



STATEMENT OF APPEALS COMMITTEE HEARING

History

On June 4, 2024, Valerie Lynne and Benny Thomas Neilipovitz (the “**Appellants**”) as Owners/Applicant of 147 Allison Avenue, Harrow, Ontario (the “**Property**”) were ordered by Order Reference Number 04-June-2024-002, that the motion activated light mounted on the west facing wall of the shed in the rear yard shall be relocated, removed, repositioned or shielded so as to not project light onto abutting properties..

On June 4, 2024, the Appellants as Owners/Applicant of the Property, were issued an Order to Remedy Non-Conformity with Standards for Maintenance and Occupancy by Formal Notice (the “**Formal Notice**”), Reference Number 04-June-2024-002.

On or about June 13, 2024, by Appeal Request Form (the “**Appeal Request Form**”), the Appellants as Owners/Applicant of the Property, in accordance with s. 44.14 of By-Law 936, submitted a Request for Appeal to the Formal Notice.

Grounds for Appeal

By Appeal Request Form, dated on or about June 13, 2024, the Appellant as Owners/Applicant of the Property, Request for Appeal to the Formal Notice on the following ground(s):

- “I TOM NEILIPOVITZ WILL BE APPEALING THIS MATTER UNDER THE REFERENCE NUMBER 04-JUNE-2024-001 UNDER BY-LAW NUMBER 936. AS EXPLAINED TO MR. RENE TAMINGA (BY-LAW OFFICER), THE TOWN OF ESEX IS VIOLATING MY CANADIAN CONSTITUTIONAL RIGHTS, MY CANADIAN BILL OF RIGHTS AND MY CANADIAN CHARTER OF RIGHTS AND FREEDOM. ALSO INFOMRED MR. RENE TAMINGA THAT THE BY-LAWS DO NOT OVER FULE THE CANADIAN LAWS AND RIGHTS OF THE CANADIAN PEOPLE.
- AS I EXPLAINED TO MR. RENE TAMINGA, THAT I HAVE MR ROBINSON AND 3 DIFFERENT SECURITY CAMERA’S BREAKIGN ONTO MY PROPERTY IN THE MIDDLE OF THE NIGHT WITH A CLUBOF SOME SORT IN EACH HAND. I AM FEARFUL FOR MY WIFE’S SAFETY AND MINE AND FOR THE SAFETY OF OUR BELONGINGS AND PROPERTY. UNDER MY RIGHTS AS A CANADIAN CITIZEN AND UNDER THE CANADIAN CONSTITUTION CANADIAN BILL OF RIGHTS AND THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS, I HAVE THE RIGHT TO PROTECT MY FAMILY, MY PROPERTY AND BELONGINGS. I OVERSEE OR OVER RULE THE CANADIAN LAWS



CORPORATION OF THE TOWN OF ESSEX

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OR THE RIGHTS OF ALL CANADIAN'S. MR RENE TAMIGNA HAS VIOLATED MY CIVIL RIGHTS AND USING DOUBLE STANDARDS. I HAVE RECORDINGS, SECURITY FOOTAGE AND DOCUMENTS PERTAINING TO THE ISSUE AT HAND."

Convening of Appeals Committee

According to s. 44.14 of By-Law 936:

An owner or occupant who has been served with an order made under Section 44.2 and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a notice of appeal registered mail to the Secretary of the Committee within 14 days after being served with the order.

