



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

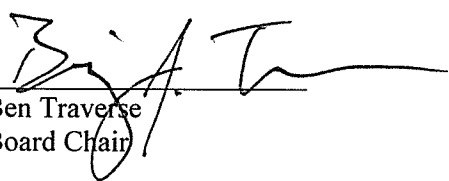
Enclosed is a copy of the "Findings of Fact, Conclusions of Law and Order" of the Burlington Housing Board of Review.

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 10/25/17

CITY OF BURLINGTON
HOUSING BOARD OF REVIEW


Ben Traverse
Board Chair

cc: William Newton for Six Eighty Riverside Ave, LLC
Ita Meno
William Ward

**STATE OF VERMONT
CHITTENDEN COUNTY, SS.**

**In re: Request for Hearing of Six Eighty)
Riverside Ave. LLC Regarding the) CITY OF BURLINGTON
Rental Property at 680-698 Riverside) HOUSING BOARD OF REVIEW
Avenue)**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The above-named hearing came before the Housing Board of Review on October 2, 2017. Board Chair Ben Traverse presided. Board Members Patrick Kearney and Josh O'Hara were also present. Petitioner Seven Hundred Riverside Ave. LLC was represented at the hearing by William Newton, Appletree Bay Property Management, who testified. Minimum Housing Inspector Ita Meno and William Ward, Director Code Enforcement Office, were also present.

Upon consideration of the evidence and the applicable law, the Board makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Respondent Six Eighty Riverside Ave. LLC is the owner of property, 680-698 Riverside Avenue, in the City of Burlington which is the subject of these proceedings; there are 10 rental units at the property. Appletree Bay Property Management ("Appletree Bay") manages the property; William Newton is the property rental manager for Appletree Bay.

2. On May 18, 2017, Minimum Housing Inspector Ita Meno conducted an inspection of the property and issued an order. In that Order, Ms. Meno noted 14 minimum housing violations at the property.

3. On August 4, 2017, Ita Meno conducted a re-inspection of the property and noted 4 minimum housing code violations in 2 units at the property, three of which Ms. Meno alleged had been cited in the May 18 order. The Code Enforcement Office assessed \$180 in re-inspection fees. However, at the hearing, William Ward noted that the charged was mistakenly assessed for 3 units, rather than 2 units. Therefore, the re-inspection fees should have been \$120.00, not \$180.00.

4. The Minimum Housing Code provides that fees be paid by the owner of each property for a re-inspection that is required due to the existence of violations of the Code; for the first re-inspection, \$60.00 per unit is assessed. Minimum Housing Code Sec. 18-30(b).

5. William Newton disputed the fines as being unjust, even though Respondent (unbeknownst to him) had paid the re-inspection fees. The basis of Mr. Newton's dispute is that there were additional items cited in the re-inspection and it was unfair to levy fines on new items. However, Mr. Newton misunderstands how re-inspection fees are assessed. Code Enforcement only assesses fees on items that were not corrected from the original order.

CONCLUSIONS OF LAW

6. The Board has 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. Minimum Housing Code, Sec. 18-42(d).

7. The Minimum Housing Code allows for the assessment of re-inspection fees when deficiencies found in an Order are not corrected when the re-inspection occurs. Respondent was assessed \$180.00 in re-inspection fees for 3 deficiencies found in 3 units cited in the May 18, 2017 which were not corrected at the time of the re-inspection on August 4, 2017. However, Code Enforcement acknowledged that the re-inspection fees were miscalculated; the deficiencies were found in 2 units so that the re-inspection fee should have been \$120.00. Accordingly, \$60.00 should be returned to respondent.

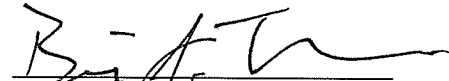
ORDER

Accordingly, it is hereby ORDERED:


8. Respondent Six Eighty Riverside Ave LLC is entitled to the return of \$60.00 from the Code Enforcement Office for a re-inspection fee improperly assessed by them.

Dated at Burlington, Vermont this 25th of October, 2017.

CITY OF BURLINGTON
HOUSING BOARD OF REVIEW



Ben Traverse



Patrick Kearney



Josh O'Hara