




COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	February 24, 2023
SUBJECT:	1083 Main Street East (Ward 3)
WARD(S) AFFECTED:	Ward 3
SUBMITTED BY:	Monica Ciriello Director, Licensing & By-law Services Planning and Economic Development Department
SIGNATURE:	

The purpose of this Communication Update is to advise Council of the outcome of the Property Standards Tribunal on Tuesday, February 21, 2023 and advise of next steps.

On December 23, 2022, a building permit was issued to the property owner of 1083 Main Street East to renovate the existing multi-unit residential apartment. As the property was undergoing renovations, on December 28, 2022, the plumbing system was exposed to freezing temperatures which caused significant damage to the system and resulted in the water being turned off.

Since being informed of the situation Wednesday, December 28, the City's Municipal Law Enforcement Officers and building inspectors have visited the site to offer support and advise tenants of next steps. Hamilton Water has provided 512 jugs of water at a cost of approximately \$12,000 to the affected tenants every other day. Moving forward the property owner has agreed to take over providing potable water to the tenants. Housing Services has also offered assistance to the residents, specifically previously offering hotel rooms, and support from a Housing Support Worker who can help them access various other community supports, depending on their need.

On January 5, 2023, the City's Bylaw department issued two property standards orders to the property owner of 1083 Main Street East. The first, to repair or replace the plumbing system pipes, by the compliance date of January 24, 2023 and second, to provide a Plumber's Report to outline the scope of damage to the plumbing system and work required to repair or replace it. The Plumber's Report was provided and is attached as Appendix "A". As the City of Hamilton's Property Standards By-law is

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

pursuant to the *Ontario Building Code*, the property owner has a right to appeal the order to repair or replace the plumbing system pipes.

The appeal was heard by the Property Standards Tribunal on Tuesday, February 21, 2023 at 9:30am. The City's property standards order was confirmed. No compliance date was set to comply with the confirmed order, which was agreed to by both parties. The joint submission is attached as Appendix "B". This was due to the nature and scope of the work needed to satisfy the order, which requires the building to be vacant. The Property Standards Tribunal decision was to grant an extension of time.

A related Landlord Tenant Board hearing is scheduled for Wednesday, March 8, 2023.

As a procedural matter, the Property Standards Tribunal has ordered that this matter come back before it as soon as practicable or within 45 days. When the hearing resumes, the Tribunal will hear the evidence of the parties and may fix a date or dates for further compliance based on that evidence.

At the February 22, 2023 Council meeting Council directed the following direction which staff are in the process of implementing:

- (a) That staff continue to take and enforce any and all available actions under the City's by-laws, including the Vital Services By-law if applicable, to ensure that clean, running water is restored as expediently as possible to the residents of 1083 Main Street East;
- (b) That staff be directed to proactively monitor and ensure sufficient supply of safe potable water is provided to the residents at 1083 Main Street East;
- (c) That staff provide regular communications and updates to tenants with respect to the ongoing property standards matter;
- (d) That staff report back to Planning Committee with an update regarding this matter; and,
- (e) That staff report back to the Planning Committee on any changes to the current Property Standards, Vital Services, public health and other related by-laws to ensure that enforcement mechanisms are available to address issues such as the ones faced by residents at 1083 Main Street East.

If you have any questions regarding this communication, please contact Monica Ciriello, Director, Licensing & By-law Services at (905) 546-2424 Ext. 5809 or by email at Monica.Ciriello@hamilton.ca.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Plumber's Report

Appendix "B" – Joint Submissions

PLUMBING SUPPLY LINE RESTORATION – INSPECTION REPORT:

ADDRESS:

1278 KING ST E - 1083 MAIN ST. E

DATE:

February 10 2023

PREPARED BY:

Rob Stoltz

LICENSE #:

306a 12277421

PREPARED ON BEHALF OF:

1083 MAIN ST. INC.

BUILDING REFERENCE INFORMATION:

Building A – 1083 Main St E.

Floors: 3

Total units: 24

Tenanted units: 6

Basement: No - First floor slab on grade

Building B – 1083.5 Main St E.

