



STATEMENT OF APPEALS COMMITTEE HEARING

History

On January 8, 2024, Devon Elaine DeVogelaere (the "**Appellant**") as Owner/Applicant of 108 Adelaide Street, Harrow, Ontario (the "**Property**") was ordered by Order Reference Number 08-Jan-2024-001, to cease operating and advertising this property as a Short-Term Rental Unit immediately.

On February 2, 2024, the Appellant as Owner/Applicant of the Property, was issued an Administrative Monetary Penalty by Formal Notice (the "**Formal Notice**"), Reference Number 02-Feb-2024-002, in the amount of \$1,500.00.

On April 19, 2024, by Appeal Request Form (the "**Appeal Request Form**"), the Appellant as Owner/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 19, 2024, the Appellant as Applicant/Owner of the Property, Request for Appeal to the Formal Notice on the following ground(s):

"ON APRIL 11, 2024 AN INFRACTION NOTICE WAS POSTED ON THE DOOR OF MY PROPERTY AT 108 ADELAIDE NOR1G0. THIS PROPERTY HAS BEEN RENTED LONG TERM SINCE THE END OF 2023 AND THE TENANTS RESIDING THERE DID NOT MAKE ME AWARE OF THIS POSTED NOTICE UNTIL APRIL 16, 2024. I IMMEDIATELY CALLED TO LEAVE A MESSAGE AT THE TOWN OF ESSEX BY-LAW DIVISION AND WAS ABLE TO SPEAK WITH RENE TAMMINGA END OF DAY APRIL 17, 2024. HE DIRECTED ME TO COME TO THE OFFICE LOCATED AT 2610 COUNTY ROAD 12 TO COLLECT OTHER NOTICES THAT HAD BEEN SENT TO ME VIA REGISTERED MAIL IN JANUARY 2024, FEBRUARY 2024 AND MARCH 2024, ALL OF WHICH HAD BEEN RETURNED TO SENDER AND NEVER RECEIVED BY ME. ONCE IN POSSESSION OF THESE PAPERS I FILED THE APPROPRIATE APPEALS WITHIN THE STATED TIMELINES.



THE ORIGINAL NOTICE WAS SENT ON JANUARY 8, 2024 AND RECEIVED BY ME ON APRIL 18, 2024 GAVE ME A 16 DAY PERIOD TO TAKE THE REQUIRED ACTION (CEASE OPERATING AND ADVERTISING THIS PROPERTY AS A SHORT TERM RENTAL UNIT IMMEDIATELY). AFTER FINALLY RECEIVING THE NOTICE I COMPLIED WITH THE REQUIRED ACTION WITHIN 24 HOURS. I DO NOT BELIEVE THE FINES THAT RESULTED IN FEBRUARY 2024, MARCH 2024 AND APRIL 2024 ARE JUST AS IT WAS CONFIRMED BY RENE TAMMINGA THAT I HAD NOT RECEIVED AND WAS NOT AWARE OF THE ORIGINAL OR FOLLOWING NOTICES UNTIL COLLECTING THEM ON APRIL 18, 2024 AND I HAVE SINCE COMPLIED."

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, Devon DeVogelaere, Owner/Applicant of 108 Adelaide Street, 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 No Fee

Kennel Licensing By-Law No. 2221 \$300.00

Short-Term Rental Unit By-Law No. 2025 \$150.00

Taxicab Licensing By-Law No. 1052 \$150.00

Fortification By-Law No. 2210 \$300.00

Tree Management By-Law No. 2205 \$300.00

Administrative Monetary Penalty No Fee

Order provided on Order provided on February 2, 2024 (received April 18 2024) in regard

to section 2.1 a) By Law 2025

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: Devon DeVogelaere

Address: 108 Adelaide Street Harrow ON N0R1G0

Telephone Number: [REDACTED]

Property Owner Information

Owner(s): same as above

Address: same as above

Telephone Number: same as above

Subject Property Address: 108 Adelaide Street Harrow ON N0R1G0



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

Section 2.1 a) By Law 2025

Reason(s) for Appeal:

On April 11, 2024 an infraction notice was posted on the door of my property at 108 Adelaide N0R1G0. This property has been rented long term since the end of 2023 and the tenants residing there did not make me aware of this posted notice until April 16, 2024. I immediately called to leave messages at the Town of Essex By-Law Division and was able to speak with Rene Tamminga end of day April 17, 2024. He directed me to come to the office located at 2610 Country Road 12 to collect other notices that had been sent to me via registered mail in January 2024, February 2024 and March 2024, all of which had been returned to sender and never received by me. Once in possession of these papers I filed the appropriate appeals within the stated timelines

The original notice sent on January 8, 2024 and received by me on April 18, 2024 gave me a 16 day period to take the required action (cease operating and advertising this property as a short term rental unit immediately). After finally receiving the notice I complied with the required action within 24 hours. I do not believe the fines that resulted in February 2024, March 2024 and April 2024 are just as it was confirmed by Rene Tamminga that I had not received and was not aware of the original or following notices until collecting them on April 18, 2024 and I have since complied

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 Date

signed digitally on April 19, 2024

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.



CORPORATION OF THE TOWN OF ESSEX
 33 Talbot Street South, Essex, Ontario, N8M 1A8
 p: 519.776.7336 f: 519.776.8811 | essex.ca

Reference Number
02-Feb-2024-002

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

Name of Person Served with Penalty Notice: Devon Elaine Devogelaere
Municipal Address or Legal Description of Property: 108 Adelaide St, Harrow, Ontario NOR 1G0 PLAN 1228 LOT 27 PT LOT 28
Roll Number: 3754 650 000 06800 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.

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

02 Feb 2024
 Date Notice 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.



Reference Number

08-Jan-2024-001

ORDER TO REMEDY

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

Municipal Address or Legal Description of Property: 108 Adelaide St. Harrow, Ontario. N0R 1G0 PLAN 1228 LOT 27 PT LOT 28
Roll Number: 3754 650 000 06800 0000
Name of Owner/Occupant (attach separate list if required) Devon Elaine Devogelaere

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.