Reasonable Notice

By this Statement, Valerie Lynne and Benny Thomas Neilipovitz as persons served with penalty notice of 147 Allison Avenue, Harrow, Ontario, take notice that the Appeals Committee Hearing with regard to the Appeal Request Form will take place 33 Talbot Street South, Essex, Ontario, on **July 16, 2024 at 5:00 PM.**

Relevant Sections of By-Law 936

s. 5.5	s. 44.14	



ORDER TO REMEDY
NON-CONFORMITY WITH STANDARDS
FOR MAINTENANCE AND OCCUPANCY

2610 County Rd. 12, t 519 776 6476
R.R. #2 f 519 776 7171
Essex, ON N8M 2X6
www.essex.ca

Reference Number
04-June-2024-002

Date of Inspection 2 May, 2024	Time 11:04 hours	By-Law Number 936
Municipal Address or Legal Description of Property: 147 Allison Ave. RR # 3 Harrow, On. PLAN 1391 LOTS 88 TO 90 Roll # 3754 660 000 16300		
Name of Owner/Occupant (attach separate list if required) Neilipovitz, Valerie Lynne and Neilipovitz, Benny Thomas		

DESCRIPTION OF NON-CONFORMITY	LOCATION	BY-LAW REFERNECE
Outside Lighting fixtures and supports Lighting fixtures and their supports shall be installed and maintained in a safe and structurally sound condition, and in good working order and in good repair and designed and/or positioned so as not to project light onto abutting properties or otherwise cause a nuisance.	Flood light mounted facing west on rear yard structure	5.5

REQUIRED ACTION
There must be compliance with the terms and conditions of this order before June 24, 2024. The motion activated light mounted on the west facing wall of the shed in the rear yard shall be relocated, removed, repositioned or shielded so as to not project light onto abutting properties.

TAKE NOTICE THAT if such repair or clearance is not done within the time specified in this order, the municipality may carry out the repair or clearance at the expense of the owner. Clause 15.2 (2)©.

APPEAL TO PROPERTY STANDARDS COMMITTEE – An owner or occupant upon whom this order has been served, if not satisfied with the terms or conditions of the order, may appeal to the property standards committee by sending notice of appeal by registered mail to the secretary of the committee on or before **June 18, 2024**. In the event that the order is not appealed, it shall be deemed to be confirmed. Subsection 15.3 (1).

2024 June 04
.....
Date order served

.....
Signature of Property Standards Officer

DISTRIBUTION OF ORDER TO REMEDY* - 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. Subsection 15.2(3).

REGISTRATION OF ORDER – Where a copy of this order is registered in the proper land registry office, any persons 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. Subsection 15.2(4).

OFFENCE – A person is guilty of an offence if the person fails to comply with an order, direction or other requirement made under the *Building Code Act, 1992*. A person who is convicted of an offence is liable to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence. Subsections 36 (1) (b) and 36 (3).

Personal information contained on this form, collected pursuant to a by-law passed under the *Building Code Act, 1992* will be used for the purposes of that by-law. Questions should be directed to the Municipal Freedom of Information and Privacy Coordinator at the institution responsible for the procedures under that Act.

APPEAL to PROPERRTY STANDARDS

I Tom Neilipovitz will be appealing this matter under the Reference Number 04-June-2024-001 under By-Law Number 936.

As explained to Mr. Rene Tamminga (By-Law Officer), the Town of Essex is violating my Canadian Constitutional Rights, my Canadian Bill of Rights and my Canadian Charter of Rights and Freedom. Also informed Mr. Rene Tamminga that the By-Laws do not over rule the Canadian Laws and Rights of the Canadian people.

As I explained to Mr Rene Tamminga, that I have Mr Robinson and 3 different Security Camer's breaking onto my property in the middle of the night with a club of some sort in each hand. I am ferarful for my wife's safety and mine and for the safety of our belongings and property. Under my Rights as a Canadian Citizen and under the Canadian Constitution, Canadian Bill of Rights and the Canadian Charter of Rights and Freedoms, I have the right to protect my family, my property and belongings. I installed the light as the protection for my family and property. The By-Laws do not oversee or over rule the Canadian Laws or the Rights of all Canadian's. Mr Rene Tamminga has Violated my Civil Rights and using DOUBLE STANDARDS. I have recordings, security footage and documents pretaining to the issue at hand.

Thank You

Benny Thomas Neilipovitz
