

HOUSING BOARD OF REVIEW

City of Burlington

149 Church Street Room 11
Burlington, Vermont 05401
(802) 865-7122

**HOUSING BOARD OF REVIEW
CITY OF BURLINGTON**

NOTICE OF DECISION

Enclosed is a copy of the "Findings of Fact, Conclusions of Law and Order" of the Burlington Housing Board of Review.

Please note that a person aggrieved by a decision of the Housing Board of Review is entitled to appeal to the Chittenden Superior Court. (See Housing Code Section 18-59 and Vermont Statutes Annotated, Title 24, Section 5006.) The court rules may require that such an appeal be commenced within thirty (30) days of the Board's Order.

Unless an appeal is taken, the Board's Order should be complied with before expiration of the thirty (30) day period.

DATED 5/5/15

CITY OF BURLINGTON
HOUSING BOARD OF REVIEW



Jason L'Ecuyer
Board Vice Chair

cc: Chris Khamnei
Matthew Perry

5. Section 18-72(b) of the Minimum Housing Code requires interior walls and ceilings to be maintained in sound condition and good repair; there shall be no cracked or loose plaster, peeling paint, decayed wood, or other deteriorated or damaged surface conditions.

6. Petitioner and Matthew Perry disputed the condition of the apartment at the time of its inspection on March 5, 2015. Although petitioner admitted to there being some water damage in the apartment due to work being done on the building (including replacing the roof), he testified that repairs to the interior wall and ceiling were fixed before Mr. Perry's inspection. Photographs of the unit taken by Mr. Perry during his inspection confirm the presence of water stains on the wall and ceiling; at the time of the inspection, these areas were damp to the touch, indicating moisture was coming into the interior of the apartment. Moreover, a photograph of the exterior wall indicates that some siding was pulled off and in disrepair.

7. At hearing, petitioner agreed that to the extent any deficiencies still existed, they would be rectified by May 1, 2015, with the exception of replacing the roof, for which he requested an additional 60 days. Mr. Perry agreed to conduct a new inspection on May 1, 2015.

CONCLUSIONS OF LAW

8. Section 18-42(d) of the Minimum Housing Code grants the Housing Board of Review the power to reverse or affirm, in whole or in part, any order or other action of the inspector and to make such order, requirement, decision or determination as ought to be made.

9. Here, petitioner failed to submit evidence sufficiently demonstrating he was improperly cited for the deficiencies set forth in the Minimum Housing Order. Per the agreement of the parties at hearing, petitioner has until the time of the scheduled inspection on May 1, 2015 to rectify the cited deficiencies.

10. It is otherwise unnecessary for the Board to grant petitioner an extension to replace the property's roof. The Minimum Housing Code requires only that the roof be structurally sound and tight, and to not have defects which might admit rain and roof drainage. Petitioner is not expressly required to replace the current roof, as long as it comes into compliance with these minimum requirements.

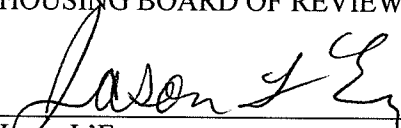
ORDER

Accordingly, it is hereby ORDERED:

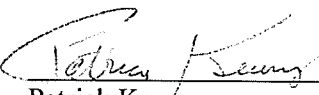
10. The Minimum Housing Order dated March 6, 2015 related to 230 Pine Street, Unit 1 is **AFFIRMED**. Petitioner has until the time of the scheduled inspection on May 1, 2015 to comply with the Order.

DATED at Burlington, Vermont this 5th day of May, 2015.

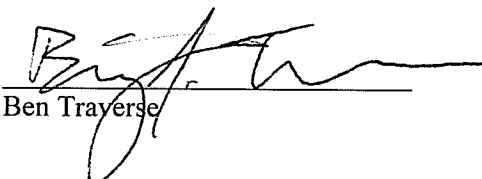
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Jason L'Ecuyer



Patrick Kearney



Ben Traverse