Floors: 4

Total units: 14

Tenanted units: 1

Basement - Yes

Building C – 1278-1284 King St E.

Floors: 4

Total units: 14

Tenanted units: 1

Basement - Yes

INITIAL INSPECTION NOTES & SUMMARY:

-After being called to the property by Grow Property Management, initial inspection noted water leaking from roughly a dozen broken water supply lines within 2 occupied units as well several vacant residential units on the 1st and 2nd floor of Building A, as well a dozen larger leaks within the ground floor of the commercial spaces located in building C.

-Emergency notice was provided to tenants and water was first shut off for approximately 24 hours in order to stop further water damage and to complete repair of all noted leaks and pipe bursts.

-After repair was completed of all the original leaks noted, water was turned back on for testing and newly noted pipe bursts were then observed where the main unit branch lines enter into building A, B. Further investigation then revealed pipe bursts within almost every kitchen and bathroom of all vacant units, within all three buildings.

-It was later confirmed that freezing had occurred in both basements of the commercial spaces which caused damage within areas that the pipes were deemed inaccessible without extensive demolition and removal of all existing plumbing supply lines, as well as all of the existing boiler distribution lines

-At this point, it was determined that had occurred in all unheated areas of these 3 buildings and that typical repair service with temporary bypass lines would not be sufficient, nor possible.

-To summarize, extensive and catastrophic damage had occurred to all plumbing supply and boiler distribution lines throughout all basement, 1st floor, 2nd floor and 3rd floor areas with in Building A, Building B, and Building C. The extreme cold weather experienced in late December had caused freezing and bursting of all unprotected pipes with in the demolished and unheated areas of these 3 buildings.

-The proposed solution of a complete overhaul of all plumbing supply lines was then recommended by our team and later accepted by the owners and property management.

-The owners also confirmed that a decision had been made not to replace the existing boiler system due to additional issues noted with its exhaust system not being code compliant, as well as the overall costs that were going to be associated with the system repair and line replacement, and that they were opting towards a more cost effective solution for space heating. Full decommission of the existing boiler system was recommended as part of the solution and permission to commence demolition was then granted.

-A timeline was proposed and provided to the owners, with an approximate date of mid April 2023 for the completion of all plumbing remediation work. Due to the amount of pressure put on by the owners and city bylaw, we have since revised our time line to shave several weeks from this with an estimated restoration to all tenanted units by the third week of March 2023.

Disclaimer:

-While not relevant to the work required to restore water to tenanted units, it is important to note that there is an open building permit for full construction and conversion of existing main floor and second floors of the existing vacant commercial and residential spaces within Buildings B and C, which is ready to commence. Part of the scope of work involved in these areas may directly impact our ability to complete our scope of work by the dates noted above without full cooperation of the contractors of that project.

Our Goal:

-Complete installation of all plumbing supply lines required to restore water to all tenanted units located within all 3 buildings.

-Complete scope in a timely manner on or before in our proposed completion date above.

-Execute on the scope work in a manner that does not conflict or impact the ability for the other trades to complete their scope of work involved with the conversion construction project commencing within the other parts of the building.

BUILDING A: 1083 MAIN ST E.: PLUMBING ISSUES:

During the extreme cold weather experienced in late December 2022, extensive and catastrophic damage occurred to all plumbing supply lines throughout the parking garage and in all vacant units on the 1st floor, 2nd floor or 3rd floor. This damage was a result of the freezing and bursting of all unprotected pipes within the vacant and/or demolished unheated areas of this building.

BUILDING A: IMPACTED UNIT LIST:

GROUND FLOOR:

G1- Vacant - Burst pipes
G2- Vacant- Burst pipes
G3- Occupied- Burst pipes
G4- Vacant- Burst pipes

2ND FLOOR:

UNIT 101- Vacant- Burst pipes
UNIT 102- Occupied- Burst pipes
UNIT 103- Vacant- Burst pipes
UNIT 104- Vacant- Burst pipes
UNIT 105- Vacant- Burst pipes
UNIT 106- Vacant- Burst pipes
UNIT 107- Occupied- Burst pipes
UNIT 108- Vacant- Burst pipes
UNIT 109- Vacant- Burst pipes
UNIT 110- Vacant- Burst pipes

