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DELIVERED BY EMAIL

PLEASE RESPOND TO BEAVERTON OFFICE

June 29, 2018

City of Kawartha Lakes
P.O. Box 9000
12 Peel Street
Lindsay, Ontario
K9V 5R8

Attention: Robyn Carlson, City Solicitor

Dear Ms. Carlson:

Re: Farquhar - Building Permit Application 2015 - 1495
Appeal to Building Code Commission B2018-14

The undersigned has been consulted by Mr. Jeff Farquhar with respect to the above noted matter. Although I do not see any record of your prior involvement in the file I thought it appropriate to address this email correspondence to you given the potential legal ramifications involved. I have had an opportunity to review the protracted email correspondence between Mr. Farquhar and City staff. As is often the case in these matters emotions have also arisen. The intent of this letter is to suggest a cooperative way forward so that the application for building permit (as revised in November 2017) can be addressed on its merits.

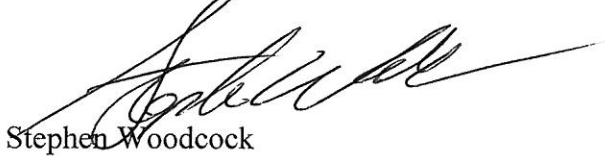
I believe that one of the central complaints of Mr. Farquhar is his belief that there was an inordinate delay on the part of Ms. Murchison, Chief Building Official, in specifying her position as to the technical requirement for the placement of dry hydrant on the site plan. There was an exchange of emails dated April 20, 2018 between Ms. Murchison and Mr. Farquhar pertaining to this. Two things are of note in such exchange. Firstly the position of Ms. Murchison was only expressed after the March 29, 2018 letter of denial/refusal of permit. Secondly, Mr. Farquhar indicated in his April 20, 2018 email that he intended to appeal to the Building Code Commission (which he has now done). It would appear that a refusal was issued on March 29, 2018 and the building application file was concurrently closed. It is acknowledged that there was a decision to hold the file open until April 23, 2018 for Mr. Farquhar to submit a further revised submission. The basis of such "set" date is unknown.

When an appeal to the Commission was launched it was opposed on jurisdictional grounds that there is no active application and that an application for an alternative solution was never filed pursuant to By-Law 2012-019. (It is submitted by Mr. Farquhar that such application was not required as the Permit Application (as revised) was/is Building Code Compliant). The response to the appeal was submitted notwithstanding that the permit application was refused with no apparent opportunity to appeal, that the basis of the refusal was only communicated on April 20, 2018 and that notice was provided by Mr. Farquhar prior to April 23, 2018 that an appeal to the Commission would be pursued. The Commission has expressed its limitations based upon jurisdiction over the appeal in question.

It is respectfully submitted that the appropriate course is to allow the Commission to proceed to a decision based upon the merits rather than the jurisdictional issue(s) which would only force the applicant/appellant to file a new application and file an appeal under the new application. Under the circumstances outlined above Mr. Farquhar should not be faced with forfeiture of the fees previously paid and then having to re-apply and pay additional fees. It is therefore respectfully requested that the jurisdictional response be withdrawn and a response on the merits of the appeal be submitted to allow the Commission to rule on this long standing dispute. It is acknowledged that this would entail a postponement in the hearing date which is acceptable to Mr. Farquhar.

It would be appreciated if you could kindly review and respond to the foregoing.

Yours truly,
WOODCOCK & TOMLINSON

A handwritten signature in black ink, appearing to read 'Stephen Woodcock', written over the printed name.

Stephen Woodcock

SW:jj

cc: Client - via email
Ron Taylor - via email
S. Murchison - via email