity."
- The City has failed to provide any evidence of a sighting whatsoever, let alone an 'infestation' to justify an order.

4. Statutory Impossibility

The order defines extermination as: “Extermination” means the control and elimination of insects, termites, vermin, rodents or other pests by eliminating their harbouring places; by removing or making inaccessible or unpalatable materials that may serve as their food, by poison, spraying, fumigating, trapping or by any other recognised and appropriate means of pest elimination.

The Appellant is legally barred from removing the tenant's piles to the ceiling (the harbouring places) until the LTB issues a Writ of Possession. Compliance with the definition provided in the By-law is therefore legally impossible.

EXHIBIT D-2: ANALYSIS OF DISPROPORTIONATE & VAGUE MANDATES

Reference: Order #OSBY-2026-0076, "Work Required to Comply."

1. The Diagonal Search Error The Order mandates inspections for units "immediately above, below, beside, and diagonal to the subject unit.

- Bedbug migration typically follows linear wall voids or common plumbing/electrical chases (vertical or horizontal). There is zero technical justification for a "diagonal" search in a multi-residential building, especially when the professional Orkin inspection on January 9 found Zero Live Activity in the source unit itself.
- To date (March 23rd), we have not received a single complaint about bedbugs from any unit in the building other than unit 5
- Under the *Building Code Act*, an order must be necessary to achieve compliance. A diagonal search of clean units where no activity has been reported by tenants is an arbitrary fishing expedition that exceeds the Officer's authority.

2. Interference with "Quiet Enjoyment": By ordering the Landlord to inspect units that have zero history of activity and zero tenant complaints, the City is forcing a potential breach of the *Residential Tenancies Act* (RTA).

- If the Landlord enters a non-affected tenant's unit without a valid maintenance reason or tenant complaint, the Landlord faces immediate T2 (Harassment/Privacy) claims at the Ontario Landlord and Tenant Board (LTB). If the landlord were to follow the City's requests, it is expected that the Province of Ontario would find the landlord guilty of an offence under the Residential Tenancies Act 2006.
- The City's Order effectively forces the Landlord to choose between violating a municipal By-law or violating provincial Tenant Protection laws. The City cannot order a citizen or entity to perform an act that exposes them to legal liability under Provincial legislation.

3. Improper Delegation of Statutory Authority The Order requires the Appellant to complete *any follow-up treatments recommended by the pest control company*.

- A municipality cannot delegate its enforcement power to a private, for-profit third party.
- This mandate gives a private contractor a blank cheque to order unlimited, expensive treatments at the Landlord's expense. Only a Property Standards Officer—not a private technician—has the legal power to determine if an Order has been satisfied.

4. Failure of the "Vavilov" Reasonableness Test The Supreme Court of Canada in *Minister of Citizenship and Immigration v. Vavilov*, 2019 SCC 65 requires government decisions to be "intelligible and justified." There is no rational chain of logic that leads from one unverified report of bedbugs by Unit 5 (in the absence of any other complaint in the building) to mandatory chemical inspections of hallways and diagonal apartments across an entire building.

TAB E

TAB E: REMEDIATION & TERMINATION OF TENANCY

KEPLER REAL ESTATE INC. EXHIBIT E-1: ARGUMENT ON THE FUTILITY OF ENFORCEMENT PENDING POSSESSION

Reference: Order #OSBY-2026-0076 and Owen Sound By-law #1999-030, Section 2.5.8.

1. The Statutory Definition of "Extermination" Section 2.5.8 of the By-law defines "Extermination" as the process of "*eliminating harbouring places*" and the removal of conditions that allow pests to survive.

- **The Reality:** As documented by Orkin Canada (Exhibit C-2), Unit #5 is in a state of extreme hoarding with "piles to the ceiling" and significant sanitation issues. These piles are the primary "harbouring places."

2. The Legal Impossibility of Compliance Under the *Residential Tenancies Act* (RTA), a landlord has no legal authority to forcibly remove a tenant's personal belongings, furniture, or "hoarded" items while the tenant remains in possession of the unit.

- **The Deadlock:** The City's Order requires "Extermination" (which includes removing harbouring places). However, Provincial law (RTA) forbids the Landlord from removing those items. The City is effectively ordering the Landlord to perform an illegal act or an act that is legally impossible to execute.

3. The Expert Opinion on Futility The licensed technician from Orkin Canada explicitly noted that effective treatment is impossible until the unit is properly prepared.

- Applying chemical treatments to a "hoarded" unit is not only ineffective but is a violation of the *Pesticides Act* protocols, which require targeted application to specific surfaces.
- Spraying chemicals onto piles of clutter does not achieve "eradication"; it merely creates a toxic environment without solving the biological problem.

4. The Pending Eviction. The Appellant has already initiated legal proceedings to terminate the tenancy of Unit #5 (Exhibit E-2)

- **The Writ of Possession:** Once a Writ of Possession is issued by the Landlord and Tenant Board (LTB) and executed by the Sheriff, the Landlord will have the legal right to clear the unit, remove the "harbouring places," and conduct a professional, deep-structure remediation.
- **Waste of Statutory Power:** To force a building-wide chemical treatment now, while the source unit is inaccessible and un-preparable, is a waste of municipal and private resources.

**KEPLER REAL ESTATE INC. EXHIBIT E-2: PROOF OF EVICTION PROCEEDINGS AND
NON-VIABILITY OF TENANCY**

To: (Tenant's name) include all tenant names	From: (Landlord's name)
JERICO DODD	KEPLER REAL ESTATE INC.
Address of the Rental Unit:	
5-235 8TH STREET EAST, OWEN SOUND, ON N4K 1L2	

This is a legal notice that could lead to you being evicted from your home.

The following information is from your landlord

I am giving you this notice because I want to end your tenancy - I want you to move out of your rental unit by the following termination date: 3 0 / 0 6 / 2 0 2 6 .

dd/mm/yyyy

My Reason(s) for Ending your Tenancy

I have shaded the box(es) next to my reason(s) for ending your tenancy.

- Reason 1:** You have persistently paid your rent late.
- Reason 2:** You no longer qualify to live in public or subsidized housing.
- Reason 3:** I made the unit available to you as a condition of your employment and your employment has ended.
- Reason 4:** Your tenancy was created in good faith as a result of an Agreement of Purchase and Sale for a proposed condominium unit and that agreement has been terminated.
- Reason 5:** You are occupying the unit specifically to receive rehabilitative or therapeutic services and the period of tenancy to which you agreed has ended.
I can only give you a notice for this reason if no other tenant receiving rehabilitative and/or therapeutic services is allowed to live in the residential complex for more than 4 years.

Details About the Reasons for this Notice

I have listed below the events that have led me to give you this notice, including the dates and specific details.

SEE ATTACHED SCHEDULE 'A'

Schedule 'A' - Payment History

Rent is due on the 1st day of each month. The rental payments have been paid persistently late based on the etransfer payment dates and amounts which are outlined below (DD/MM/YYYY):

03/09/2025: \$1345.83
10/09//2025: \$29.17
03/10//2025: \$1375.00
07/11//2025: \$1303.24
08/11/2025: \$71.91
18/12/2025: \$1375.00
As of 12/02/2026: \$0.00

APPENDIX 1

NO WAY TO COMPLY

An Investigation into the Enforcement Practices of
Municipal Licensing and Standards

Fiona Crean
Ombudsman



TABLE OF CONTENTS

1.0	Executive Summary	1
2.0	The Complaint	3
3.0	The Investigation	3
4.0	The Issues.....	3
5.0	The Facts	3
5.1	Background	3
5.2	Inspection #1	4
5.3	Property Standards Order.....	5
5.4	Municipal Code and Complainant's Efforts to Contact MLS	6
5.5	Inspection #2	8
5.6	Inspection #3	9
5.7	Preparing for Prosecution	10
5.8	Notice of Prosecution.....	11
5.9	Inspection #4	12
5.10	Escalation of the Complaint	13
5.11	Prosecution.....	16
5.12	Inspection #5	16
5.13	Post Prosecution.....	17
5.14	MLS Operating Procedures	18
6.0	Policies and Procedures.....	19
6.1	Training	19
7.0	Directive Regarding Ombudsman Investigation	19
8.0	Ombudsman Findings	20
8.1	Duty of Fairness.....	20
8.2	Failure to Communicate.....	21
8.3	Unreasonable Conduct	21
8.4	Flawed Process: Content of Order.....	22
8.5	Lack of Training and Support.....	23
8.6	Poor Record Keeping	23
8.7	Management of the Complaint.....	24
9.0	Actions of the Executive Director.....	24