3RD FLOOR:

UNIT 201- Vacant- Burst pipes
UNIT 202- Vacant- Burst pipes
UNIT 203- Vacant- Burst pipes
UNIT 204- Vacant- Burst pipes
UNIT 205- Vacant- Burst pipes
UNIT 206- Occupied - No damage reported
UNIT 207- Occupied -No damage reported
UNIT 208- Vacant- Burst pipes
UNIT 209- Vacant- Burst pipes
UNIT 210- Occupied - No damage reported

SCOPE OF WORK REQUIRED:

Building A –

Removal of all remaining cabinets in kitchens and bathrooms to gain access to plumbing.

Open up plumbing walls to expose all damaged plumbing supply lines and remove.

Demolition of all remaining shower plumbing wall tile, (or walls behind if accessible). Remove existing supply lines.

Complete removal of all old copper branch supply lines and interior unit lines.

Source and install new hot water tanks for new DHW supply.

Rough in and install exhaust venting for additional hot water tanks.

Rough in and install gas connections for additional hot water tanks.

Supply and install new 2" copper main lines from meter to basement service rooms.

Supply and install of new pex supply lines from hot water tank main branch to all units in building A – install ball valves at all unit mains

Installation of temporary electric heat cable around all supply lines throughout all unheated areas

Supply and install new pex supply lines from unit mains through to all kitchen and bathrooms. Install with ¼ turn ball valves at all fixtures.

Rough in inspections for plumbing supply lines.

Reinstallation of all plumbing wall drywall, sink wall cabinetry and plumbing wall tile finishes. (tenanted units only)

Final connections to all fixtures.

Final inspection.

BUILDING B: 1083.5 MAIN ST E.: PLUMBING ISSUES:

Extensive damage occurred to all plumbing supply lines and boiler distribution lines throughout all areas of the basement, 1st floor, 2nd floor or 3rd floor areas of Building B. This damage was a result of freezing and bursting of all unprotected pipes within the demolished and unheated areas of this building.

BUILDING B: 1083.5 MAIN ST E. - IMPACTED UNIT LIST:

GROUND FLOOR:

UNIT B 201- Vacant- Burst pipes

UNIT B 202- Vacant - Burst pipes

2ND FLOOR:

UNIT B 201- Vacant- Burst pipes

UNIT B 202- Vacant - Burst pipes

UNIT B 203- Vacant - Burst pipes

UNIT B 204- Vacant - Burst pipes

UNIT B 205- Vacant - Burst pipes

3RD FLOOR:

UNIT B 301- Vacant- Burst pipes

UNIT B 302- Vacant - Burst pipes

UNIT B 303- Vacant - Burst pipes

UNIT B 304- Vacant - Burst pipes

UNIT B 305- Occupied - Burst pipes

UNIT B 306- Vacant - Burst pipes

UNIT B 307- Vacant - Burst pipes

SCOPE OF WORK REQUIRED:

Building B –

Complete decommission and removal of existing boiler system and all boiler lines to expose all remaining DHW supply lines in basement of building B, as well as the removal of all existing radiators and accessible lines.

Removal of all remaining cabinetry kitchens and bathrooms.

Open up plumbing walls to expose all damaged plumbing supply lines and remove.

Demolition of all remaining shower plumbing wall tile. Remove existing supply lines.

Complete removal of all old copper DHW lines.

Source and install new hot water tanks in basement of building B for new DHW supply.

Rough in and install exhaust venting for hot water tanks in building B

Rough in and install gas connections for hot water tanks in building B

Supply and install of new pex supply lines from hot water tank main branch to all units in building B – install ball valves at all unit mains.

Installation of electric heat cable around all supply lines throughout all unheated areas.

Supply and install new pex supply lines from unit mains through to kitchen and bathrooms. Fix with ¼ turn ball valves at all fixtures and cap.

Rough in inspections for plumbing supply lines.

Reinstallation of all plumbing wall drywall, sink wall cabinetry and plumbing wall tile finishes. (tenanted units only)

Final connections to all fixtures.

