



**APPEALS STANDING COMMITTEE
MINUTES
March 20, 2014**

PRESENT: Councillor Matt Whitman, Chair
Councillor Steve Craig, Vice Chair
Councillor Linda Mosher
Councillor Bill Karsten
Councillor Steve Adams
Councillor Brad Johns

REGRETS: Councillor David Hendsbee
Councillor Gloria McCluskey

STAFF: Ms. Tanya Phillips, Manager, 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

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to the Standing Committee are available online: <http://www.halifax.ca/boardscom/SCappeals/AppealsMarch202014.html>

The meeting was called to order at 10:05 a.m. and adjourned at 11:07 a.m.

1. CALL TO ORDER

The meeting was called to order in the Council Chamber, Halifax City Hall, 1841 Argyle Street, Halifax.

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

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

3. APPROVAL OF MINUTES – January 9, 2014

MOVED by Councillor Johns, seconded by Councillor Karsten that the minutes of January 9, 2014 be approved as presented. MOTION PUT AND PASSED.

4. CONSIDERATION OF ADJOURNED BUSINESS

4.1 Case 220784 – PID#00619734 – 910 Highway 7, Westphal, NS (Deferred January 9, 2014)

The following item was before the Standing Committee:

- A supplementary staff report dated March 10, 2014

Mr. Alonzo MacDonald, Compliance Officer, By-Law Standards delivered a presentation on the condition of the site to date; including photographs of the property in question.

The Committee permitted Mr. Eli Hoyeck of 28 Maynard Street, Dartmouth (brother of property owner Edgard Hoyeck) to speak on his brother's behalf without having a signed letter of permission.

Mr. Eli Hoyeck indicated that bad weather and snow build-up caused a delay in removing the trailer/cab from his brother's property. The trailer can now be moved but his truck is in Oxford and he has had to make alternate arrangements.

In response to a question raised by Councillor Johns, Mr. Hoyeck confirmed that he could have the trailer moved in less than three weeks.

Councillor Karsten requested clarification around process/timeline if the appeal is denied. Ms. Tanya Phillips, Manager, By-Law Standards advised that if the appeal is denied the Compliance Office would speak with the property owner and the property owner would be permitted the same seven day timeframe as allotted in the Order to Remedy to comply. If the trailer is not removed within that timeframe, then staff would affect the remedy.

MOVED by Councillor Karsten, seconded by Councillor Johns that the Appeals Standing Committee allow the appeal of Case 220784 – 910 Highway 7, Westphal, NS. MOTION PUT AND DEFEATED.

5. DANGEROUS OR UNSIGHTLY PREMISES

5.1 Appeals

5.1.1 Case 221783 – 650 Rocky Lake Drive, Bedford

The following item was before the Standing Committee:

- A supplementary staff report dated March 10, 2014
- A letter dated March 20, 2014 signed by property owner Nancy Conrad authorizing Charles Conrad to present the appeal on her behalf

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

In response to a question raised by Councillor Karsten, Mr. MacDonald advised that the property is zoned RTU.

Mr. Charles Conrad, on behalf of Nancy Conrad, property owner of 650 Rocky Lake Drive, Bedford presented the appeal. Mr. Charles questioned whether Mr. MacDonald had photos available from the first site inspection conducted. Ms. Tanya Phillips, Manager, By-Law Standards clarified that the photos shown in staff's presentation are the most current condition of the property. Mr. Conrad advised that some of the initial concerns raised in staff's presentation were addressed prior to December 12, 2013. He discussed with the Municipal Compliance Office of having another site inspection completed to sign off on the progress; however, when Mr. MacDonald attended the site on January 2, 2014, he was unable to conduct a detailed site inspection due to snow cover from a recent snow event. Mr. Conrad provided an overview of some photos he took on March 19th of the progress made to the property and submitted them for the record.

Mr. Conrad expressed concerns with the Municipal Compliance Office's procedures and found their actions to be largely without merit or reasonable and that he had asked for another Compliance Office to be assigned to the case. Mr. Conrad read from a written statement, reiterating comments on the progress made to the property; submitting the statement for the record. He closed by pointing out that the property is a link home as the two houses are joined by a piece of cement and referenced the commercial activity that takes place on the neighbouring side.

The Standing Committee entered into discussion, asking questions of clarification of Mr. Conrad.