10.0 Ombudsman Conclusions 25

11.0 Ombudsman Recommendations 26

12.0 The City’s Response 28

Appendix A – Relevant Legislation..... 29

1.0 Executive Summary

1. Ms A complained to the Office of the Ombudsman that the Municipal Licensing and Standards Division (MLS) acted unfairly in enforcing a Property Standards Order. She said they failed to explain the order and were dismissive of her queries and concerns.
2. The investigation looked at the MLS actions, the conduct of the Municipal Standards Officer (MSO) and the process MLS followed in responding to Ms A's complaints.
3. During the investigation, the Ombudsman learned that the MLS executive director directed his staff to report the details of their interviews with the investigator. Since the content of interviews is, by mandate, confidential, this action was added to the investigation.
4. In 2007, Ms A bought a bungalow in Etobicoke for her elderly mother, who did not adjust well to the new home. As a result, Ms A rented the property until the end of May 2009, when she began renovations to the home. In June, the former tenant called MLS to report a property standards complaint. The City issued an Order that a deck having no guards or handrails needed to come into compliance with the Toronto Municipal Code. It had to be done by July 13 and she had until June 30 to appeal the order. Schedule 'A' attached to the Order, intended to provide Ms A details on the state of non-compliance, was prepared by the MSO with out-dated and incorrect information.
5. On June 23, during the municipal labour disruption that lasted until July 27, Ms A received the Order by registered mail. She found it confusing and wanted to talk with the MSO for an explanation. Two weeks after the conclusion of the labour disruption, Ms A reached the MSO, but he refused to engage in a discussion, saying Schedule 'A' contained all the information and she should get a professional. There followed many phone calls and attempts to get clear instructions on the non-compliance. Rather than clarify the order, the MSO completed 4 additional inspections of the property, at a cost to the complainant of \$60.00 per inspection.
6. In the end, Ms A was charged and prosecuted for failing to comply. Throughout the process, Ms A complained about the MSO's attitude and an overall lack of communications. The matter was eventually escalated to the Executive Director, but at no point did Ms A receive an adequate response to her concerns.
7. The investigation found:
 - Communications were unacceptable at all levels. MLS failed to explain the order or respond to Ms A's queries in a reasonable way.

- The process was flawed. Schedule 'A' was difficult to understand and contained errors.
 - By taking no steps to communicate in a responsible way with Ms A, the MSO showed unreasonable conduct. Providing inaccurate and vague information was unprofessional and contrary to the approach expected by senior management.
 - Training and support were lacking. Manuals and directives were out of date and there was a lack of understanding of the supervisor's role in reviewing prosecution files.
 - MLS had poor record keeping. The files related to this complaint had no discernable order. Actions, such as conversations between MLS staff and the Complainant were either not recorded at all, or recorded insufficiently.
 - MLS failed to respond appropriately to Ms A's complaint about the MSO's conduct. At every level, including senior management, MLS failed to adhere to its complaints handling policy.
 - The Executive Director acted inappropriately in telling his staff to report to him the contents of their interactions with the Ombudsman investigator. His staff were either insubordinate by not following his directive or breached the Ombudsman's confidentiality provisions.
8. The Ombudsman made recommendations to improve the system, including:
- Provisions for up-to-date training for staff
 - Keeping manuals up to date
 - Developing a service standard for timely notice to residents
 - Developing a service standard to ensure files and enforcement options are thoroughly reviewed prior to a charge being laid
 - Keeping accurate and sufficient records
 - Communicating in a timely and professional manner
 - Measuring job performance by City standards
 - Counselling employees involved in this matter
9. At an individual level, the Ombudsman recommended Ms A be provided with a written apology and a refund of the re-inspection fees.
10. The City Manager, in his response to the Ombudsman's recommendations, accepted them.

2.0 The Complaint

11. Ms A (the Complainant) complained to my Office that the Municipal Licensing and Standards Division (MLS) acted unfairly in enforcing a Property Standards Order. She complained about the conduct of MLS staff and contends that the division failed to explain the Order, and was dismissive of her queries and concerns.

3.0 The Investigation

12. Extensive preliminary enquiries were made.
13. On January 28, 2011, I sent the City Manager formal notice of intent to investigate this matter.
14. My investigator interviewed MLS employees along with the Complainant. He reviewed documents, applicable legislation, policies and processes.
15. At the outset of every investigative interview, each witness is informed that the investigation is conducted in private, and told that the content of that interview is confidential and should remain so throughout the investigation. Interviews are taped to ensure accuracy and integrity of the evidence.

4.0 The Issues

16. The investigation addressed the following matters:
 - (i) The inspection and enforcement actions taken by MLS;
 - (ii) The conduct of the Municipal Standards Officer (MSO); and,
 - (iii) The process followed by MLS in responding to Ms A's complaints.
17. During the course of the investigation, I learned of a directive from the then Executive Director of MLS to staff who participated in my investigation. He directed his staff to report to him the details of their interviews (questions and answers) with my investigator. Once I became aware of these instructions, this matter was investigated.

5.0 The Facts

5.1 Background

18. In the fall of 2007, the Complainant purchased a 700 square foot bungalow in Etobicoke for her elderly mother, who has dementia. The property was close to the Complainant's primary residence so that she could care for her mother more easily.

19. Her mother did not adjust well to the new home so she put the property up for sale in the spring of 2008.
20. The Complainant rented the property from the summer of 2008 to May 2009.
21. From May to the fall of 2009 it remained empty while she completed renovations.

5.2 Inspection #1

22. On June 1, 2009, the Complainant's former tenant called MLS to report a property standards complaint. The description of the complaint is listed as "improper repair in the back room, door knob missing."
23. According to MLS, once a complaint is received, an MSO conducts an inspection of the property. Although the complaint may not be substantiated, other deficiencies may be observed and Notices or Orders could be issued.
24. A Notice is issued for by-law violations observed on a property. In the event that the property owner fails to comply with the Notice, residents are informed that MLS can take steps to rectify the situation and transfer the costs incurred to their municipal tax bill.
25. Orders are issued to residents for contraventions of the *Building Code Act*.
26. On June 10, 2009, an MSO inspected the Complainant's property.
27. His notes indicate that he knocked on the door and when no one answered, he left a business card and conducted an exterior inspection of the premises.
28. The MSO did not find evidence of a missing doorknob in the backroom but he found other deficiencies.
29. He issued a Notice of Violation dated June 11, 2009 for long grass and/or weeds in excess of 20 centimetres and for failure to clear refuse. He took pictures of the violations; one of long grass and weeds, and a second one of what appeared to be two pieces of stacked drywall along the side of the house.
30. The MSO also noted during his inspection that there was a raised deck three feet high with steps two feet wide that was missing guards and handrails. He informed my investigator that the deck posed a safety risk.
31. Although the Notice for the long grass and weeds required corrective action to be taken by June 17, 2009, the Complainant did not receive it until June 23, 2009.

5.3 Property Standards Order

32. On June 11, 2009, the City issued an Order by registered mail to the Complainant, pursuant to section 15.2(2) of the *Building Code Act*. The Order noted that the inspection of the deck “revealed that in some respects the property does not conform with the standards prescribed by the Toronto Municipal Code, Chapter 629, Property Standards.”¹
33. Schedule ‘A’ was attached to the Order and is intended to provide details on the state of non-compliance:

The items listed herein are in violation of the Toronto Municipal Code, Chapter 629, Property Standards.

1. The required handrail(s) are not installed/maintained to comply with the Toronto Municipal Code, Chapter 629, Property Standards, namely; the required handrail on the exterior stairs that have more than 3 risers and serve not more than one dwelling unit, is not provided. Section 19C.
 2. The required guard(s) are not installed/maintained to comply with the Toronto Municipal Code, Chapter 629, Property Standards (the Code), namely; the open side of the interior/exterior stairs is not protected by the required guard (the minimum height of the guard shall be 800 mm, 31 inches).
34. A review of the Code by my investigator revealed that Schedule ‘A’ contained two inaccuracies. The applicable handrail section of the Code is 19E not 19C. The guard height requirement in the Order was also incorrect. Section 19C(2)(c) indicates that

exterior guards serving not more than one dwelling unit shall be not less than 900 millimetres high where the walking surface served by the guard is not more than 1,800 millimetres [5.9 feet] above the finished ground level.
 35. The MSO informed my investigator that the 800 mm figure noted in Schedule ‘A’ as the minimum height requirement for guards was a typographical error.
 36. The Complainant found the Order unclear. She states that Schedule ‘A’ referred to section 19C in its entirety, four pages of inaccessible language.

¹ In Appendix A, Items 1 through 6 provide the relevant legislation governing a property standards inspection of this nature.

