

TABLE OF CONTENTS

1.	CALL TO ORDER.....	3
2.	APPROVAL OF MINUTES – June 14, 2012	3
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.....	3
4.	CONSIDERATION OF ADJOURNED BUSINESS	3
4.1	Demolitions	3
4.1.1	Case# 184083, Pettipas Lane, East Chezzetcook	3
5.	DANGEROUS OR UNSIGHTLY.....	4
5.1	Appeals.....	4
5.1.1	Case # 1900981 St. Margaret's Bay Road, Queensland.....	4
5.1.2	Case # 191100; 9567 St. Margaret's Bay Road, Queensland.....	5
5.1.3	Case # 189084, 70 Blue Hill Rd., Fall River	6
8.2	Personnel Matter – Appeal of Revoked Taxi Licenses	6
8.3	Personnel Matter – Appeal, Refusal of Taxi Driver Application.....	6
8.4	Personnel Matter – Appeal of Revoked Taxi Licenses	6
9.	NEXT MEETING DATE – October 11, 2012	7
10.	ADJOURNMENT	7

1. CALL TO ORDER

As the Chair had sent his regrets, Councillor Smith called the meeting to order at 10:04 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

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

4. CONSIDERATION OF ADJOURNED BUSINESS

4.1 Demolitions

4.1.1 Case# 184083, Pettipas Lane, East Chezzetcook

A supplementary report dated August 27, 2012 was before the committee.

Mr. Trevor Oliver, By-law officer with Municipal Compliance, presented the report, including photographs of the property in question. Mr. Oliver identified that the majority of the debris and bonfires were likely the work of vandals and people dumping their garbage on the property. Mr. Oliver indicated that to the credit of the property owner a lot of the debris had been removed since the first few inspections.

Ms. Pam Lawlor, Appellant, advised that she was the owner of the property indicated in the report. Ms. Lawlor informed the committee that she has been awaiting financial assistance for disabilities. She stated that it was difficult getting to the location, as well as getting assistance to clean up the mess. Ms. Lawlor advised that she had done everything she could think of to deter people from accessing her property. Ms. Lawlor stated that although she had done considerable amount of work on the property it has not deterred people from the property and she had contacted police.

A discussion ensued.

MOVED by Councillor Hendsbee seconded by Councillor Adams that the Appeals Committee Appeals Committee close Case #184083.

MOTION PUT AND PASSED.

5. DANGEROUS OR UNSIGHTLY

5.1 Appeals

5.1.1 Case # 1900981 St. Margaret's Bay Road, Queensland

Mr. Alonzo MacDonald, By-law Enforcement Officer, presented the case to the committee. Mr. MacDonald pointed out that there were several vehicles shown on the property. He pointed out various areas that had debris on a previous inspection that had since been covered by tarpaulins. He showed various other areas with debris lying around the yard. Mr. MacDonald showed pictures to the committee indicating the closeness of the property and Queensland Beach. He advised that By-law staff have been to this property numerous times to address concerns about the violations.

The committee agreed to allow Mr. Patrick Mackenzie to have Mr. Dan Clark help make the presentation for the appellant. The Chair advised Mr. Mackenzie and Mr. Clarke that the allotted ten minutes for presentation would be shared.

Mr. Patrick Mackenzie, presented the appeal on behalf of the property owner, whom is his nephew (Jacob Williams Mackenzie). Mr. Mackenzie stated he was never told from Bylaw Services that he was not allowed to tarp down debris. He indicated that all the items that were in question were used or kept for future use.

Mr. Dan Clarke, addressed the committee for the appellant. He indicated that he had walked through the property the day before and deemed that it was neat and tidy. He advised that he thought that Mr. Mackenzie had done a good job at cleaning up the property. He stated that several thousand people pass by the property that there were only one or two complaints and was likely from the same complainant.

Councillor Hendsbee asked legal counsel if it was appropriate to allow others to speak in opposition to the appeal, as it is common practice at variance hearings.

Ms. Kirby Grant, Solicitor, indicated that it is permissible to allow others to speak when the case involves other individuals. She stated in the case before the committee that the neighbour does have vested interest in the case and should be allowed to be heard.

