



The Corporation of the Town of Essex

Appeals Meeting Minutes

December 3, 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, Members

Also Present: Shelley Brown, Deputy Clerk, Legal and Legislative Services
Joseph Malandrucolo, Director, Legal and Legislative Services/Clerk
Shawna Couvillion, Customer Service Representative
Kevin Carter, Manager, Building Services/Chief Building Official
Mike Diemer, By-Law Enforcement Officer
Rene Tamminga, By-Law Enforcement Officer

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at 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 December 3, 2024

AP24-12-001

Moved By Christopher Waters, Members

Seconded By Christopher Ortner, Member

That the published agenda for the December 3, 2024 Appeals Committee be adopted as presented.

Carried

5. Adoption of Minutes

5.1 Appeals Committee Minutes for October 8, 2024

AP24-12-002

Moved By Jessica Paglia, Member

Seconded By Christopher Cowell, Member

That the minutes of the Appeals Committee meeting held October 8, 2024 be adopted as circulated.

Carried

6. Hearing of Appeal

6.1 4896 4th Concession Road - Zubair Shakeel

At the Appeals Committee Meeting held on October 8, 2024, the appeal by Zubair Shakeel regarding 4896 4th Concession was deferred at the adoption of the published Agenda to the next Appeals Committee Meeting due to the appellant not being in attendance.

Zubair Shakeel explained the purpose for requesting the appeal and stated that this was an unintentional error as Airbnb relisted the posting in March and he had the next 6 months blocked off. He noted that the listing was promptly removed to prevent any further bookings through the Airbnb.

Rene Tamminga, 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.

AP24-12-003

Moved By Christopher Ortner, Member

Seconded By Christopher Waters, Members

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.

AP24-12-004

Moved By Christopher Waters, Members

Seconded By Christopher Ortner, Member

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

Carried

AP24-12-005

Moved By Christopher Waters, Members

Seconded By Christopher Cowell, Member

That the appeal by Zubair Shakeel relating to the property known as 4896 4th Concession, be denied and dismissed and that the administrative monetary penalty dated April 11, 2024, be due immediately.

Carried

6.2 942 Twin Gables Drive - Donna Grant

At the Appeals Committee Meeting held on July 16, 2024, the appeal by Donna Grant regarding 942 Twin Gables Drive was deferred during the presentment of her evidence to a later Appeals Committee Meeting to allow for her materials to be circulated to the Appeals Committee.

Donna Grant explained the purpose for requesting the appeal and stated that the buildings on her property were constructed in the 1950's and were present when she purchased the property in 2014. She stated that she believed that By-Law 2025 did not apply to her as her property is zoned for a legal non-conforming use, and she stated that she communicated these beliefs with Administration through various email communications.

Rene Tamminga, 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 and interpreting By-Law 2025, the Appeals Committee provided their decision.

AP24-12-006

Moved By Christopher Cowell, Member
Seconded By Christopher Ortner, Member

That the appellant Donna Grant be granted 5 additional minutes.

Carried

AP24-12-007

Moved By Jessica Paglia, Member
Seconded By Christopher Cowell, 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

AP24-12-008

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

AP24-12-009

Moved By Christopher Waters, Members
Seconded By Jessica Paglia, Member

That the appellant Donna Grant relating to the property known as 942 Twin Gables Drive, be denied and dismissed and that the Administrative Monetary Penalty dated April 11, 2024, be due immediately.

Carried

7. Adjournment

AP24-12-010

Moved By Christopher Waters, Members
Seconded By Christopher Cowell, Member

That the meeting be adjourned at 6:16 PM.

Carried

Chair

Recording Secretary