

CORPORATION OF THE TOWN OF OAKVILLE

IN THE MATTER OF SECTION 15.7 OF THE *BUILDING CODE ACT* FOR THE PROVINCE OF ONTARIO, as amended;

IN THE MATTER OF BY-LAW 2017-007 for the Corporation of the TOWN OF OAKVILLE being a By-Law to provide the standards for the maintenance and occupancy of property in the TOWN OF OAKVILLE; and

IN THE MATTER OF lands and premises known municipally as, 58-62 SHEPHERD ROAD, OAKVILLE ONTARIO L6K 2G5, LEGAL DESCRIPTION: PT LT 16, CON 3 TRAF SDS; PT LT 16, CON 3 TRAF SDS; PT RDAL BTN LTS 15 & 16, CON 3 TRAF SDS, AS CLOSED BY BYLAW 608 AS IN 702148 DESIGNATED AS PT 1 20R20836 TOWN OF OAKVILLE

EMERGENCY ORDER # 2019-111642 TO 54 SHEPHERD ROAD INC.

WHEREAS you are the owner of the property known municipally as, 58-62 SHEPHERD ROAD, OAKVILLE ONTARIO L6K 2G5, LEGAL DESCRIPTION: PT LT 16, CON 3 TRAF SDS; PT LT 16, CON 3 TRAF SDS; PT RDAL BTN LTS 15 & 16, CON 3 TRAF SDS, AS CLOSED BY BYLAW 608 AS IN 702148 DESIGNATED AS PT 1 20R20836 TOWN OF OAKVILLE (hereinafter called "the property");

WHEREAS the property is presently an excavated construction site with shoring for the purpose of developing a high density residential building(s) which excavation and shoring was put in place around 2015-2016 and has been left in that condition since without the construction of the proposed residential building (s);

WHEREAS after an inspection of the property, the Property Standards Officer. for the Town of Oakville (hereinafter called "the town") is satisfied that there is doubt as to the structural condition of the shoring structure and therefore nonconformity with the standard under Part 6, Section 6.2.1 under the standards for the maintenance and occupancy of property prescribed in TOWN OF OAKVILLE BY-LAW 2017-007(hereinafter called "the bylaw") to such extent as to pose an immediate danger to the safety of persons using the adjacent street (Shepherd Rd.) and/or the persons occupying adjacent properties;

WHEREAS the town has also been informed by the design engineer of the shoring concerned that the shoring was designed to be in place for a much more limited time than the three years or so that the shoring has been in place such that the shoring may not be safe further confirming nonconformity with the standard under Part 6, Section 6.2.1 of the bylaw to such extent as to pose an immediate danger to the safety of persons using the adjacent street (Shepherd Rd.) and/or the persons occupying adjacent properties;

WHEREAS therefore the shoring and excavated construction site must be examined by a professional engineer licensed to practice in Ontario to examine the integrity of the structural system, identify any deficiencies with the integrity of the structural system, identify any adverse impacts or effects on neighbouring streets and properties and set out any recommended remedial work including any necessary drawings therefor particulars of are set out in SCHEDULE "B" annexed hereto; and

WHEREAS as a result of the doubt as to the structural condition of the shoring an order is required under section 15.7 of the Building Code Act, as amended, for work to be carried out immediately to terminate the danger;

I HEREBY ORDER THAT the property known municipally as 58-62 SHEPHERD ROAD, OAKVILLE ONTARIO L6K 2G5, LEGAL DESCRIPTION: PT LT 16, CON 3 TRAF SDS; PT LT 16, CON 3 TRAF SDS; PT RDAL BTN LTS 15 & 16, CON 3 TRAF SDS, AS CLOSED BY BYLAW 608 AS IN 702148 DESIGNATED AS PT 1 20R20836 TOWN OF OAKVILLE being in the TOWN OF OAKVILLE, in the Regional Municipality of Halton and more particularly described in SCHEDULE "A" annexed hereto be brought into conformity with the said By-law **IMMEDIATELY** and to that end the work described in Schedule "B" annexed hereto be carried out **IMMEDIATELY** to terminate the danger .

AND FURTHER TAKE NOTICE that either before or after this Order is issued by the Officer below, the Officer may take or cause to be taken any measures set out in Schedule "B" annexed hereto that the Officer considers necessary to terminate the danger, and for the purpose, the municipality has the right through its employees, servants and agents to enter in and upon the property in respect of which the Order was made at any time without a warrant.

FURTHER TAKE NOTICE THAT pursuant to THE BUILDING CODE ACT FOR THE PROVINCE OF ONTARIO, as amended, and the by-law this Order may be registered in the appropriate land registry office for Halton; and

FURTHER TAKE NOTICE that the persons served with a copy of the Order in accordance with SECTION 15.7(2) OF THE BUILDING CODE ACT FOR THE PROVINCE OF ONTARIO as amended, are set out in SCHEDULE "C" annexed hereto.

DATED AT OAKVILLE, ONTARIO THIS **SEPTEMBER 27th**, 2019.



Raj Vemulapalli

Property Standards Officer

THE CORPORATION OF THE TOWN OF OAKVILLE

1225 Trafalgar Road, Oakville, Ontario L6H 0H3 (905) 845-6601, Extension 3252

SCHEDULE "A"

DESCRIPTION OF LANDS

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Oakville, in the Region of Halton and being described as follows:

LOCATION

PT LT 16, CON 3 TRAF SDS; PT LT 16, CON 3 TRAF SDS; PT RDAL BTN LTS 15 & 16, CON 3 TRAF SDS, AS CLOSED BY BYLAW 608 AS IN 702148 DESIGNATED AS PT 1 20R20836 TOWN OF OAKVILLE

SCHEDULE "B"
PARTICULARS OF NON-CONFORMITY

ITEM NUMBER	DEFECT	LOCATION	NECESSARY REPAIR	BY-LAW SECTION
1.	Deteriorating structural condition of the Shoring, or parts thereof given the length of time the temporary shoring has remained in position.	Temporary shoring support of vertical excavation see site below	Retention of a professional engineer licensed to practice in Ontario with expertise in shoring to assessing the structural integrity of the temporary excavation support (shoring), identifying any deficiencies with the integrity of the structural system , identifying any adverse impacts or effects on neighbouring streets and properties and setting out any recommended remedial work including any necessary drawings therefor and provide to the Town's Director of Enforcement Services an Engineer's Report containing that information	Section 6.2.1 Section 6.3
2.	Deteriorating structural condition of the Shoring, or parts thereof.	Temporary shoring support of vertical excavation	Perform all work as recommended in the Engineer's Report in 1. above to address all deficiencies and immediately terminate the danger. Note: Obtain any required permits from the Chief Building Official and any other authorities.	Section 6.2.1 Section 5.5.6



SCHEDULE "C"

PERSONS SERVED WITH THIS NOTICE

NAME AND ADDRESS OF PERSON SERVED

54 SHEPHERD ROAD INC
Attn.: IOANNIS (JOHN) NEILAS
263 ADELAIDE STREET WEST, SUITE 320
TORONTO, ONTARIO, M5H 1Y2

IOANNIS (JOHN) NEILAS
55 MCGILLIVRAY AVENUE
TORONTO, ONTARIO M5M 2Y3

If you require any further information and/or clarification please contact officer name, property standards officer at 905-845-6601 extension 3252

A copy of the Property Standards By-Law may be accessed on Town of Oakville website www.oakville.ca under By-laws.