BUILDING C: 1278.5 KING ST. E.: PLUMBING ISSUES:

Similar to building B, extensive damage occurred to all plumbing supply lines and boiler distribution lines throughout all areas of the basement, 1st floor, 2nd floor or 3rd floor areas of Building C. This damage was a result of freezing and bursting of all unprotected pipes within the demolished and unheated areas of this building.

BUILDING C: 1278.5 KING ST. E.: IMPACTED UNIT LIST:

GROUND FLOOR:

UNIT C 101- Vacant- Burst pipes
UNIT C 102- Occupied - No plumbing damage noted - moderate damage to drywall and finishes
UNIT C 103- Vacant - Burst pipes
UNIT C 104- Vacant - Burst pipes
UNIT C 105- Vacant - Burst pipes

2ND FLOOR:

UNIT C 201- Vacant- Burst pipes
UNIT C 202- Vacant- Burst pipes
UNIT C 203- Vacant - Burst pipes
UNIT C 204- Vacant - Burst pipes

3RD FLOOR:

UNIT C 301- Vacant - Burst pipes
UNIT C 302- Vacant - Burst pipes
UNIT C 303- Vacant - Burst pipes
UNIT C 304- Vacant - Burst pipes
UNIT C 305- Vacant - Burst pipes

SCOPE OF WORK REQUIRED:

Building C –

Complete decommission and removal of existing boiler system and all boiler lines to expose all remaining DHW supply lines in basement of building C, as well as the removal of all existing radiators and accessible lines.

Removal of all remaining cabinetry kitchens and bathrooms.

Open up plumbing walls to expose all damaged plumbing supply lines and remove.

Demolition of all remaining shower plumbing wall tile. Remove existing supply lines.

Complete removal of all old copper DHW lines.

Source and install new hot water tanks in basement of building C for new DHW supply.

Rough in and install exhaust venting for hot water tanks in building C

Rough in and install gas connections for hot water tanks in building C

Supply and install of new pex supply lines from hot water tank main branch to all units in building C – install ball valves at all unit mains.

Installation of electric heat cable around all supply lines throughout all unheated areas.

Supply and install new pex supply lines from unit mains through to kitchen and bathrooms. Fix with ¼ turn ball valves at all fixtures and cap.

Rough in inspections for plumbing supply lines.

Reinstallation of all plumbing wall drywall, sink wall cabinetry and plumbing wall tile finishes. (tenanted units only)

ISSUES AND CHALLENGES WITH TENANTED UNITS

Can the work be completed with tenants in unit?

- a. No, due to the expansive nature of the work that is required as a whole at each of these buildings and due to the various construction, that is set to occur, should the units remain tenanted they will be subjected to the following:
 1. Main systems to the building including but not limited to heating and cooling systems require to be upgraded and replaced.
 - i. This will take place throughout the course of the renovations which will cause essential services to be turned off for an extended period of time.
 2. Replacing electrical throughout the building and individual units.
 - i. Power will be shut off to the building while electrical is getting replaced, while units are getting rewired and when servicing and tests are being performed.
 3. Walls are being removed and/or moved within the building. This includes but is not limited to individual units as well as load bearing walls.
 4. Flooring baseboards, trim, casing and doors will be replaced.
 5. Complete re plumbing of the building is required and therefore water will be and is currently shut off to the building, this will be for extended periods of time to complete plumbing scope.
 6. Appliances are being upgraded and replaced.
 7. Fixtures are to be rewired and replaced.
 8. Painting, staining, sanding and additional cosmetic changes to units will occur after demolition and renovation.
2. The renovations will also require the use of hazardous and dangerous materials including but not limited to the following
 1. High voltage equipment;
 2. Industrial strength glue and adhesives;
 3. Paint, Stain, Thinners, Spray;
 4. Power tools;
 5. Heavy equipment;

6. Structural integrity as load bearing walls will be demolished, repaired or relocated;
 7. Scaffolding, ladders, benches and stilts;
 8. Cleaning equipment;
 9. Cleaning chemicals; and,
 10. Garbage and hazard bins.
3. The demolition and/or remediation of the interior of the building will cause excessive noise, dust, hazardous situations, and unsafe living conditions.
 4. The building will be dangerous while renovations are taking place and precautions will need to be adhered too for the safety of the contractors in attendance at the property and throughout the duration of the project.

