

HALIFAX REGIONAL MUNICIPALITY

APPEALS STANDING COMMITTEE
MINUTES

August 11, 2011

- PRESENT: Councillor Brad Johns, Chair
Deputy Mayor Jim Smith, Vice Chair
Councillor Gloria McCluskey
Councillor Steve Adams
Councillor Dawn Sloane
Councillor David Hendsbee
- REGRETS: Councillor Mary Wile
Councillor Bob Harvey
- STAFF: Ms. Tanya Phillips, Manager of By-law Services
Ms. Danielle Banks, Orders Assistant, By-law Services
Mr. Stephan Jedynek, Solicitor
Ms. Shawnee Gregory, Legislative Assistant

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1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – June 9, 2011

MOVED by Councillor McCluskey, seconded by Councillor Sloane that the minutes of June 9, 2011 be approved as presented. MOTION PUT AND PASSED.

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

Deletions:

- 5.1.1 Case 162305, 48 Riverside Ave., Musquodoboit Harbour
- 5.1.2 Case 165357, 14 Schultz St., Sackville
- 5.2.1 Case 164847, 48 A Evans Ave., Halifax
- 5.2.5 Case 158591, 892 Duggan Dr., Beaver Bank
- 5.2.6 Case 158587, 892 Duggan Dr., Beaver Bank

Addition:

- 7.1 Generator By-law – Councillor Sloane

MOVED by Councillor McCluskey, seconded by Councillor Sloane that the agenda be accepted as amended. MOTION PUT AND PASSED.

4. CONSIDERATION OF ADJOURNED BUSINESS - NONE

5. DANGEROUS OR UNSIGHTLY PREMISES

5.1 Appeals

5.1.1 Case 162305, 48 Riverside Ave., Musquodoboit Harbour

This item was deleted under the Approval of the Order of Business as the owner has complied with their Order.

5.1.2 Case 165357, 14 Schultz St., Sackville

This item was deleted under the Approval of the Order of Business as the owner has complied with their Order.

5.2 Demolitions

5.2.1 Case 164847, 48 A Evans Ave., Halifax

This item was deleted under the Approval of the Order of Business as the owner has complied with their Order.

5.2.2 Case 157494, 33 Bayberry Dr., Middle Musquodoboit

A report dated August 3, 2011 was before the Standing Committee.

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

Ms. Angie Stewart indicated that she was the niece of Mr. Hollis Ryan, property owner of 33 Bayberry Drive, who passed away in 2002; noting that Mr. Ryan's brother was his trustee and was currently in the hospital. Ms. Stewart advised that she lived next door to 33 Bayberry Drive and wished to take over the property in order to extend her property and create a larger lawn and vegetable garden; however, she had met with some opposition from family members regarding this plan. She stated that she has been working with a lawyer and was not trying to get the property for free; noting that there was the issue of satisfying the public trustee's requirements and that the property was not assessed; however, Mr. Ryan's sister receives his tax bill. She indicated that the property had never been registered nor a survey done and that the public trustee has requested that the property be advertised to see if there is an interested buyer; noting this request was at a standstill. Ms. Stewart stated that she had spoken to her Councillor who advised her to come to the meeting to request more time; noting that she was keeping the lawn maintained on the property.

A discussion ensued.

Mr. Oliver advised that, according to the province, Mr. Ryan's brother was not the property owner and that his sister had the property deed in her possession.

Mr. Stephan Jedynak, Solicitor, advised that it was up to the beneficiaries to apply for probate.

MOVED by Councillor McCluskey, seconded by Councillor Sloane that the Appeals Standing Committee adjourn Case 157494, 33 Bayberry Dr., Middle Musquodoboit for two months time.

The Chair advised that the staff report states that the building does not cause a danger to the public.

MOTION PUT AND PASSED.

5.2.3 Case 151994, 280 Malay Falls Lochaber Rd., Malay Falls

A report dated August 3, 2011 was before the Standing Committee.

Correspondence dated August 3, 2011 from Mr. Ralph Villman, property owner of 280 Malay Falls Lochaber Road, was submitted.

Mr. Oliver presented the report, including photographs of the property in question.

It was noted that there was no one present wishing to speak to this Case.

MOVED by Councillor Sloane, seconded by Councillor Hendsbee that the Appeals Standing Committee pass the following resolution:

The Committee finds the Property to be dangerous or unsightly as per section 3(q) of the Charter and as per section 356 of the Charter, Orders demolition of the Building, including but not limited to, the removal of all demolition debris, backfilling of any foundation or crawl space, and disconnecting any and all utility connections to the standard set by each respective utility service provider, so as to leave the Property in a neat, tidy, environmentally compliant and safe condition within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner. Otherwise, the Municipality will exercise its right as set forth under Part XV of the Charter.

A discussion on the motion ensued.

Councillor Adams entered the meeting at 10:52 a.m.

MOTION PUT AND PASSED.

5.2.4 Case 151864, 280 Malay Falls Lochaber Rd., Malay Falls

A report dated August 3, 2011 was before the Standing Committee.

Correspondence dated August 3, 2011 from Mr. Ralph Villman, property owner of 280 Malay Falls Lochaber Road, was submitted.

Mr. Oliver presented the report, including photographs of the property in question.

It was noted that there was no one present wishing to speak to this Case.

MOVED by Councillor Sloane, seconded by Councillor Hendsbee that the Appeals Standing Committee pass the following resolution:

The Committee finds the Property to be dangerous or unsightly as per section 3(q) of the Charter and as per section 356 of the Charter, Orders demolition of the Building, including but not limited to, the removal of all demolition debris, backfilling of any foundation or crawl space, and disconnecting any and all utility connections to the standard set by each respective utility service provider, so as to leave the Property in a neat, tidy, environmentally compliant and safe condition

within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner. Otherwise, the Municipality will exercise its right as set forth under Part XV of the Charter.

A discussion on the motion ensued.

MOTION PUT AND PASSED.

5.2.5 Case 158591, 892 Duggan Dr., Beaver Bank

This item was deleted under the Approval of the Order of Business as the owner has complied with their Order.

5.2.6 Case 158587, 892 Duggan Dr., Beaver Bank

This item was deleted under the Approval of the Order of Business as the owner has complied with their Order.

6. BY-LAW M-100 - RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES - NONE

7. ADDED ITEMS

7.1 Generator By-law – Councillor Sloane

MOVED by Councillor Sloane, seconded by Councillor Hendsbee that the Appeals Standing Committee request a staff report regarding the possibility of creating a Generator By-law or to make amendments to the Charter in order to create regulations for generators. MOTION PUT AND PASSED.

Regarding 782 East Chezzetcook Road, it was noted for the record that the demolition order has been revoked.

The Standing Committee requested that staff provide them with updates on outstanding orders via a status sheet.

8. NEXT MEETING DATE – September 8, 2011, 2011

9. ADJOURNMENT

The meeting was adjourned at 11:08 a.m.

Shawnee Gregory
Legislative Assistant