

APPEALS COMMITTEE
MINUTES

REVISED

August 9, 2012

PRESENT: Councillor Bob Harvey, Acting Chair
Councillor Gloria McCluskey
Councillor Mary Wile
Councillor David Hendsbee
Councillor Steve Adams

REGRETS: Councillor Brad Johns, Chair
Councillor Jim Smith, Vice Chair
Councillor Dawn Sloane

STAFF: Mr. Stephan Jedynek, Solicitor
Ms. Shawnee Gregory, Legislative Assistant

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1. CALL TO ORDER

As both the Chair and Vice Chair had sent their regrets, Councillor Harvey called the meeting to order at 10:06 a.m. in the former Dartmouth City Hall Building, 90 Alderney Drive.

2. APPROVAL OF MINUTES – June 14, 2012

MOVED by Councillor McCluskey, seconded by Councillor Wile that the minutes of June 14, 2012 be approved as presented. MOTION PUT AND PASSED.

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

Addition:

Information Item 2: Information Update on Demolition Orders Issued by the Appeal Committee August 9, 2012

MOVED by Councillor Wile, seconded by Councillor McCluskey that the Order of Business be accepted as amended. MOTION PUT AND PASSED.

4. CONSIDERATION OF ADJOURNED BUSINESS

4.1 Demolitions

4.1.1 Case #174296, 595 Purcells Cove Road, Halifax

A supplementary report dated July 26, 2012 was before the Committee.

Mr. Rob Coolen, By-law Enforcement Officer, presented the report, including photographs of the property in question. He indicated that the Case was first presented on February 9, 2012 and that the situation on the property had not changed since that time.

The property owner of 595 Purcell's Cove Road, indicated that it was her intention to renovate the cottage on the property and that she was not happy with its current condition either. She advised that she had recently suffered ill health, however, she now had \$8000 available to her in moving forward with the work. She noted that there was no foundation as she had invested \$16,000 to have the cottage raised, and the stone dry laid foundation removed with the intention of putting a proper foundation underneath and renovating the cottage. However, she was unable to complete the job after the crib work had been installed due to financial constraints. The property owner indicated that she has now hired Mr. Brian Lynch, a structural engineer with SNC Lavalin, to help her with this work. She stated that it was lucky that the house was on cribbing since it created air circulation underneath; noting that Mr. Lynch has assured it that the building

was sound. The property owner noted she could meet with the specialist that Saturday and was proposing that the foundation could be complete within the next month. She advised that she was trying to save the building from demolition as her property assessment would decrease to only \$20,000 without the cottage and she also had a lien against the property. The property owner indicated that she has been trying to sell the property but she could not go any lower than her current asking price as the bank would not release the property due to the lien.

A discussion ensued.

MOVED by Councillor McCluskey, seconded by Councillor Wile that the Appeals Committee adjourn Case #174296 for three months.

A discussion on the motion ensued.

Ms. Tanya Phillips, Manager of By-law Services, advised that from a demolition perspective, the foundation would be enough to close the order.

MOTION PUT AND PASSED.

5. DANGEROUS OR UNSIGHTLY PREMISES

5.1 Case #188114, 23 Central Avenue, Halifax

A report dated July 18, 2012 was before the Committee.

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

Mr. Jim Webb, property owner of 23 Central Avenue, stated that while he owned the home, his step daughter, a single mother and university student, lived there with her children. He advised of ongoing issues with the property owner of a five unit building next door who was admittedly hitting the fence with his plow and causing damage. Mr. Webb indicated that while the neighbouring property owner said he would pay for the repairs he had not yet done so nor did Mr. Webb believe that he would. He stated that they had filed a police report as well; noting cars had also backed into the fence from the same five unit building. Mr. Webb expressed concern at taking down the entire fence; noting that he did not mind painting it and replacing the east side but the south side was solid. Mr. Webb's step daughter then showed where the car had hit the fence and stated that the whole fence had been knocked over at one time. She indicated that one incident led to the plow hitting her foundation and the fence had saved her house; noting the neighbour has said he will not stop hitting the fence until she removes it as it was on the property line. In closing, Mr. Webb requested more time to look into this as a legal matter as they wanted the neighbour to pay for at least half of the replacement of the fence.

A discussion ensued.

Councillor Harvey advised that the issue before the Committee was with the fence as the issue between neighbours was a civil matter.

MOVED by Councillor Wile, seconded by Councillor McCluskey that the Appeals Committee adjourn Case #188114 for three months. MOTION PUT AND PASSED.

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

7. ADDED ITEMS - NONE

MOVED by Councillor Adams, seconded by Councillor Hendsbee that the Committee move In Camera, as required, to deal with the items listed below. MOTION PUT AND PASSED.

8. IN CAMERA

8.1 In Camera Minutes – June 14, 2012

This matter was dealt with In Camera.

8.2 Personnel Matter - Appeal of Taxi Driver License Suspension

This matter was dealt with In Camera.

8.3 Personnel Matter – Appeal of Taxi Owner and Driver License Suspension

This matter was dealt with In Camera.

9. NEXT MEETING DATE – September 13, 2012

10. ADJOURNMENT

The meeting was adjourned at 10:54 a.m.

Shawnee Gregory
Legislative Assistant

Information Item

1. Update - Demolition Report – Case #186538, 79 Pleasant Street, Dartmouth
2. Information Update on Demolition Orders Issued by the Appeal Committee August 9, 2012

