



STATEMENT OF APPEALS COMMITTEE HEARING

History

On January 8, 2024, Waseem Ali and Kanwal Abbas (the “**Appellants**”) as Owners/Applicant of 13083 13th Concession, Essex, Ontario (the “**Property**”) were ordered by Order Reference Number 08-Jan-2024-021, to cease operating and advertising this property as a Short Term Rental Licence.

On February 2, 2024, the Appellants as Owners/Applicant of the Property, were issued an Administrative Monetary Penalty by Formal Notice (the “**Formal Notice**”), Reference Number 02-Feb-2024-008, in the amount of \$1,500.00.

On April 11, 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 11, 2024, the Appellant as Owners/Applicant of the Property, Request for Appeal to the Formal Notice on the following ground(s):

- “UPON RECEIVING THIS NOTICE, WE WERE SURPRISED AS WE DO NOT RESIDE AT THE MENTIONED PROPERTY AND WERE UNAWARE OF ANY INFRACTIONS. FURTHERMORE, THE INITIAL WARNING NOTICE WAS UNDELIVERED AND SUBSEQUENTLY RETURNED TO THE SEND, RESULTING IN OUR INABILITY TO ADDRESS THE ISSUE IN A TIMELY MANNER.
- WE RESPECTFULLY REQUEST THAT THE PENALTY BE WAIVED OR REDUCED, TAKING INTO CONSIDERATION THE CIRCUMSTANCES OUTLINED ABOVE. WE ARE COMMITTED TO COMPLIANCE WITH ALL REGULATIONS AND WOULD APPRECIATE THE OPPORTUNITY TO RECTIFY ANY OVERSIGHT.”



CORPORATION OF THE TOWN OF ESSEX

33 Talbot Street South, Essex, Ontario, N8M 1A8
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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, Waseem Ali and Kanwal Abbas as Owners/Applicant of 13083 13th Concession, Essex, 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. 2.0	s. 3.1
s. 7.0	s. 8.0	s. 9.0



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Reference Number
02-Feb-2024-008

FORMAL NOTICE

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

Name of Person Served with Penalty Notice: Abbas, Kanwal & Ali, Waseem
Municipal Address or Legal Description of Property: 13083 13th Concession Rd, Essex, Ontario NOR 1J0., CON 12 PT LOT 3
Roll Number: 3754 560 000 10500 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 by registered mail.

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.

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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

- ☐ 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

Fee to appeal (Must accompany request)

- ☐ No Fee
- ☐ \$300.00
- ☒ \$150.00
- ☐ \$150.00
- ☐ \$300.00
- ☐ \$300.00

☐ Order provided on _____
in regard to _____

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: Waseem Ali
Address: 3881 Zanzibar Cres. Windsor, ON N9G 0A9
Telephone Number: [REDACTED]

Property Owner Information

Owner(s): Waseem Ali / Kanwal Abbas
Address: 3881 Zanzibar Cres Windsor, ON N9G 0A9
Telephone Number: [REDACTED]

Subject Property Address:

13083 13th Concession Rd
Essex, ON N0R 1J0



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

Reason(s) for Appeal:

Please see the attached letter

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

Apr 11, 2024

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.

Appeal Request for Administrative Penalty Notice - Property at 13083 13th Concession Rd, Essex, Ontario

Dear Sir/Madam,

I am writing to appeal the administrative penalty notice recently issued to Abbas, Kanwal & Ali, Waseem for the property located at 13083 13th Concession Rd, Essex, Ontario.

Upon receiving the notice, we were surprised as we do not reside at the mentioned property and were unaware of any infractions. Furthermore, the initial warning notice was undelivered and subsequently returned to the sender, resulting in our inability to address the issue in a timely manner.

We respectfully request that the penalty be waived or reduced, taking into consideration the circumstances outlined above. We are committed to compliance with all regulations and would appreciate the opportunity to rectify any oversight.

Thank you for your attention to this matter. Please do not hesitate to contact us if further information is required.

Sincerely,

Waseem Ali


3881 Zanzibar Cres,
Windsor, ON N9G 0A9



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Reference Number

08-Jan-2024-021

ORDER TO REMEDY

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

Municipal Address or Legal Description of Property:

13083 13th Concession Rd, Essex Ontario
CON 12 PT LOT 3

Roll Number: #3754 560 000 10500

Name of Owner/Occupant (attach separate list if required)

Abbas, Kanwal AND Ali, Waseem

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 24, 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. 1412.

R. Tamminga
Issuing Officer

Date Order Served 08 January, 2024


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.