

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

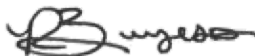
NOTE:

- 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

RECEIVED
FEB 27 2026 4:20pm
Atta Sound

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:

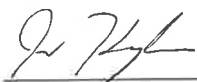
- Order related to the appeal.
- Property standards appeal fee, as set out in the City of Owen Sound's Fees and Charges By-law. This fee is non-refundable. (The by-law can be found on the City's By-laws and Policies webpage at www.owensound.ca/by-laws).
- An authorization to act as representative for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