

APPEALS STANDING COMMITTEE
MINUTES

May 12, 2011

PRESENT: Councillor Brad Johns, Chair
Councillor Bob Harvey
Councillor Dawn Sloane
Councillor David Hendsbee
Councillor Gloria McCluskey

REGRETS: Deputy Mayor Jim Smith, Vice Chair
Councillor Mary Wile
Councillor Steve Adams

STAFF: Ms. Tanya Phillips, Manager of By-law Services
Ms. Danielle Banks, Orders Assistant, By-law Services
Ms. Angela Jones-Rieksts, Solicitor
Ms. Shawnee Gregory, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 10:07 a.m. in the Council Chamber, City Hall.

2. APPROVAL OF MINUTES – January 13 & 20, 2011

MOVED by Councillor McCluskey, seconded by Councillor Sloane that the minutes of January 13 & 20, 2011 be approved as presented. MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

The agenda was accepted as presented.

4. CONSIDERATION OF ADJOURNED BUSINESS - NONE

5. DANGEROUS OR UNSIGHTLY PREMISES

5.1 Demolitions

5.1.1 Case 161432 - 782 East Chezzetcook Road, East Chezzetcook

A report dated May 5, 2011 was before the Standing Committee.

Mr. Scott Hill, By-law Enforcement Officer, presented the report, including photographs of the property in question.

Mr. Hill then responded to questions of clarification from the Standing Committee.

The Chair reviewed the rules of procedure for Demolition Hearings and provided the property owner ten minutes to present her case.

Ms. Francesca Rogier, property owner of 782 East Chezzetcook Road, presented her case against the demolition of her home which she noted was a registered heritage property. She provided a history of the work she had carried out and planned to carry out on her home. Ms. Rogier submitted a detailed response to the report dated May 5, 2011, a petition containing 45 signatures in opposition to the proposed demolition as well as photographs and documents for the official record. She indicated that she had obtained a contractor, Captain Concrete, who was willing to pour the concrete to put her house back on a foundation and off of the cribbing. Ms. Rogier requested an extension of four months in order to complete this work which she hoped to start that week, if permitted.

A discussion ensued.

In response to a question posed by Councillor Hendsbee, Mr. Wayne Johnson of Captain Concrete advised that he could start work on Ms. Rogier's home the following Monday and that the work to put a foundation under her home would take approximately four weeks to complete; estimating it could be finished by June 16, 2011.

MOVED by Councillor Hendsbee, seconded by Councillor Sloane that the Appeals Standing Committee adjourn Case 161432 for five months.

Discussion on the motion ensued.

Ms. Tanya Phillips, Manager of By-law Services, advised that putting the home back on a foundation would address a majority of the safety concerns staff have regarding the home being structurally unsound; noting that habitability would have to be discussed at a later time with the property owner, once a foundation that structurally supports the building was in place.

At the Chair's request, Mr. Michael Morgan, Building Official, provided an overview of the state of the cribbing currently supporting the home.

Ms. Angela Jones – Rieksts, Solicitor, advised the Standing Committee that their decision to grant an extension would carry a legal liability for HRM if someone was injured as a result of the extension.

Councillors Harvey and McCluskey requested a friendly amendment that the extension be granted for one month rather than five due to liability issues since the building was structurally unsound and; therefore, unsafe for the property owner and the public.

Councillors Hendsbee and Sloane accepted the friendly amendment.

The motion now reads:

MOVED by Councillor Hendsbee, seconded by Councillor Sloane that the Appeals Standing Committee adjourn Case 161432 for one month to June 2011.

Discussion on the amended motion ensued.

MOTION PUT AND PASSED.

6. **BY-LAW M-100 - RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES – NONE**
7. **BY-LAW A-100 - RESPECTING LICENSE & PERMIT APPEALS - NONE**
8. **UPDATE – Status of Appeal Related By-law Changes – Legal Services**

Ms. Jones – Rieksts stated that she was in the process of updating several dangerous or unsightly and taxi by-laws as a result of the new Appeals Standing Committee being formed. She advised that she hoped to have that work completed to reflect the status of the new Standing Committee by the June meeting.

9. ADDED ITEMS - NONE

10. NEXT MEETING DATE – June 9, 2011

11. ADJOURNMENT

The meeting was adjourned at 11:15 a.m.

Shawnee Gregory
Legislative Assistant