

APPEALS STANDING COMMITTEE  
MINUTES

December 12, 2013

- PRESENT: Councillor Matt Whitman, Chair  
Councillor David Hendsbee  
Councillor Linda Mosher  
Councillor Bill Karsten  
Councillor Steve Adams
- REGRETS: Councillor Steve Craig, Vice Chair  
Councillor Gloria McCluskey  
Councillor Brad Johns
- STAFF: Ms. Tanya Phillips, Manager, By-Law Standards  
Mr. Scott Hill, Regional Coordinator, By-Law Services  
Ms. Laurie Lauder, Orders Assistant, By-Law Services  
Mr. Mark Prosser, Compliance Officer, By-Law Standards  
Mr. Kevin Hindle, Regional Coordinator License Standards &  
Taxi, Limousine Services, Municipal Compliance  
Mr. Randolph Kinghorne, Senior Solicitor  
Ms. Krista Vining, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order at 10:15 a.m. in the Council Chamber, Halifax City Hall, 1841 Argyle Street, Halifax.

**2. APPROVAL OF MINUTES – November 14, 2013**

**MOVED by Councillor Karsten, seconded by Councillor Hendsbee, that the minutes of November 14, 2013 be approved as presented. MOTION PUT AND PASSED.**

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

**MOVED by Councillor Karsten, seconded by Councillor Whitman, that the agenda approved as circulated. MOTION PUT AND PASSED.**

**4. CONSIDERATION OF ADJOURNED BUSINESS – NONE**

**5. DANGEROUS OR UNSIGHTLY PREMISES**

**5.1 Appeals**

**5.1.1 Case 220784 – PID # 00619734 910 Highway 7, Westphal, NS**

A report dated November 22, 2013 was before the Standing Committee.

Mr. Mark Prosser, Compliance Officer, By-Law Standards, presented the report, including photographs of the property in question.

Mr. Prosser and Ms. Tanya Phillips, Manager, By-Law Standards responded to questions of clarification from the Standing Committee. It was noted that four separate cases would be presented; two properties with four different appeals, and that each one would be heard separately. Each of the properties have orders regarding debris and derelict vehicles.

Councillor Mosher entered the meeting at this time.

Mr. Edgard Hoyeck, President of Hoyco Holdings Limited, 48 Antares Court, Dartmouth presented his appeal to the Standing Committee. He confirmed that he is the property owner of 910 and 923 Highway #7, Westphal, pointing out that the zoning map identifies his properties as being zoned C-4 (Highway Commercial) and could provide a copy of the map to the Standing Committee, if needed. Mr. Hoyeck clarified that during his discussions with Ms. Phillips respecting the zoning, he brought to her attention that the same contents on his property were also on a neighboring property two doors down on Main Street and that no issues had been raised for that property. Mr. Hoyeck stated

that his brother was forced to move in a hurry and needed a place to store the contents of his property. He expressed concern with the lack of cooperation from Mr. Prosser, noting that this is not a by-law matter but could be a development matter; which may require him to apply for a permit to operate the business on this property. However, under the Land Use By-Law he is permitted to display items for sale on his property. Mr. Hoyeck disagreed that his properties are zoned C-1 (Community Commercial) and further disagreed that there is debris or anything dangerous onsite. He clarified that any debris caused by the move was cleaned up. Mr. Hoyeck noted his brother's request for additional time but that he was informed by Mr. Prosser that even if an appeal was filed, the Order would still be acted on and the items would be removed from the property. He stated that if under the Land Use By-Law he is not permitted to have these items on his property, he would remove them from the site.

The Chair clarified that this appeal is to address the issue of debris on the property in question and does not involve the Land Use By-Law.

Mr. Hoyeck and staff responded to questions of clarification raised by the Standing Committee.

In response to a question raised, Mr. Randolph Kinghorne, Senior Solicitor advised that the use of a property can impact on whether something is determined unsightly. This appeal is not a zoning issue but an unsightly premises issue.