37. Ms A said she was surprised to receive notice of the violation from the MSO prior to being contacted to rectify the problem. My investigator received conflicting reports from MLS staff regarding the appropriate protocol for dealing with residents who are the subject of an Order or Notice.
38. The MSO, his supervisor, his manager and the Director of Investigation Services, confirmed that it is acceptable to issue an Order/Notice prior to making direct contact with a resident.
39. The Executive Director said that significant steps should be taken to make direct contact with residents first.
40. This approach to enforcement is posted on the MLS website. In describing its by-law compliance program, the website explains that alternative dispute resolution and educational approaches are to be used to "initiate proactive prevention." Legal proceedings should be used "if necessary."
41. The Operational Procedures for Property Maintenance (Wastes), and Long Grass and Weeds, instruct MSOs to issue a Notice where evidence exists of a violation. Neither makes any reference to contacting the homeowner prior to issuing the Notice.
42. MLS does not have a directive, in accordance with the Code, to provide MSOs with guidance on how to inspect and enforce Building Code violations related to stairs, guards or handrails.
43. The Order required that the guards and handrails be installed by July 13, 2009 and noted that the Complainant could appeal the Order up to June 30, 2009.
44. Ms A expressed concerns about the information and had questions about the technical language and the processing of the Order.
45. She did not appeal the Order. Ms A wanted to discuss the matter with the MSO first. She said she could not have known on what basis to file an appeal prior to receiving clarification from the MSO. She was also reluctant to spend the \$200 fee to appeal the Order when she believed the matter could be resolved.

5.4 Municipal Code and Complainant's Efforts to Contact MLS

46. The Complainant received the Order by registered mail on June 23, 2009, during the municipal labour disruption that lasted until July 27.
47. She attempted to contact the MSO immediately but was informed that no property standards issues were being handled during the labour disruption.
48. When it was over, Ms A states that she again tried to reach the MSO, but his voicemail box was full. She reached him approximately two weeks later.

49. Ms A states that she told the MSO the deck could not have posed a significant safety risk since no one was living in the house. She noted that the long grass and weeds were evidence that the house was vacant, and the drywall showed she was in the process of renovating the home.
50. The Complainant states that during several conversations with the MSO between August and October 2009, she questioned him about the Order and the relevant sections of the Code. She said that she raised the following issues/concerns with the MSO:
- she could not find anything in section 19C of the Code that referred to handrail requirements;
 - she could not find any reference in the Code which corresponded to the minimum height requirement for the guard set out in Schedule 'A'
 - she asked about the requirements for the openings in guards.
51. Section 629-19C(4)(a) states,
- ...openings through any guard that is required by Subsection C(1) shall be of a size that will prevent the passage of a spherical object having a diameter of 100 millimetres unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard.
52. Ms A states that the MSO could not explain how one would exceed the prescribed limit without presenting a hazard. She said she suggested a few scenarios. The Complainant told him that neighbours had used flower pots as guards, and enquired about the adequacy of such an approach.
53. The MSO told my investigator that he was not aware of any provisions in the Code that would allow for exemptions to the guard requirement.
54. Ms A states that the MSO was “dismissive” and “belligerent.” She submits the following as examples of what she was told over the course of their conversations: “what do you want? I don’t have time for this; you don’t know what you’re doing; get a professional.” She attributes his behaviour to the fact that she was questioning his understanding of the Code.
55. The Complainant states that she also asked the MSO to provide her with time to comply. She said that she asked him if she could install the guards and handrails after completing her renovations to the property. Ms A claims that the MSO agreed, giving her until early November to address the deficiencies.

56. The MSO said he could not recall speaking with her in 2009. There are no records of any conversations with Ms A on file covering this period. He also denies granting her an extension. He states that he has the authority to grant an extension, but it would require a letter from the Complainant confirming that such an arrangement had been made. There is no such letter on file.
57. MLS posts information about Orders on its website for residents to track the progress of complaints. The information includes a re-inspection date. The Complainant saw that the re-inspection was scheduled for November 12, 2009. She provided my investigator with a copy of the posting from the MLS website confirming the November re-inspection date.
58. Ms A contends that November 12 was selected by the MSO as a result of their agreement.
59. When asked about the re-inspection date posted online, the MSO stated he did not know how the date was generated.
60. He told my investigator that once an Order expires, the record keeping system automatically alerts him to the need for re-inspection, which usually occurs within one to two weeks. He could not explain why the re-inspection had not taken place earlier, but said the delay may have been because of the labour disruption.
61. The Executive Director and Director informed my investigator that the re-inspection date is entered by MSOs into the record keeping system.

5.5 Inspection #2

62. The MSO completed his re-inspection of the property on October 25, 2009, two weeks earlier than the date posted on the MLS website. The MSO noted that the long grass and weeds were cut and the refuse had been removed, clearing two of the violations.
63. The MSO found that compliance with the Order, however, had not been achieved. No attempt was made to communicate that to the Complainant.
64. Ms A states that she installed a railing on her deck in early November 2009. She submits that she called the MSO to inform him that she had completed the work. At the time, she was unaware that the MSO had already re-inspected her property.

65. The MSO placed the following note in the system:

Nov 2/09 received a recorded message from property owner stating that handrails and guards will be installed. H/owner did not leave #.
66. The MSO told my investigator that he did not call the Complainant back because she did not leave her number. There was a number on the MLS file, however, it was incorrect.
67. He said that in cases when he does not have a resident's coordinates, he usually performs a search using 411. He did not in this case.
68. Ms A is listed in the Canada 411 directory.
69. On January 11, 2010, the Complainant was charged a re-inspection fee of \$60.00.² This was her first indication that an inspection occurred on October 25, 2009.

5.6 Inspection #3

70. Municipal Standards Officers have the authority to lay charges for failing to comply with an Order. Once a charge has been laid, a municipal prosecutor is assigned to the case.
71. On February 26, 2010, the MSO conducted a third inspection. He found the handrail installed but noted that the guards were missing. He decided that a charge was warranted.
72. He did not contact the Complainant to inform her of the charge.
73. The Complainant submits that when she contacted the MSO in November 2009, to inform him that she had completed the requisite work, she expected him to contact her if the work was deficient.
74. The MSO told my investigator that he issued the charge in part because of the time that had elapsed from the date of the Order, and because continued re-inspection of the Complainant's property, would result in additional re-inspection fees until she came into compliance.
75. The MSO said that if a charge is not laid within one year, an Order can no longer be enforced. He noted that while an Order could be withdrawn and re-issued, he would be questioned by his superiors for not taking action within the year. He

² Schedule 'A' to the Order contains the following information regarding re-inspection fees, "...if compliance to this Order is not achieved at the time of re-inspection, additional inspections will result in fees being charged at a rate of \$60.00 per hour (with a minimum charge of \$60.00)".

reasoned that the Complainant had already been provided with enough time to comply.

76. Several MLS personnel informed my investigator that their primary focus is to have residents comply with Orders prior to the need for legal consequences. My investigator was advised that charges are laid only in extreme situations, or when it is clear that the resident is not cooperating.
77. A Supervisor in the Etobicoke/York District office told my investigator that everything should be done to prevent the laying of charges because they are more expensive and time consuming to process.
78. The Complainant states that she was unaware the MSO had re-inspected her property on February 26, and was not told that the work she completed was deficient. She states that when she originally discussed the possibility of an exemption for the guard requirement, the MSO said very little, leading her to believe that an exemption would be granted.
79. Ms A contends that if the MSO had explained the problem instead of dismissing her, she would have understood the requirements. She submits that her ongoing attempts to communicate demonstrated a desire to cooperate.

5.7 Preparing for Prosecution

80. The MSO prepared a Crown brief and package of evidence to be reviewed by his supervisor, and then transferred it to the MLS prosecution department.
81. My review confirmed that the MSO's supervisor, signed off on the prosecution file. However, she does not recall doing so, nor can she remember the details of the file.
82. The Supervisor explained that in the event a re-inspection showed a property owner was in partial compliance, she would expect the MSO to contact the individual. During that interaction, s/he should explain what additional steps need to be taken to come into full compliance. The Supervisor suggested that in these circumstances, an extension of two weeks to address the deficiencies would be appropriate. However, this was not a factor in her review of Ms A's file.
83. The Supervisor said that she only reviews files to determine whether they are complete and ready for prosecution. She ensures that the evidence is included and that the Crown Brief has been properly filled out and any other information that the prosecution requires is in the package. She stated that she does not consider whether she agrees with laying the charge since MSOs are professionals, and it is their decision.
84. The Director disputes the Supervisor's interpretation of the review process. He said supervisors should assess the entire file to determine whether a reasonable

process was followed and whether charging the property owner is the correct approach in the circumstances. He acknowledges that an MSO has discretion to lay a charge, however, he states supervisors can instruct the MSO to make additional efforts before taking this step.

85. The MSO informed my investigator his superiors sign off with no review.
86. The review did not identify the technical errors in Schedule 'A' and by March 1, a charge had been laid against the Complainant for failing to comply with the Order.
87. The MSO did not inform Ms A of the charge.

