



STATEMENT OF APPEALS COMMITTEE HEARING

History

On January 8, 2024, Jolanta Banasiak and John Gallo (the "**Appellants**") as Owner/Applicant of 687 Sunset Avenue, Harrow, Ontario (the "**Property**") were ordered by Order Reference Number 08-Jan-2024-003, to cease advertising a Short-Term Rental Unit without a licence.

On March 8, 2024, the Appellants as Owner/Applicant of the Property, were issued an Administrative Monetary Penalty by Formal Notice (the "**Formal Notice**"), Reference Number 08-March-2024-005, in the amount of \$1,500.00.

On April 16, 2024, by Appeal Request Form (the "**Appeal Request Form**"), the Appellants as Owners/Applicant of the Property, in accordance with s. 7.2 of By-Law 2025, submitted a Request for Appeal to the Formal Notice.

Grounds for Appeal

By Appeal Request Form, dated April 16, 2024, the Appellants as Owner/Applicant of the Property, Request for Appeal to the Formal Notice on the following ground(s):

"WE WERE UNAWARE OF THE BYLAW LICENSING BY THE TOWN. WHEN FILING INFORMATION FOR 687 SUNSET AVENUE, THE MAILING ADDRESS PROVIDED WAS 2-15 ALBRIGHT, HAMILTON. AS OF DECEMBER 17, 2023, WE MOVED TO AMHERSTBURG AND THE PROPERTY ON THE MAILING ADDRESS WAS VACANT AND PUT UP FOR SALE. WE WERE NOT GETTING ANY MAIL. BEING AWARE OF THE BYLAWS IN PLACE, WE HAVE STARTED APPLICATION FOR LICENSING AND REMOVED THE LISTING. ANY PROOF FOR ADDRESS CHANGES CAN BE PROVIDED UPON REQUEST."



Convening of Appeals Committee

According to s. 7.4 of By-Law 2025:

Where a request for an appeal is received in accordance with subsection 7.2 of this By-Law, a hearing of the Appeals Committee shall be convened, and the Applicant or Licensee shall be provided with reasonable written notice thereof.

Reasonable Notice

By this Statement, Jolanta Banasiak and John Gallo, Owner/Applicant of 687 Sunset Avenue, Harrow, Ontario, take notice that the Appeals Committee Hearing with regard to the Appeal Request Form will take place at 33 Talbot Street South, Essex, Ontario, on **July 16, 2024 at 5:00 PM.**

Relevant Sections of By-Law 2025

s.1.23	s. 2.1	s. 3.1
s. 7.0	s. 8.0	s. 9.0



APPEAL REQUEST FORM

Town of Essex Appeals Committee

Property Standards Appeals must be submitted using the Property Standards By-Law Notice to Appeal Form which can be obtained by contacting By-Law Enforcement at bylaw@essex.ca or 519-776-7336 ext. 1409.

The undersigned hereby requested the Appeals Committee of The Corporation of the Town of Essex to consider this application in respect to the following, as amended:

Appeals

Fee to appeal (Must accompany request)

- Animal Care and Control By-Law No. 1966
- Kennel Licensing By-Law No. 2221
- Short-Term Rental Unit By-Law No. 2025
- Taxicab Licensing By-Law No. 1052
- Fortification By-Law No. 2210
- Tree Management By-Law No. 2205

- No Fee
- \$300.00
- ~~\$150.00~~ n/a - AMP
- \$150.00
- \$300.00
- \$300.00

Order provided on _____
in regard to 02 - Feb - 2024 - 005

The undersigned certifies that the information contained herein, on which this request is based, to be true and the owner is aware of this appeal request.

Applicant Information

Applicant/Agent: John Gallo
687 Sunset Avenue, Harrow, ON N0R 1G0
 Address: _____
 Telephone Number: _____

Property Owner Information

Owner(s): Jolanta Banasiak
687 Sunset Avenue, Harrow, ON N0R 1G0
 Address: _____
 Telephone Number: _____

Subject Property Address:


687 Sunset Avenue, Harrow, ON N0R 1G0



Provision(s) of By-Law for Requested Appeal:

operating, permitting a person to operate,
or holding themselves out as being licensed
without an issued short term rental unit
License Section 2.1 a)

Reason(s) for Appeal:

We were unaware of the bylaw licensing by the town.
When filing information for 687 Sunset Ave, the
mailing address provided was 2-15 Albright, Hamilton
As of December 17, 2023 we moved to Amherstburg
and the property on mailing address was vacant and
put up for sale. We were not getting any mail. Being
aware of the bylaws in place we have started an
application for licensing and removed the listing.
Any proof of address changes can be provided upon request.
For any further information please contact John Gallo


For the purposes of the Municipal Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body any information contained in respect to this request for the purposes of processing this request.