Why or why not and if any safety hazards are imposed by doing the work with the tenant's present?

This is not possible as set out within the appropriate N13 Notices that were provided and filed with the Landlord and Tenant Board. As specified above, the renovations will require the use of hazardous and dangerous materials and will cause excessive noise, dust, hazardous situations, and unsafe living conditions.

Order # 23-100294 00 MLE

City of Hamilton
PROPERTY STANDARDS COMMITTEE

BETWEEN:

1083 Main Inc. C/O Angela Smith

Appellant

-and-

**Licensing and By-law Services
City of Hamilton**

Respondent

APPEAL UNDER the Ontario Building Code Act, S.O. 1992, c.23 as amended, Section 15.3

AGREED STATEMENT OF FACTS

PART I – FACTS

1. The City of Hamilton (the “City”) has enacted By-law No. 10 – 221 (the “By-Law”) to regulate the standards for the maintenance and occupancy of property within the City pursuant to Section 15.1(3) of the Ontario *Building Code Act*;
2. The Appellant is the owner of the property, an apartment complex known municipally as 1083 Main Street, Hamilton and also known as 1276-1286 King Street East.
3. The Respondent inspected the subject property on December 28, 2022 and identified the conditions noted in the order in contravention of the By-law.
4. On January 5, 2023, the Respondent issued orders number 23-100294 00 MLE pursuant to Section 15.2(2) of *the Ontario Building Code Act* and served the said orders in accordance with the provisions of Subsections 15.2(3)

(Exhibit A)

5. The said orders direct that the terms and conditions therein are to be remedied by January 24, 2023. The Appellant agrees the subject property does not conform to the standards of the By-Law as stated in one of the orders and is seeking an extension of time to comply with that order. The remaining order (requesting reports) is now in compliance
6. This extension is requested because of the nature and scope of work needed to satisfy the order. In March of 2022, Form N13 – Notice to End Your Tenancy Because the Landlord Wants to Demolish the Rental Unit, Repair it, or Convert it to Another Use were given to the nine tenants occupying the property with 120 days to evict for the purposes of a renovation. Tenants continued to occupy their units on the property. It is the appellant's position and confirmed by the City of Hamilton issued building permit, that the building must be vacant for the work to be completed. At this time, seven out of the nine tenants remain occupying their units. A hearing before the Landlord and Tenant Tribunal is scheduled for March 8, 2023.
7. Section 15.3 (3.1) of *the Ontario Building Code Act* gives the Property Standards Committee the authority to grant an extension of the compliance date in a Property Standards order.

PART II – JOINT RECOMMENDATION

The City concludes the request by the Appellant maintains the general intent and purpose of the By-law and consents to the appellant's request for an extension of time for complying with the order, following the decision of the Landlord and Tenant Board hearing.

Jointly, both parties submit to have both Property Standards Orders, No.: 23-100294 00 MLE confirmed by Committee.

The order requiring the official report and timeline be fully confirmed as it has been satisfied.

The order requiring the work to be done be confirmed, however the parties return to Committee within 45 days of today, in order for the compliance date of this order to be set. The reason for this request is that the outcome of the Landlord and Tenant Tribunal will provide a conclusive decision regarding the occupancy of the remaining tenanted units.

Currently, the City of Hamilton has been providing water to the remaining tenants. Should the order be confirmed, the City of Hamilton requests that it state the Appellant agrees to providing all potable water to the remaining tenants.

PART III – EXHIBITS

- A. Property Standards Order number 23-100294 00 MLE dated January 5, 2023 issued by the Respondent under Section 15.2(2) of the *Building Code Act*, paragraph 4.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 21st day of February, 2023

**Angela Smith on behalf of
1083 Main Inc.**

**Sheena Watts
Project and Policy Assistant –
Licensing and By-law
Services
City of Hamilton**