5.8 Notice of Prosecution

88. On June 11, 2010, a re-inspection fee was generated for the February 26 inspection.
89. The Complainant called the number on the invoice for an explanation of the fee. She said that she was transferred to the Manager of the Etobicoke York district.
90. The Manager states he had a number of conversations with Ms A in June 2010. He said no records were entered in the system because he did not have time to do so. He explained that the district handles 12, 000 files a year, and he personally receives between 25 and 75 complaints a month.
91. The Manager informed Ms A that her violation remained outstanding and that her file had been sent to the prosecution unit. He acknowledged that the Complainant first heard about the decision to prosecute the matter from him. He confirmed that she complained about the MSO, but after reviewing the case details, he decided not to intervene. The Manager told my investigator,

“I’m not going to wave a magic wand and do away with non-compliance. She’s nowhere near compliance.”

92. The Complainant said she was “shocked” by the Manager’s response, but nonetheless followed his direction and contacted the MSO on June 14, 2010.
93. The MSO’s entry in the system notes,

June 14, 2010 received a call from property owner ...questioning (sic.) the re inspection fees. I advised her that compliance was not achieved over six months after the Order was issued and the matter is before the court. She stated that she will install the proper guards/handrails and will call back ones

(sic.) the work is completed. I reminded her that the work shall be carried out in a manner accepted as good workmanship.

94. The MSO states that it was a “very long” conversation, but his entry in the electronic information system is short, including only what he believed to be the most important facts. He says that many residents become angry and make accusations, but he does not record those types of comments. He denies being rude to Ms A.
95. The Complainant contends that during the June 14 phone call, the MSO’s “bad attitude” continued. She states that he remained evasive and refused to provide her with anything in writing. She said she was trying to cooperate despite telling him his behaviour was unacceptable.
96. When my investigator questioned the MSO about the extent to which he explained the requirements for compliance, he stated that Ms A said she would install the guard and handrail and call him back when it was done. He said she therefore knew what she was doing.
97. The MSO said he could not design the deck, and that his job is to inform a resident about the compliance requirements set out in the Code. He explained that he would not suggest to a resident how repairs should be done, although he may have told Ms A she could go to Home Depot to look at examples of guards and handrails.
98. The MSO's position was supported by the Manager. In response to questions about the level of detail an MSO can provide regarding deficiencies, he said that under no circumstances could an MSO “design” anything for a resident.
99. This view is in contrast to that of the Director and the Executive Director who said they expected MSOs to use lay terms, explain deficiencies and tell residents in clear language what they must do to come into compliance.
100. Ms A contends that during her conversation with the MSO, she tried to take notes of the work that needed to be done based on his limited instructions. On June 21, when she believed the deck was in compliance, she sent an e-mail to the MSO.

5.9 Inspection #4

101. On June 22, the MSO inspected the property for the fourth time. He took photographs showing an extension on one of the handrails leading up the steps to match the other handrail. The photographs also showed that the Complainant had added two vertical pieces of wood in the middle of the handrail on either side of the elevated portion of the deck.

102. On June 24, 2010, the MSO e-mailed Ms A to inform her that the work did not meet the required standards. He wrote:

Repairs shall be carried out in a manner accepted as good workmanship in the trades concerned and with material suitable and sufficient for the purpose.

The required guard shall comply with the Toronto Municipal Code, Chapter 629, Property Standards, guards shall not be less than 1,070 millimetres high and openings through any guard shall be of a size that will prevent the passage of a spherical object having a diameter of 100 millimetres.

The required handrail shall be installed and maintained in accordance with the Code, handrail shall be provided on two sides of stairs 1,100 millimetres in width or greater.

103. The MSO said he measured the height of Ms A's handrail as 900mm, and found it was too short. No notation was made in the file but the MSO told my investigator that he recalled the height.
104. The information contained in the June 24 e-mail to Ms A is incorrect. The requirement for her guard is 900, not 1070 mm. Further, the Code only requires one handrail on exterior stairs that serve a single dwelling unit.
105. When asked about the apparent discrepancy between the Code and his e-mail, the MSO told my investigator that his e-mail was accurate.
106. Ms A states that when she spoke with the MSO after receiving his e-mail, he raised a new compliance issue that she had not used the right type of wood to build the handrail. She submits that he provided no further explanation. "Frustrated" and "confused," Ms A wrote to the Manager on June 28.

5.10 Escalation of the Complaint

107. On June 30, the Manager responded. He wrote:

Municipal Licensing and Standards does not instruct as to how repairs are to be carried out; however Section 19 of Chapter 629 sets out the requirements for guards and handrails. I have asked the officer to provide you with the applicable sections to assist you and your contractor to bring the guards and handrails in compliance.

108. The Manager also wrote that he does not interfere with a file before the courts and asked the Complainant to speak directly with the MSO to resolve the outstanding requirements. He concluded:
- It would be my position you have had significant time to bring the property into compliance and that the officer has acted properly in the handling of the investigation.
109. On July 9, Ms A answered, questioning why the Manager did not provide her with specifics, instead of referring her back to the MSO. She said she sought a written explanation that would indicate the exact basis for the finding of non-compliance. Ms A told my investigator she felt powerless to question the MSO's interpretation of the Code without an understanding of the contravention.
110. The Complainant wrote that it should have been quite obvious to the Manager that she wanted to rectify any non-compliance and that she had been acting diligently. She wrote:
- ...although you are now attempting to defend your actions or inactions and those of your staff, I believe that I was and still am being unfairly treated... The service I received from MLS was not transparent, was not honest, and was not efficient or professional.
111. On July 15, the Manager replied. Regarding her concerns about the MSO, he wrote:
- Attempts are made to contact and inform property owners by business cards or telephone calls when possible. Contact with individuals is not always obtained and the formal process for notification for Court action is the issuing of a Summons.
112. The Manager said he was attaching a copy of Section 19 with the pertinent sections highlighted. He drew the Complainant's attention to Section 7 of the Code, which refers to the good workmanlike and suitable materials requirement. He concluded,
- when reading Sections 629-7 and 629-19 and comparing the requirements set out in these sections you will better understand the requirements set out in the regulations and what remains to be completed.
113. The Manager told my investigator that he had concerns about the materials the Complainant used. In particular, he questioned the use of 2X4s to construct the

handrails. He also had concerns that the guard and handrails were attached to the deck with numerous nails. None of these concerns were set out in his letter to Ms A or noted in the file.

114. On July 15, Ms A spoke to the Director, expressing her frustration with the process and setting out a formal complaint in writing.
115. The MLS complaint compliance protocol covers the investigation of resident complaints. The complaint is escalated through a series of three stages if a resident is not satisfied with the response provided at each phase. First, it goes to the supervisor/manager, then the program area head, and finally the Executive Director. A review is expected at each stage and investigations are to be completed in 10 days.
116. On August 15, the Director responded to Ms A's July 15 letter and apologized for the delay. He informed the Complainant that he had reviewed the pictures of her deck and said modifications were needed to clear the outstanding Order.
117. The Director wrote,

With respect to the way the file was handled and your concern that more could have been done to inform and assist you in this regard, I agree...I gather from the information in your letter to me that you had no indication that there were outstanding deficiencies and that non-compliance could lead to a prosecution. In that regard I am prepared to work with you to resolve the remaining issues if you demonstrate your willingness comply [sic] voluntarily.
118. He concluded by asking her to contact him.
119. The Complainant's first court date was August 20. She states that she made a number of calls to the Director before then but received no reply.
120. On August 19, Ms A sent him a fax. She reminded the Director that her court date was the following day and asked that he contact her. She did not hear back.
121. She also e-mailed the Executive Director on August 13 when the Director failed to respond to her July 15 letter of complaint within ten days as set out in the MLS complaints protocol.
122. Ms A never received a response to her August 13 e-mail to the Executive Director.

123. When questioned, the Executive Director said he believed that his Director had replied on his behalf. He added that he would only become involved if Ms A's concerns were not resolved.
124. The Director said he was not aware of Ms A's August 13 correspondence to the Executive Director.

5.11 Prosecution

125. On August 20, the Complainant attended her first court date. She was given the option of a pre-trial meeting with the Prosecutor, which she accepted. She made additional changes to her property prior to her first court date, attaching lattice to the handrail to function as a guard.
126. The Prosecutor informed my investigator that she was satisfied a violation of the Order existed on February 26, but needed to determine whether compliance had been subsequently reached. She said compliance has an impact on the penalty, but it does not negate the offence for which the charge was laid.
127. On September 1, the Prosecutor's office requested an update from MLS.