Signature of Applicant/Agent

4/16/24

Date

NOTE: Please attach further information, if required.

Completed Appeal Request Form will only be accepted as follows:

By Mail or In-Person to:
Town of Essex
Legal and Legislative Services
33 Talbot Street South, Essex, ON N8M 1A8

By email to:
clerks@essex.ca

Appeal Requests will not proceed without payment of the applicable fee. Cheque or money order is to be made payable to The Town of Essex.



Reference Number

02-Feb-2024-005

FORMAL NOTICE

**Short-Term Rental Unit Licensing By-Law 2025
Issuance of Administrative Monetary Penalty**

Name of Person Served with Penalty Notice: Jolanta Banasiak
Municipal Address or Legal Description of Property: 687 Sunset Ave., Harrow, Ontario N0R 1G0 PLAN 1347 LOT 54
Roll Number: 3754 670 000 09200 0000

TAKE NOTICE THAT the above noted person is liable to pay to the Town of Essex the following administrative penalty(s) for the following reason(s) prescribed in Schedule "E" to By-Law Number 2025 of The Corporation of the Town of Essex:

Infraction	Offence Section	Administrative Penalty
Operating, permitting a Person to operate, or holding themselves out as being licensed without an issued Short Term Rental Unit Licence	Section 2.1 a)	\$1,500.00

The above noted administrative penalty will, unless cancelled or reduced pursuant to the appeal process, constitute a debit of the person to the Town, and if not paid by March 04, 2024 on which date the administrative penalty shall become due and payable, it may be collected in the same manner as municipal taxes for the above noted property.

Appeal – In accordance with Sections 7.2 and 7.3 of By-Law Number 2025, a person upon whom this penalty notice has been served may make a request to the Appeals Committee within fourteen (14) days after service of the penalty notice is given, using the attached form, setting out the reasons for the appeal. In the event that a request for an appeal is not received, the decision of the Town of Essex shall be deemed to be confirmed.

Distribution of Order – Section 10.1 of By-Law No. 2025 permits an order to be served in an approved manner determined by the Officer, including by posting the order on the property or registered mail.

Questions regarding this order should be directed to the Town of Essex By-Law Enforcement Division at 519-776-7336 ext. 1412.

Date Notice Served

Signature of By-Law Enforcement Officer

Personal information contained on this order, collected under the authority of the Municipal Act, 2001, as amended, will be used for enforcement purposes relating to Town of Essex By-Law Number 2025. Questions should be directed to the Clerk of the Town of Essex.



Reference Number
08-Jan-2024-003

ORDER TO REMEDY

**Violation of Short-Term Rental Unit Licensing By-Law 2025
Operating/Advertising Without Licence**

Municipal Address or Legal Description of Property: 687 Sunset Ave. Harrow, Ontario. N0R 1G0 PLAN 1347 LOT 54
Roll Number: 3754 670 000 09200 0000
Name of Owner/Occupant (attach separate list if required) Jolanta Banasiak

TAKE NOTICE THAT Sections 2.1 a) and 2.2 d) of By-Law Number 2025 of The Corporation of the Town of Essex prohibits all individuals, corporations, partnerships, or associations from operating or advertising a premises as a Short-Term Rental Unit within the boundaries of the Town of Essex without a valid Short-Term Rental Unit Licence issued by the Town of Essex.

This property has been identified as a Short-Term Rental Unit and is in contravention of By-Law Number 2025 of The Corporation of the Town of Essex.

REQUIRED ACTION

**CEASE OPERATING AND ADVERTISING THIS PROPERTY
AS A SHORT-TERM RENTAL UNIT IMMEDIATELY.**

There must be compliance with the required action(s) of this order, before **January 24th, 2024.**

Failure to do so will result in enforcement action taken against this property, including the issuance of administrative monetary penalties of \$1,500.00 per violation.

Distribution of Order – Section 10.1 of By-Law No. 2025 permits an order to be served in an approved manner determined by the Officer.

For more information on the application process for a Town of Essex Short-Term Rental Licence, please visit www.essex.ca/STRs or contact the Planning Department at 519-776-7336 ext. 1414. *All licencing fees may be further amended and designated in the Town's Fees and Charges By-Law from time to time.

Questions regarding this Order to Remedy should be directed to the Town of Essex By-Law Enforcement Department at 519-776-7336 ext. 1409.

M. Diemer
Issuing Officer

Jan 08.24
Date Order Served

[Signature]
Signature of By-Law Enforcement Officer

Personal information contained on this order, collected under the authority of the Municipal Act, 2001, as amended, will be used for enforcement purposes relating to Town of Essex By-Law Number 2025. Questions should be directed to the Clerk of the Town of Essex.