In response to a question raised, Mr. Kinghorne advised that the process for deferring the appeal to allow additional time to clean up the debris, is to bring a motion to defer the continuation of this hearing and reconvene at a later date. Ms. Phillips added that if the Standing Committee was to deny the appeal, staff would provide the original seven day time frame to the property owner that was provided in the original order to clean up the site, and that if the work was not completed in that time frame, staff would proceed with the cleanup. She further stated that if the property owner was unable to affect the remedy of the property due to weather, staff would work out the timeframe with the property owner.

**MOVED by Councillor Hendsbee, seconded by Councillor Adams, that the Appeals Standing Committee defer the appeal of Case 220784 – PID # 00619734 910 Highway 7, Westphal, NS to next meeting after January 1, 2014.**

It was noted that the Compliance Officer and staff would work with Mr. Hoyeck to identify the debris.

**MOTION PUT AND PASSED.**

**5.1.2 Case 220624 – PID # 00619734 910 Highway 7, Westphal, NS**

A report dated November 22, 2013 was before the Standing Committee.

Mr. Mark Prosser, Compliance Officer, By-Law Standards, presented the report, including photographs of the property in question. It was noted that staff has received three additional complaints since the appeal was made and that one of the vehicles has been broken into which is a safety concern.

Mr. Edgard Hoyeck, President of Hoyco Holdings Limited, 48 Antares Court, Dartmouth, presented his appeal to the Standing Committee, questioning whether under the Land Use By-law, if a license were to be issued to operate a car lot on this property (910 Highway 7, Westphal), the vehicles in question would be permitted.

In response to Mr. Hoyeck's question, Mr. Randolph Kinghorne, Senior Solicitor indicated that when operating a business what is determined unsightly changes slightly. While the property owner may be able to keep some or all of the vehicles, the issue of how those vehicles are kept onsite may change as they are still not permitted to be placed in an unsightly manner.

Mr. Hoyeck referenced a letter from HRM development allowing him to operate a car lot and garage as an accessory to car lot, on his property. Mr. Hoyeck stated that his brother was put into a situation where he had no choice but to move the vehicles to the property until his lot in Hantz was ready. He indicated that a number of vehicles have been removed from the site but due to weather conditions certain items were unable to be removed. Mr. Hoyeck went on to note that he was asked by a Compliance Officer to put the brown van onsite, confirming it is his, as he is permitted to have one derelict vehicle on the property. He highlighted that the matter seems to be a development issue not a By-Law issue.

Ms. Phillips clarified that the appeal is to address derelict vehicles on the property. Mr. Hoyeck is not permitted to have derelict vehicles on his property. If he was operating a business (i.e. a car lot to sell vehicles) they would not be in a state/condition of being derelict as seen on the property. With respect to the brown van, her understanding is that Mr. Hoyeck is permitted to have a non-licensed/non-registered vehicle at the property but he not permitted to have a derelict vehicle. There are no provisions to allow derelict vehicles to be present on Mr. Hoyeck's property.

Mr. Hoyeck spoke to two of the vehicles being collector items. Further, that he and his brother never said that the vehicles would not be removed from the property, but that his brother had asked for more time to do so and the Compliance Officer had advised that regardless if an appeal was filed, the Order would be acted on and the vehicles removed from the site.

**MOVED by Councillor Mosher, seconded by Councillor Hendsbee, that the Appeals Standing Committee allow the appeal of Case 220624 – PID # 00619734 910 Highway 7, Westphal, NS.**

The Standing Committee entered into discussion with staff and the appellant responding to questions respecting the condition of the vehicles. Suggestions were made for remediation.

**MOTION PUT AND DEFEATED.**

The appeal was denied and the Order to Remedy Dangerous or Unsightly Conditions issued on October 18, 2013 by the Compliance Officer was upheld.