5.12 Inspection #5

128. On September 3, the MSO inspected the Complainant's property for the fifth time in order to provide the Prosecutor with a status report.
129. On September 7, he wrote to the Prosecutor: "there have (sic) been some improvement in the above subject property, however compliance has not been achieved as of September 3 / 10, safety issue involved."
130. On the same day, the Prosecutor requested more detail. She asked, "what specifically was done, what remains, what safety issues, etc."
131. On September 8, the MSO sent her pictures of the deck and said, "the handrail is not extended to the last step and no support provided, without extension there will be no support in event of a fall or trip."
132. The Prosecutor asked the MSO whether the deficiency had been communicated to the property owner.
133. The MSO replied, "we sent her a copy of the section of the bylaw and also verbally told her what to do in order to bring the property into compliance. Steps needs (sic) to take to extend the handrail to both sides of last steps."
134. Ms A states that neither the MSO, nor the Manager or Director mentioned the length of the handrail despite numerous opportunities to do so.

135. The MSO admits he did not tell Ms A about the handrail length. As she had complained to his manager, he said the matter was out of his hands.
136. On October 4, the Prosecutor offered Ms A a plea of guilty. In exchange, she would recommend that the court impose a nominal fine.
137. The Complainant states that she accepted the plea because she was “exhausted” and “stressed out” from the process. She states that she did not want to plead guilty because she found the process so unfair, but she wanted the “nightmare” over.

5.13 Post Prosecution

138. For almost five months MLS made no efforts to pursue the issue.
139. On January 25, 2011, Ms A received a notice of re-inspection fee for the September 3, 2010 inspection.
140. On January 31, she sent a letter to the MLS Etobicoke/York office to dispute the fee. Given the lack of communication, she believed that the fee was unfair.
141. On February 11, the Manager responded. He said that since full compliance was not reached, a fee was charged for the inspection.
142. On February 28, the Complainant received a voicemail from the Director indicating that he had a solution but wanted to talk to her.
143. On March 1, Ms A wrote to the Director and asked that he put his decision in writing. She advised my investigator that she was reluctant to speak with him because she had spent over a year trying to work with MLS.
144. She alleged that the MLS change of attitude was a result of my investigation.
145. The Director replied the same day, saying he would write once they had talked.
146. On March 18, the Complainant wrote back saying she wanted to rely on the Ombudsman process. She asked him to put the fees in abeyance pending the outcome of the investigation.
147. The Director responded to the March e-mail in an April 4, 2011 letter. On the issue of the outstanding violation related to the handrails and guards, he included a set of drawings from Toronto Building, which “are standardized to meet the requirement of the existing building codes.” He believed that the plans would be of assistance to Ms A and offered to arrange for someone to provide her with clarification or an interpretation of the details.

148. Regarding the inspection fees, the Director explained that MLS records showed that it reversed two of the four re-inspection charges applied to the Complainant's property since 2009. He suggested that he was prepared to reverse the remaining two charges since, "I am persuaded that if you were able to access the attached drawings, you could have corrected the violation earlier in the process."
149. Ms A states she was "livid" upon receiving the letter. She contends that the MLS continued enforcement action was in response to her complaint to the Ombudsman. She also denies that two of her fees were reversed.
150. When informed of the renewed enforcement activity, the Prosecutor expressed surprise. She noted that MLS is primarily complaint driven, and that normally it would not pursue a particular property without a complaint.
151. Various staff confirmed that MLS responds to complaints primarily but my investigator was informed that in some visible cases, such as graffiti, it may be more proactive.
152. Ms A sold the property in the spring of 2011, effectively suspending any further action against her with respect to this property.

5.14 MLS Operating Procedures

153. The MSO was asked if there were operational procedures he could have reviewed for technical guidance. He told my investigator that no operational policy or procedure exists, but he would refer to the Municipal Code for guidance.
154. The Municipal Code section on property standards was significantly amended in April 2008 with further amendments that year and again in 2009. The copy of the Code used by the MSO to support his enforcement activities predated those changes.³ The amendments to the Code in 2008 and 2009 set out different requirements and cover them comprehensively.
155. The MSO told my investigator that his reliance on the outdated Municipal Code explained the technical errors that appeared in Schedule 'A'.
156. MLS management indicated that meetings with staff take place to review relevant case law and legislative changes.

³ Item 7 of Appendix A contains the version of the Code relied on by the MSO when he prepared Schedule 'A' of the Complainant's Property Standards Order.

6.0 Policies and Procedures

6.1 Training

157. There is an operational procedure for communication and training of staff when new protocols, policies or by-laws are enacted, or when by-laws are amended. A staff member is assigned as a project lead to review the implementation of legislative changes. The individual reports to the Directors, who decide whether to hold centralized training or refer the matter to managers for local training.
158. All MSOs are required to take Ontario Association of Property Standards Officers' training prior to or at the beginning of their employment. The training is administered by MLS.
159. MLS also conducts in-house training. Its training manual contains a module on guards and handrails. It is dated May 2005, and contains the same information used by the MSO in preparing Schedule 'A'. The section on general property standards inspections is dated September 2005.
160. The module on note-taking is dated May 2009. Its focus is on ensuring that sufficient notes are taken to support successful prosecution. It cautions MSOs to only record the facts that are critical to prosecution.
161. There are new modules on client relations and conflict management that post-date the events of this case, both of which are dated April 2011.

7.0 Directive Regarding Ombudsman Investigation

162. On January 31, 2011, one working day after I notified the City Manager of my intent to investigate, the Executive Director of MLS sent an e-mail to the Etobicoke York District Manager, who forwarded it to the MSO and District Supervisors:

Let staff know that for any questions that are asked by the Ombudsman's staff, in any form (email, telephone etc.) I would like to know the question asked and the answer provided.

Please keep me in the loop every step of the way throughout this investigation.

163. When the e-mail was discovered, my staff re-interviewed the MSO, the Manager, the Supervisor, and the Executive Director. The first three acknowledged receipt of the directive and all initially denied responding to it. They also recalled being told about the confidentiality of the investigation and the caution against divulging the details of the interview with anyone. At first, the MSO and the Supervisor

both said that since they were only copied on the e-mail, they did not believe that the directive applied to them.

164. The Manager told my investigator that he forwarded the e-mail to the appropriate staff but did not follow up. He believed it was their responsibility to respond directly to the Executive Director.
165. The MSO informed my investigator that he took notes for his own purposes and kept them locked in his desk.
166. When the Executive Director was re-interviewed, he said that only the Supervisor responded to his directive. She sent him an e-mail setting out the questions asked and answers provided during the interview.
167. The Executive Director acknowledged the importance of confidentiality during the investigation process. He said he was interested in learning about the broader concerns raised by the complaint. The Executive Director explained, "I want to know specifically what the issues are, and what the answers are to those issues." He also acknowledged that the wording of the directive was inappropriate, and stated that it did not reflect his true intention.
168. In a further interview, the Supervisor corrected her initial evidence and told my investigator that she had provided the Executive Director with a summary of the interview.
169. The Supervisor states that she felt like she was between "a rock and a hard place." She understood my investigator's instructions to keep the contents of the interview confidential, but felt she had no other choice than to comply with the directive. She felt under "duress" given the circumstances.

8.0 Ombudsman Findings

8.1 Duty of Fairness

170. The job of an MSO is indisputably challenging. They are called upon to inspect private residences, and in doing so, often play a policing function in seeking compliance with the Municipal Code.
171. When MLS is unable to get voluntary compliance, it has the power to lay charges that ultimately may result in a court hearing.
172. With this function, comes an imperative for public accountability and trust. Both the process and decision-making must be transparent and fair.
173. A fair and effective mechanism for responding to property standard violations is crucial both to the integrity of MLS and to maintaining public confidence. It benefits residents, City employees and the public interest at large.

8.2 Failure to Communicate

174. Communications were unacceptable. MLS failed to convey critical information that could have helped the Complainant comply with the Order. This failure began with the MSO and went up the chain of command to the senior executive of MLS. Residents are entitled to a high standard of public service from their government along with respectful customer service
175. While the Director of Investigations eventually recognized the validity of the Complainant's allegations, this was only communicated to her ten months after she first raised the issue with MLS. The Director acknowledged that had Ms A received the requested information in a timely fashion, she could have corrected the violation much earlier.
176. For reasons which escape me, the MSO and the District Manager chose to provide her with the most rudimentary information and simply refused to be helpful. This is unacceptable and well short of the customer service standard the public is entitled to receive and the City expects its employees to deliver.
177. The MSO's reliance on the re-inspection fee to inform the Complainant of her non-compliance was inappropriate. If the MSO had concerns about the deck, he should have communicated this to her in a timely manner. His excuse that he did not have her contact information contradicts his earlier statement. When asked, he advised that he would use 411 if a resident's telephone number was not on file. In this instance, he inexplicably failed to follow his usual practice.
178. The continued insistence by MLS that it cannot "design" alterations or show a resident how to come into compliance misses the point. There is a significant difference between instructing on how repairs are to be carried out, and informing a resident in clear language as to how the structure in question is deficient. MLS failed on this count.
179. Repeatedly directing the Complainant to the Code in response to her questions was inappropriate. She was asking for clarification as to how she could come into compliance because her reading of the legislation differed from that of the MSO.
180. Instead of responding to her request in terms that could be more easily understood, MLS continued to insist that the solution she sought was set out in the Code, a 59 page document. The divide between requester and the respondent in this case, constitutes a complete communication breakdown. It is an example of bad public service.