The committee agreed to hear a statement from a neighbour

Mr. Robert Kennedy spoke in opposition of the appeal. He stated that he is the neighbour to the property in question. He stated that there are several vehicles on the property that are not in use. He indicated that there is a shed on the property that was partially blown over in a windstorm. He stated that he knows there are no running services on the property. Mr. Kennedy advised that Mr. Patrick Mackenzie is living in a van on the property and as far as he was concerned was not allowed by HRM.

A discussion ensued with staff and the appellant responding to questions.

MOVED by Councillor Adams and seconded by Councillor McCluskey that the committee refuse the appeal and uphold the Order to Remedy Dangerous and Unsightly Conditions issued on July 25, 2012.

MOTION PUT AND PASSED.

5.1.2 Case # 191100; 9567 St. Margaret's Bay Road, Queensland

Mr. Alonzo MacDonald, By-law Enforcement Officer, presented the case to the committee. Mr. MacDonald presented photographs of vehicles located on the property. He pointed out that the positioning of the vehicles indicates that they are derelict as they are unable to be moved. Mr. MacDonald pointed out various reasons why they vehicles could not be used for travel. He stated that some of the vehicles had paper in the windows and debris inside that would impede the vehicles from moving. He noted that there were vehicles with no license plates and also no proper inspection of many of the vehicles on the property. He noted that the vehicles are unsightly to the thousands of visitors who visit Queensland Beach.

A discussion ensued with staff responding to questions.

Mr. Patrick Mackenzie, appellant addressed the committee. He disputed the claims of the vehicles could not be moved. He indicated that all the vehicles start and run. He stated that they all have license plates with valid stickers and the Mercedes had a valid inspection sticker. He dismissed the allegation that there was debris in the vehicles preventing them from being driven. He said that the items were in the passenger side of the vehicles.

Mr. Dan Clarke spoke on behalf of the appellant. He said that the vehicles on the property did not have to be registered if they were not being used on the highway. He said that the vehicles on the property are in good shape and are being looked after. Mr. Clarke said that you cannot say there is debris in the vehicles if they windows are covered up. Mr. Clarke said that the vehicles are neither disused nor abandoned, as they are there on the property at the approval of Mr. Mackenzie.

A discussion ensued with staff and the appellant responding to questions.

Mr. Robert Kennedy from neighbouring property spoke against the appeal. He stated that he had watched Mr. Mackenzie numerous times attempt to start the tonne vehicle on the property with no success. He said the 5th wheel trailer and the school bus have been sitting on the property for a long time. He said that the property needs a fence around it because it is a tourist destination.

Further discussion ensued.

MOVED by Councillor Adams, seconded by Councillor Hendsbee that the committee refuse the appeal and uphold the Order to Remedy Dangerous and Unsightly Conditions issued on July 25, 2012.

5.1.3 Case # 189084, 70 Blue Hill Rd., Fall River

Ms. Thresea Hickey, Bylaw Enforcement presented the staff report before the committee. She showed pictures of the property with a deck and no railings and no railings to the stairs. She stated that the deck had lawn chairs on it showing that no work was being done on the property.

The Chair noted that the property owner was not present at the meeting.

MOVED by Councillor Wile, seconded by Councillor McCluskey that the committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on August 16, 2012

MOTION PUT AND PASSED.

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

7. ADDED ITEMS - NONE

MOVED by Councillor McCluskey, seconded by Councillor Wile to move to In Camera.

MOTION PUT AND PASSED.

8. IN CAMERA

8.1 In Camera Minutes – August 9, 2012

This matter was dealt with In Camera.

8.2 Personnel Matter – Appeal of Revoked Taxi Licenses

This matter was dealt with In Camera.

8.3 Personnel Matter – Appeal, Refusal of Taxi Driver Application

This matter was dealt with In Camera

8.4 Personnel Matter – Appeal of Revoked Taxi Licenses

This matter was dealt with In Camera

9. NEXT MEETING DATE – October 11, 2012

10. ADJOURNMENT

The meeting was adjourned at 1:33 p.m.

Quentin Hill
Legislative Assistant