**5.1.3 Case 220812 – PID # 40380669 923 Highway 7, Westphal, NS**

A report dated November 22, 2013 was before the Standing Committee.

Mr. Mark Prosser, Compliance Officer, By-Law Standards, presented the report, including photographs of the property in question.

Mr. Edgard Hoyeck, President of Medco Properties Inc., 48 Antares Court, Dartmouth, presented his appeal to the Standing Committee. He agreed that there is debris on his property and the need for it to be cleaned up, but that it was not put there by him, suggesting illegal dumping. He confirmed that the steel is his but that it is not debris, as it is to be used to build a rack behind the garage. Also, that he had large pile of gravel on the property which was to be used behind the garage but someone put a “Free” sign up and the gravel was stolen.

Mr. Hoyeck and staff responded to questions raised by the Standing Committee in regard to the steel. It was confirmed that the steel identified in photograph presented by staff is not part of the Order being appealed and would not be part of the cleanup if the appeal is denied.

**MOVED by Councillor Hendsbee, seconded by Councillor Adams, that the Appeals Standing Committee allow the appeal of Case 220812 – PID # 40380669 923 Highway 7, Westphal, NS. MOTION PUT AND DEFEATED.**

The appeal was denied and the Order to Remedy Dangerous or Unsightly Conditions issued on October 18, 2013 by the Compliance Officer was upheld.

**5.1.4 Case 220786 – PID # 40380669 923 Highway 7, Westphal, NS**

A report dated November 22, 2013 was before the Standing Committee.

Mr. Mark Prosser, Compliance Officer, By-Law Standards, presented the report; including photographs of the property in question.

Mr. Edgard Hoyeck, President of Medco Properties Inc., 48 Antares Court, Dartmouth presented his appeal to the Standing Committee. He asked if staff had photographs of the property at the time the Order was issued, as none of the vehicles identified in the

Order are on site. He commented that the property was full of vehicles and in the last 60 days his brother removed a large portion to his new location. Mr. Hoyeck further indicated that he does not define the blue cube van as a vehicle as there is no engine or steering column and it only looks like a vehicle because of the tires. He noted that the van is going to be used as a storage container behind his garage facing the woods, and that the garage would be operational within the next six months.

Mr. Hoyeck and staff responded to questions raised by the Standing Committee in regard to the vehicles in question and the intended use of the blue cube van.

**MOVED by Councillor Hendsbee, seconded by Councillor Adams, that the Appeals Standing Committee allow the appeal of Case 220786 – PID # 40380669 923 Highway 7, Westphal, NS. MOTION PUT AND DEFEATED.**

The appeal was denied and the Order to Remedy Dangerous or Unsightly Conditions issued on October 18, 2013 by the Compliance Officer was upheld.

**5.2 Demolitions – None**

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

**7. ADDED ITEMS – NONE**

**8. PROPOSED 2014 MEETING SCHEDULE**

A proposed 2014 meeting schedule was before the Standing Committee for consideration.

**MOVED by Councillor Mosher, seconded by Councillor Adams, that the Appeals Standing Committee approve the 2014 meeting schedule as circulated. MOTION PUT AND PASSED.**

**9. IN CAMERA**

**9.1 Personnel Matter – Appeal of Taxi Driver/Owner License Revocation**

**MOVED by Councillor Karsten, seconded by Councillor Hendsbee, that the Appeals Standing Committee convene into In Camera to discuss a personnel matter – appeal of taxi driver/owner license revocation. MOTION PUT AND PASSED.**

**10. NEXT MEETING DATE – January 9, 2014**

The next meeting of the Appeals Standing Committee will be held on Thursday, January 9, 2014 in the Council Chamber, 3<sup>rd</sup> Floor City Hall, 1841 Argyle Street, Halifax.

**11. ADJOURNMENT**

The meeting was adjourned at 11:25 a.m.

Krista Vining  
Legislative Assistant