8.3 Unreasonable Conduct

181. By taking no steps to communicate in a responsive or responsible way with the resident, the MSO failed to adequately meet her needs.

182. The MSO provided inaccurate and vague information to the Complainant. At times, he relied on outdated information and obsolete legislation.
183. The MSO's insistence that only the provisions of the Code could be used to communicate the extent of the Complainant's non-compliance was contrary to the approach articulated by senior management. MSOs are expected to use lay terms, explain deficiencies and tell residents in clear language what they must do to come into compliance. Providing the Complainant with relevant sections of the Code may in theory appear to be responsive but by any objective standard, this approach cannot be considered reasonable customer service.
184. Although I cannot conclude definitively whether the Complainant and the MSO spoke in 2009, I find her credible in the consistency with which she described the events from the outset.
185. Even if I were to accept the MSO's position that he did not speak to the Complainant until June 2010, his failure to communicate with her during this period is unprofessional and his conduct unacceptable.
186. While the MSO has the discretion to lay a charge, his decision to do so in this case is questionable, given that the Complainant was attempting to come into compliance and was actively seeking additional information that would allow her to do so.
187. The MSO should have been aware of that. He should have recognized that his approach was not working and adapted accordingly.
188. There was no reasonable justification for the clarity of the MSO's explanation of non-compliance to the Prosecutor and a complete absence of one to the Complainant.

8.4 Flawed Process: Content of Order

189. Schedule 'A' is difficult to understand and incorrect in places.
190. While Schedule 'A' may make sense to a licensed tradesperson, the intent is to inform the resident in language that is easily understood, as well as to provide a rationale for the City's decision to issue an Order. The Order, as written, failed on both counts. Further, the version of the Code used to reference the alleged contraventions was outdated. The citations used to illustrate non-compliance were wrong.
191. MLS has undertaken a review of its practices related to information provided in orders and notices. This came about as a result of an investigation I conducted in 2010, in which the City undertook to do a review and make necessary changes. It should be noted that this review began after the Order was issued to the Complainant in this investigation.

8.5 Lack of Training and Support

192. The training and ongoing professional development for the MSO was lacking.
193. MLS manuals and directives are out of date.
194. The MSO relied on an outdated Municipal Code and included incorrect information to prepare the Order. He was apparently unaware the Code had been amended more than once since April 2008. However, the fault is not his alone. Both his supervisor and the manager failed to catch the errors as well.
195. According to MLS, staff are supposed to be kept apprised of relevant case law and legislative changes through regular management meetings. In addition, the MLS operational procedure describes a process where a "project lead" is to review the implementation of legislative changes. The Directors then decide how the information will be disseminated to staff whether by local training through managers, or through centralized training.
196. Regardless of the process used by MLS, it must be consistent and rigorous in ensuring that its employees are kept up to date on developments within the law which could impact job performance.
197. There is a lack of understanding about the supervisor's role in reviewing prosecution files. The Supervisor in this case believed that her responsibility was administrative in nature, while the Director stated that the review was more comprehensive, and should include an examination of the entire file to determine whether a reasonable process was followed and whether laying a charge is appropriate under the circumstances.

8.6 Poor Record Keeping

198. In my most recent annual report, I recommended that the Toronto Public Service set standards for record keeping:

The Toronto Public Service set standards for record keeping-keeping in every area of its operation by 2011, and that these standards include guidelines...
199. The recommendation was based on our experience of investigating City complaints at the City. While poor record keeping spanned many areas of the Toronto Public Service, this is the second investigation of MLS where it appears as a significant deficiency.
200. My investigation revealed that MLS had a number of files related to this complaint, with no discernable order to them. Some had missing documents while others contained multiple copies of the same material.

201. Certain actions, such as conversations between MLS staff and the Complainant were not recorded anywhere. In those cases where a record existed, the information that was captured lacked sufficient detail.
202. When questioned on this issue, the District Manager suggested that given the workload of his office, not all contacts/conversations are recorded.
203. Best practice suggests that all contacts including telephone calls should be recorded contemporaneously, or as soon as possible thereafter. This becomes even more important when a complaint has been filed about poor service.
204. Deficient record keeping creates a variety of problems down the road. Memories fade over time. The lack of information makes it very difficult to determine what happened in subsequent reviews of an issue or event. Public service has an obligation to ensure high standards of service and good record keeping is no exception to that standard.

8.7 Management of the Complaint

205. MLS failed to respond appropriately to the complaint about the MSO's conduct.
206. The actions of the Manager were inadequate and contrary to MLS policy. He never investigated the resident's complaint and was dismissive in his attitude towards her.
207. No where in law or policy can the Manager's claim be supported that a prosecution would prevent him from reviewing a complaint about staff.
208. The Director acknowledged more could have been done, but failed to live up to his pledge to resolve the matter. The Director did not meet the service standards referenced in the MLS complaint protocol.
209. The Executive Director's response to the resident's complaint was also inadequate and contrary to MLS policy.

9.0 Actions of the Executive Director

210. The Executive Director stated that his intent was to understand the broader issues raised by the complaint. However it is the impact of his action that is at issue.
211. The directive issued to staff to report back to him on the contents of their interactions with my Office undermined the confidentiality provisions of my governing legislation and the integrity of my investigation.

212. He obtained the questions asked and responses given to my investigator from at least one of his employees. This despite the fact that he himself is a witness in my investigation, and was subsequently interviewed.
213. The Executive Director placed his employees in a very difficult position. They were either to be potentially insubordinate by not following his directive or to breach the Ombudsman's confidentiality provisions legislated by the *City of Toronto Act*.
214. The City Manager issued a memorandum on Ombudsman investigations, dated August 4, 2011, to Deputy City Managers and Division Heads. Among other requirements regarding the Ombudsman investigation process, the City Manager stated that:
 1. When employees are interviewed, they should not speak to others and should hold the information they divulge in confidence. This is important in keeping with the provisions of COTA.
 2. While managers should be very clear about the Ombudsman process and at liberty to enquire about that, we should not be asking our employees anything about the content of an investigation and what they may have said to Ombudsman staff.

10.0 Ombudsman Conclusions

215. Toronto Municipal Code Chapter 3, section 3-36 provides that the Ombudsman, in undertaking an investigation, shall have regard to whether the decision, recommendation, act or omission in question may have been:
 - A. Contrary to law;
 - B. Unreasonable, unjust, oppressive or improperly discriminatory;
 - C. Based wholly or partly on a mistake of law or fact;
 - D. Based on the improper exercise of a discretionary power; or
 - E. Wrong.
216. There are generally accepted definitions of these terms in both case law and the ombudsman field. I have considered those definitions in reaching my conclusions.
217. The treatment of Ms A by MLS was wrong. Its actions and omissions breached principles of procedural fairness and were unreasonable, pursuant to section 3-36 of the Toronto Municipal Code Chapter 3.
218. The Order was difficult to understand and failed to provide clear direction on how the Complainant could come into compliance. MLS continuously failed to

communicate with and provide the Complainant with the requisite information in a way that was easily understood. This failure went right up the chain of command.

219. The MSO made a mistake of law by relying on outdated legislation.
220. The training and supervision provided by MLS in this instance were ineffective and cursory. There is a lack of clarity about the role and expectations of the supervisor regarding the review of enforcement files that are sent for prosecution.
221. The failure to investigate the complaint in accordance with the complaint compliance protocol was a breach of MLS standards. The Manager dismissed the complaint on more than one occasion. He sent her back to the very person she was complaining about, unacceptable conduct on the part of any public servant.
222. The Director took a month to respond to the complaint, and did not reply to her thereafter. The Executive Director never responded to the Complainant despite the requirements of the standard to do so.
223. The Executive Director's instruction to staff was oppressive, in that it could be construed as heavy handed and an imposition of unreasonable conditions. The effect of his actions also contravened the spirit of my governing legislation.

