



The Corporation of the Town of Essex

Appeals Meeting Minutes

October 8, 2024, 5:00 pm

Location: Essex Municipal Building, 33 Talbot Street South

Present: Eric Florjancic, Chair  
Jessica Paglia, Member  
Christopher Cowell, Member  
Christopher Ortner, Member  
Christopher Waters, Member

Also Present: Shelley Brown, Deputy Clerk, Legal and Legislative Services  
Joseph Malandrucolo, Director, Legal and Legislative Services/Clerk  
Shawna Couvillion, Customer Service Representative

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at [clerks@essex.ca](mailto:clerks@essex.ca) or 519-776-7336 extension 1100 or 1101.

1. Call to Order

Eric Florjancic, Chair, called the meeting to order at 5:00 PM.

2. Land Acknowledgement

We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial.

3. Declarations of Conflict of Interest

There were no declarations of conflict of interest noted at this time.

4. Adoption of Published Agenda

4.1 Appeals Committee Meeting Agenda for October 8, 2024

**AP24-10-001**

Moved By Christopher Ortner, Member

Seconded By Christopher Waters, Member

**That** the published agenda for the October 8, 2024 Appeals Committee be adopted with the following amendments:

1. The Appeals Committee Meeting minutes of July 16, 2024 be added to Agenda Item 5. Adoption of the Minutes; and
2. Agenda Item 6.1 be deferred to a future Appeals Committee Meeting.

Carried

**5. Adoption of Minutes**

As added at the adoption of the published Agenda.

Appeals Committee Meeting Minutes for July 16, 2024

**AP24-10-002**

Moved By Christopher Cowell, Member

Seconded By Jessica Paglia, Member

**That** the minutes from the Appeals Committee meeting held July 16, 2024 be adopted as presented.

Carried

**6. Hearing of Appeal**

**6.1 4896 4th Concession - Zubair Shakeel**

Agenda Item 6.1 was deferred during the adoption of the published Agenda until the next Appeals Committee Meeting.

**6.2 9939 9th Concession - John LeBlanc**

At the Appeal Committee Meeting held on July 16, 2024, the appeal by John LeBlanc regarding 9939 9th Concession was deferred at the adoption of the published Agenda to the next Appeals Committee Meeting due to the appellant not being in attendance.

John LeBlanc was called upon during the hearing and was not present.

Mike Diemer, By-Law Officer, explained that the appellant is requesting an appeal in accordance with By-Law 2025 as it relates to short-term rentals in Town of Essex and provided the details regarding the issued administrative penalty.

After reviewing the evidence, the Appeals Committee provided their decision.

**AP24-10-003**

Moved By Christopher Waters, Member

Seconded By Jessica Paglia, Member

**That** the Appeals Committee proceed with the hearing the appeal ex parte (without the appellant present) and consider the particulars regarding the issuance of an administrative monetary penalty to John LeBlanc for the property located at 9939 9<sup>th</sup> Concession.

Carried

**AP24-10-004**

Moved By Christopher Ortner, Member

Seconded By Christopher Waters, Member

**That** the appeal by John LeBlanc, relating to the property known as 9939 9th Concession, be denied and dismissed and that the administrative monetary penalty dated March 8, 2024, be due immediately.

Carried

**6.3 3464 3rd Concession - Sammour Holding Inc.**

Fathi Sammour explained the purpose for requesting the appeal and stated that the administrative monetary penalty notice was sent to his rental property opposed to his mailing address. He stated that once he received the administrative monetary penalty notice he removed the listing.

Mike Diemer, By-Law Officer, explained that the appellant is requesting an appeal in accordance with By-Law 2025 as it relates to short-term rentals in Town of Essex and provided the details regarding the issued administrative penalty.

After reviewing the evidence, the Appeals Committee provided their decision.

**AP24-10-005**

Moved By Christopher Waters, Member

Seconded By Christopher Ortner, Member

**That** the spelling on the published Appeals Committee Agenda for October 8, 2024, be changed to reflect the correct spelling of Sammour Holding Inc.

Carried

**AP24-10-006**

Moved By Christopher Waters, Member

Seconded By Jessica Paglia, Member

**That** the Committee move into Closed session to discuss advice that is subject to solicitor-client privilege, including communications necessary for that purpose as permitted to do so by Section 239 (2)(f) of the *Municipal Act*, 2001.

Carried

**AP24-10-007**

Moved By Christopher Ortner, Member

Seconded By Christopher Cowell, Member

**That** the Committee move out of Closed session and move back into an Open Meeting

Carried

**AP24-10-008**

Moved By Christopher Cowell, Member

Seconded By Christopher Waters, Member

**That** the appeal by Sammour Holding Inc., relating to the property known as 3464 3rd Concession, be denied and dismissed and that the administrative monetary penalty dated February 2, 2024, be due immediately.

Carried

**6.4 993 Kenshore Lane - Krzysztof Gajowski and Nicole Gajowski**

Nicole Gajowski stated that after receiving the Order to Remedy on January 8, 2024, for operating/advertising without a short-term rental licence she ceased operating and advertising the property and the property has remained unlisted since January 20, 2024. She noted that she has been in operation since December 31, 2022, prior to the short-term rental by-law and is in the process of obtaining her short-term rental licence. Ms. Gajowski provided evidence to support that she unlisted her rental unit on the online platform and has been in full compliance since receiving the order to remedy dated January 8, 2024.

Mike Diemer, By-Law Officer, explained that the appellant is requesting an appeal in accordance with By-Law 2025 as it relates to short-term rentals in Town of Essex and provided the details regarding the issued administrative penalty.

After reviewing the evidence, the Appeals Committee deliberated the merits of the appellant, and the Committee revoked the administrative monetary penalty through the following motion:

**AP24-10-009**

Moved By Christopher Ortner, Member

Seconded By Jessica Paglia, Member

**That** the Committee move into Closed session to discuss advice that is subject to solicitor-client privilege, including communications necessary for that purpose as permitted to do so by Section 239 (2)(f) of the *Municipal Act*, 2001.

Carried

**AP24-10-010**

Moved By Christopher Waters, Member

Seconded By Christopher Ortner, Member

**That** the Committee move out of Closed session and move back into an Open Meeting.

Carried

**AP24-10-011**

Moved By Christopher Ortner, Member

Seconded By Christopher Cowell, Member

**That** the appeal by Krzysztof Gajowski and Nicole Gajowski, relating to the property known as 993 Kenshore Lane, be accepted and that the administrative monetary penalty dated April 11, 2024, be revoked.

Carried

**7. Adjournment**

**AP24-10-012**

Moved By Christopher Cowell, Member

Seconded By Christopher Ortner, Member

**That** the meeting be adjourned at 6:30 PM.

Carried

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Chair

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Recording Secretary