11.0 Ombudsman Recommendations

224. In my MLS investigation, "A Duty to Care," which was completed after the events that led to this Complainant's prosecution, I made a number of recommendations pertaining to policies and procedures that also apply to this matter. Because the City accepted my recommendations in that investigation, I am confirming that the following will be implemented and reported in writing to my Office no later than September 30, 2011:
 - i) That MLS ensure its notices, orders and schedules provides clear and sufficient information in order that the recipient can understand its actions.
 - ii) That MLS develop a service standard to ensure that a resident is provided with clear, prompt and complete answers.
 - iii) That MLS follow its Complaint Compliance Protocol and that all managers are trained on its provisions.
225. Recommendations 1 to 12 are made in the public interest to address the systemic issues arising from this complaint. They are intended to put in place the

necessary policies, standards and processes to prevent a repetition of a similar event occurring to other residents in the future.

I recommend:

- (1) That MLS ensure employees are kept up-to-date and well trained on new and existing legislation, policies and procedures.
- (2) That MLS ensure all manuals and divisional policies are up to date, and reviewed annually to ensure their accuracy and relevance; and that the updating where required be completed by December 31, 2011.
- (3) That MLS' training unit ensure that recommendations 1 and 2 are implemented.
- (4) That MLS develop a service standard to ensure non-compliance is communicated to residents within two days of inspection.
- (5) That MLS develop a service standard to ensure files are thoroughly reviewed prior to a charge being laid.
- (6) That MLS ensure accurate and complete record keeping by its staff.
- (7) That MLS, in keeping with the Toronto Public Service's commitment to good customer service, ensure its customer service standard is applied by all staff and that timely professional communications take place with all residents.
- (8) That management and employees alike be held to account for their job duties, and performance managed according to City standards.
- (9) That management and employees who fail to meet these standards be counselled in a timely way and that performance feedback is provided according to the escalation process of the City's performance management system.
- (10) That the City Manager holds management and employees accountable to the requirements set out in his August 4, 2011 memorandum on Ombudsman investigations.
- (11) That all management and employees be appropriately counselled regarding their actions or inactions in this matter.
- (12) That MLS report in writing to the Ombudsman on the completion of these recommendations by the end of 2011.

Recommendations 13 to 15 relate to the individual aspects of this complaint.

- (13) That by September 30, 2011, the Executive Director of MLS provides the Complainant with a written apology for the actions and omissions noted in these investigation findings.
- (14) That by September 23, 2011, MLS consults with my Office on the draft of the apology prior to its issuance.
- (15) That the City reverses the re-inspection fees in view of the circumstances and findings of this investigation.

12.0 The City's Response

- 226. In accordance with section 172(2) of the *City of Toronto Act*, I notified the City of my findings and recommendations to provide it with an opportunity to make representations.
- 227. The City did not dispute my findings. With the exception of adjusting some deadlines, the City concurred with my recommendations.
- 228. In some instances, the City went further than my recommendations. For instance, where I recommended that a service standard be developed to ensure files are thoroughly reviewed prior to a charge being laid, MLS stated that it will also include a review of other enforcement options.
- 229. Upon receiving an Ombudsman's notice of intent to investigate, the City Manager has undertaken to remind staff of the provisions contained in the *City of Toronto Act* regarding Ombudsman confidentiality.
- 230. With respect to my recommendation that the City reverse re-inspection fees, I note that MLS has already begun that process with Revenue Services.

(Original signed)

Fiona Crean
Ombudsman
September 19, 2011

Appendix A – Relevant Legislation

1. Section 15.1 (3) of the *Building Code Act*, 1992 S.O. 1992, c.23 states that the council of a municipality may pass a by-law to prescribe standards for the maintenance and occupancy of property within the municipality, and require property that does not conform with the standards to be repaired.
2. The City's property standards are set out in section 629 of the Toronto Municipal Code. Section 629-4A of the Code states that:

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.

3. Section 15.2 (1) of the *Building Code Act* provides that,

Where a by-law under section 15.1 is in effect, an officer may, upon producing proper identification, enter upon the property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an Order made under subsection (2) has been complied with.

4. The Order to install the guards and handrails was made pursuant to subsection (2), which states that,

An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an Order,

- (a) stating the municipal address or the legal description of the property;
- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- (c) indicating the time for complying with the terms and conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense, and

(d) indicating the final date for giving notice of appeal from the Order.

5. Section 629-7 of the Toronto Municipal Code:

§ 629-7. Manner of making repairs.

A. All repairs shall be made in a good workmanlike manner with materials that are suitable and sufficient for the purpose and free from defects.

B. Without restricting the generality of Subsection A:

(1) The requirement that repairs be made in a “good workmanlike manner” includes:

(a) Ensuring that the component repaired can perform its intended function.

(b) Finishing the repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials.

(2) The requirement that repairs be made with “materials that are suitable and sufficient for the purpose” includes a requirement for materials reasonably compatible in design and colour with adjoining decorative finishing materials.

6. Section 629-19 of the *Toronto Municipal Code* sets out the requirements for guards and handrails. The relevant sections follow:

§ 629-19. Stairs, guards, handrails and other structures.

A. All stairs, verandas, porches, decks, loading docks, ramps, balconies, fire escapes and other similar structures and all treads, risers, guards, handrails, supporting structural members or other appurtenances attached to them shall be maintained free from defects and hazards, capable of supporting all loads to which they may be subjected, and in a safe, clean, sanitary condition and in good repair.

C. Guards, for all buildings of three or fewer storeys in building height, having a building area not exceeding 600 square metres and used for residential occupancies, business and personal services occupancies, mercantile occupancies or medium and low-industrial occupancies shall be installed and maintained to comply with the following:

[Amended 2008-04-29 by By-law No. 349-2008; 2008-09-25 by Bylaw No. 983-2008; 16 2009-10-01 by By-law No. 932-200917]

(1) Required guards.

- (a) Except as provided in Subsection C(1)(b) and (c), every surface to which access is provided for other than maintenance purposes, including but not limited to flights of steps and ramps, exterior landings, porches, balconies, mezzanines, galleries and raised walkways, shall be protected by a guard on each side that is not protected by a wall for the length where:
 - [1] There is a difference in elevation of more than 600 millimetres between the walking surface and the adjacent surface; or
 - [2] The adjacent surface within 1.2 metres from the walking surface has a slope of more than one vertical to two horizontal.
- (b) Guards are not required:
 - [1] At loading docks;
 - [2] At floor pits in repair garages; or
 - [3] Where access is provided for maintenance purposes only.

(2) Height of guards.

- (a) Except as provided in Subsection C(2)(b) to (d), all guards shall be not less than 1,070 millimetres high.
- (b) All guards within dwelling units shall be not less than 900 millimetres high.
- (c) Exterior guards serving not more than one dwelling unit shall be not less than 900 millimetres high where the walking surface served by the guard is not more than 1,800 millimetres above the finished ground level.
- (d) Guards for flights of steps, except in required exit stairs, shall be not less than 900 millimetres high.
- (e) The height of guards for flights of steps shall be measured vertically from a line drawn through the leading edge of the treads served by the guard.

(4) Openings in guards.

- (a) Except as provided in Subsection C(4)(b), openings through any guard that is required by Subsection C(1) shall be of a size that will prevent the passage of a spherical object having a diameter of 100 millimetres unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard.
- (b) Openings through any guard that is required by Subsection C(4), and that is installed in a building of industrial occupancy, shall be of a size that will prevent the passage of a spherical object having a diameter of 200 millimetres unless it can be shown that the location and size of such openings that exceed this limit do not represent a hazard.
- (c) Unless it can be shown that the location and size of openings that do not comply with the following limits do not represent a hazard, openings through any guard that is not required by Subsection C(1), and that serves a building of other than industrial occupancy, shall be of a size that:
 - [1] Will prevent the passage of a spherical object having a diameter of 100 millimetres; or
 - [2] Will permit the passage of a spherical object having a diameter of 200 millimetres.

(5) Climbing prevention in guard design.

- (a) Guards required by Subsection C(1), except those in industrial occupancies and where it can be shown that the location and size of openings do not represent a hazard, shall be designed so that no member, attachment or opening will facilitate climbing.
- (b) Guards shall be deemed to comply with Subsection C(5)(a) where any elements protruding from the vertical and located within the area between 140 millimetres and 900 millimetres above the floor or walking surface protected by the guard:
 - [1] Are located more than 450 millimetres horizontally and vertically from each other;
 - [2] Provide not more than 15 millimetres horizontal offset;
 - [3] Do not provide a toe-space more than 45 millimetres horizontally and 20 millimetres vertically; or

[4] Present more than a slope of one vertical to two horizontal slope on the offset.

E. Handrails for all buildings of three or fewer storeys in building height, having a building area not exceeding 600 square metres and used for residential occupancies, business and personal services occupancies, mercantile occupancies or medium and low-industrial occupancies shall be installed and maintained in accordance with the following:

[Added 2008-04-29 by By-law No. 349-2008; amended 2009-10-01 by By-law No. 932-200920]

(1) Required handrails.

(a) Except as permitted in Subsection E(1)(b) and (c), a handrail shall be provided:

[1] On at least one side of stairs or ramps less than 1,100 millimetres in width;

[2] On two sides of curved stairs or ramps of any width, except curved stairs within dwelling units; and

[3] On two sides of stairs or ramps 1,100 millimetres in width or greater.

(b) Handrails are not required for:

[1] Interior stairs having not more than two risers and serving a single dwelling unit;

[2] Exterior stairs having not more than three risers and serving a single dwelling unit;

[3] Ramps with a slope of not less than a slope of one vertical to 12 horizontal; or

[4] Ramps rising not more than 400 millimetres.

(c) Only one handrail is required on exterior stairs having more than three risers if the stairs serve a single dwelling unit.

(2) Continuity of handrails.

(a) Except as provided in Subsection E(2)(b), at least one required handrail shall be continuous throughout the length of the stair or ramp, including landings, except where interrupted by:

[1] Doorways; or

[2] Newel posts at changes in direction.

(b) For stairs or ramps serving a single dwelling unit, at least one handrail shall be continuous throughout the length of the stair or ramp, except where interrupted by:

- [1] Doorways;
- [2] Landings; or
- [3] Newel posts at changes in direction.

(3) Termination of handrails.

(a) Handrails shall be terminated in a manner that will not obstruct pedestrian travel or create a hazard.

(b) Except for stairs and ramps serving a single dwelling unit, at least one handrail at the sides of a stair or ramp shall extend horizontally not less than 300 millimetres beyond the top and bottom of each stair or ramp.

7. The following are the relevant sections from the version of the Municipal Code relied upon when the MSO prepared the Complainant's Order:

§ 629-19. Stairs, guards, handrails and other structures.

A. All stairs, verandas, porches, decks, loading docks, ramps, balconies, fire escapes and other similar structures and all treads, risers, guards, handrails, supporting structural members or other appurtenances attached to them shall be maintained free from defects and hazards, capable of supporting all loads to which they may be subjected, and in a safe, clean, sanitary condition and in good repair.

C. All required guards and handrails shall be installed in accordance with and maintained to comply with the Ontario Building Code.

APPENDIX 2

MINUTES
PROPERTY STANDARDS COMMITTEE
Professional Centre - 945 3rd Avenue E - Suite 220
SEPTEMBER 18, 2018 - 1:00 PM

MEMBERS Rick Holland, Chair

PRESENT: Rick Beaney
Ruthann Carson
George Mackowski

MEMBERS Bernie Fishman

ABSENT/REGRETS:

STAFF PRESENT: Kaitlyn Patchell, By-law Enforcement Officer
Justin Teakle, Secretary

1. CALL TO ORDER

The Chair called the meeting to order at 1:00 PM.

2. CALL FOR ADDITIONAL BUSINESS

There was no additional business.

3. DISCLOSURE OF PECUNIARY INTEREST

There was no disclosure of Pecuniary Interest.

4. CONFIRMATION OF MINUTES

- a. Minutes of the Property Standards Committee meeting held on July 17, 2018.

5. ANNOUNCEMENT BY THE CHAIR

The Building Code Act of Ontario gives the Committee all the powers and functions of the Officer who made the Order and the Committee may confirm, modify or rescind the Order be it to demolish or repair, or extend the time for complying with the Order if, in the Committee's opinion, the Order is fair and the general intent and purpose of the Building Code Act are maintained.

Please be advised that if anyone other than the owner, occupant or their agent or interested parties as copied on the Order wishes to receive notice of the decision of the Property Standards Committee, or in the event that the Committee defers its decision respecting the appeal, such person or persons must leave their names and addresses in writing with the Secretary of the Property Standards Committee prior to leaving the hearing.

In addition the municipality or any owner or occupant or person affected by the Committee's decision may appeal to a judge of the Superior Court of Justice of Ontario by notifying the clerk of the corporation in writing and by applying to the Superior Court of Justice for an appointment within 14 days after the sending of a copy of the decision.

6. APPEALS

- a. Appeal of Property Standards Order dated July 16, 2018 re 257 10th Street E by Grey Bruce Property Rentals Inc.

The Chair invited the appellant to present their evidence.

Jordan Kruisselbrink, representing Grey Bruce Property Rentals Inc., was sworn in by the Chair. Mr. Kruisselbrink explained that Grey Bruce Property Rentals Inc. has owned the property for 20 years and there have been no previous concerns. The problem only began when the neighbouring property had a fire and was vacant. He advised the Committee that the garbage that had accumulated adjacent to the rear of their property did not originate from their property. He explained that the property is managed by Hope Grey Bruce and provided a letter from them to the Committee explaining their procedures with managing their tenants garbage. The letter noted they have not had any issues with improper disposal by the tenants. Mr. Kruisselbrink explained that indoor bins are provided to tenants to store garbage and that an outdoor storage bin would attract more off-site garbage. Mr. Kruisselbrink requested that the Committee rescind the order.

The Chair asked the Committee for questions relating to the evidence of the appellant.

The Committee asked the appellant where the garbage is originating from, when the problem began, and the number of total units on the property.

Mr. Kruisselbrink replied that they looked for an indication of where the garbage had come from and were not able to identify a source. He stated that it is not logical that all garbage is from the tenants and Hope Grey Bruce provides bag tags to the tenants. The problem began in February of 2018 and the order was appealed because the garbage is not from their property. There are 4 units total in the building.

The Chair asked By-law Enforcement for questions relating to the evidence of the appellant, but there were none.

The Chair invited the By-law Enforcement Officer to present their evidence.

The Chair affirmed Kaitlyn Patchell, By-law Enforcement Officer. Ms. Patchell advised the Committee that she received a complaint about garbage on February 15, 2018 and has received multiple other complaints about garbage in this area. Ms. Patchell contacted the owner to find out whether there is a garbage room inside of the building as there is not an external garbage enclosure. A notice letter was sent to the appellant on February 28, 2018. From communications from the appellant it was unclear whether an indoor garbage room is provided. The order was issued July 16, 2018 requiring a ventilated indoor storage room or an exterior enclosure for garbage storage.

The Chair asked the Committee for questions relating to the evidence of the By-law Enforcement Officer.

The Committee asked Ms. Patchell whether there has been garbage accumulating there recently, the frequency of garbage pick up downtown, and whether the neighbouring property to the west has a garbage enclosure for their tenants.

Ms. Patchell replied that there has not been any garbage at the site for a while now and that garbage pick up is weekly downtown. The neighbouring property does have their own garbage enclosure for their tenants. She further noted that even though there has not been any

garbage outside the subject property recently, a garbage room directly vented to the outside or an exterior enclosure is still required by the Property Standards By-law.

The Chair asked the appellant if he understood that the matter before the Committee is that the property requires either an interior garbage room or exterior enclosure.

Mr. Kruisselbrink replied that he did understand. He noted that most buildings downtown do not have separate rooms for garbage and that on the subject property there is no room to provide an exterior enclosure. He explained that tenants are provided with tote containers to store their garbage in their unit until pick-up day.

The Committee asked Ms. Patchell to clarify if bins inside of the units would need to be ventilated and whether the rear fire escape extends over City property.

Ms. Patchell replied that if the garbage is store inside, it must be ventilated to the exterior and that the fire escape does extend over City property.

The Committee noted that an outdoor bin could potentially be put underneath the fire escape with City permission.

Mr. Kruisselbrink replied that they have considered the idea of an exterior bin, but feel that it would attract more garbage from elsewhere. He also noted that all of the units have windows and/or vents to the outside. He stated that the City should amend the Property Standards By-law.

Ms. Patchell noted that whether the required storage is indoors or outdoors is up to the owner.

The Committee noted there are other properties nearby where garbage accumulates outside.

The Committee recessed at 1:26 PM to deliberate in private.

The Committee reconvened at 1:52 PM.

"The Committee carefully considered making our decision, but feels that the lack of a room or exterior garbage enclosure is an existing non-conforming type of situation. The Committee therefore rescinds the order and recommends that City Council consider amending the Property Standards By-law to consider such situations."

7. CORRESPONDENCE RECEIVED FOR WHICH DIRECTION IS REQUIRED

There was no correspondence received.

8. DISCUSSION OF OTHER BUSINESS

- a. The Chair asked for follow up on a previous decisions of the Committee.

Ms. Patchell responded that a final inspection has not yet been completed with the property in question.

The Chair expressed that it would be good for the Committee to know the outcome of their decisions.

The Committee requested that the City Clerk provide a follow-up report on recent decisions at a future meeting of the Committee.

9. CORRESPONDENCE PROVIDED FOR INFORMATION

There was no correspondence provided.

10. ADJOURNMENT

There being no further business, the Chair adjourned the meeting at 1:57 PM.

Signature on file.

Chair

Signature on file.

Secretary