In response to Councillor Karsten's earlier question on zoning, Councillor Mosher clarified that RTU stands for Two Dwelling Unit Zone (Residential).

Councillor Adams sought clarification around the cleanup time period. Mr. Conrad advised that he hired a cleaning crew and spent approximately five hours removing material on March 18th and more work was done on March 19th. It was noted that most of the doors shown in staff's presentation had been removed and the three wooden doors near the deck would be removed later in the day. As well, the doors at the back of the garage would be going on his garage once weather permits.

In response to a request made by Councillor Craig, Mr. MacDonald went through the photographs shown in his presentation, with Mr. Conrad confirming what materials have been removed to date, what materials remain on site, and the reasons for keeping materials onsite upon completion of the cleanup. Mr. Conrad spoke to his hobby/recent business opportunity around the sale of used garage doors and track. Mr. Conrad further pointed out that a good portion of the items shown in staff's photograph behind the garage were not on his property but he was unable to confirm if they were his items.

Councillor Mosher asked staff to confirm whether the debris shown in the last photograph is owned by Mr. Conrad. Mr. MacDonald indicated that the material shown is the same that is found throughout the property in question.

Councillor Mosher questioned the time period left to clean up the remaining items. Mr. Conrad indicated that there is a couple of days' worth of work left based on the weather, his ability to finance the cleanup and his health. He asked for an extension of six weeks.

Councillor Mosher questioned the time period if the appeal is denied. Mr. MacDonald advised that based on the site inspection and photos taken by staff on March 18th, that one to two weeks would be a fair timeframe for the property owner to remedy the Order.

MOVED by Councillor Mosher, seconded by Councillor Karsten that the Appeals Standing Committee allow the appeal of Case 221783 – 650 Rocky Lake Drive, Bedford.

Councillor Mosher spoke to the motion, indicating that she would not be supporting the appeal as the initial complaint was made November 4, 2013. She expressed that the focus of the appeal was based on the staff's action being without merit or being reasonable which is not relevant. Based on the efforts made to the property to date, she suggested that two weeks should be enough time to complete the cleanup; commenting that the materials were not appropriate in a residential area.

Councillor Johns advised that he would not be supporting the motion as there has been enough time to remedy the Order. Further, based on Mr. Conrad's comments made towards staff he suggested there should be two staff members onsite during future inspections.

Councillor Adams made reference to Case 220784 wherein a deferral was granted to permit additional time to remedy the Order. He suggested that there needs to be a cooling off period and the property owner needed more time to complete the cleanup.

MOVED by Councillor Adams, seconded by Councillor Craig to defer the appeal of Case 221783 – 650 Rocky Lake Drive, Bedford to the first appeal committee hearing held after April 1, 2014. MOTION TO DEFER WAS PUT AND DEFEATED.

The Standing Committee continued their discussion of the motion to allow the appeal; with Councillor Karsten also supporting the progress made to the property to date and two weeks being adequate time to remedy the Order.

MOTION PUT AND DEFEATED.

5.2 Demolitions

5.2.1 Case 215733 – 2363 Creighton Street, Halifax

The following item was before the Standing Committee:

- A supplementary staff report dated March 7, 2014.

Ms. Tamar Pryor-Brown, Compliance Officer, By-law Standards provided an overview of the January 27, 2014 staff report, including photographs of the property in question.

In response to a question raised by Councillor Karsten, Ms. Pryor-Brown advised that the house has not been occupied in approximately four years.

Ms. Paula Adams of 2540 Maynard Street, Halifax presented her appeal advising that she had tried her best to maintain the property at 2363 Creighton Street, Halifax but found it difficult to do as a single parent and paying property taxes and rent. She agreed with staff's recommendation to demolish the house in its present state.

In response to questions raised by Councillor Karsten, Ms. Adams indicated that she had tried to sell the property approximately a year ago but received bad offers. She confirmed that demolishing the property would cause her financial hardship.

Councillor Johns requested clarification around the process if the Appeals Standing Committee finds the property to be dangerous or unsightly and orders demolition; as outlined in the March 7, 2014 supplementary staff report. Ms. Tanya Phillips, Manager, By-Law Standards advised that as per the Order the property owner would have 30 days to reflect and decide whether or not they could undertake the demolition. At the end of the 30 days, staff would speak with the property owner and if they are unable to undertake the demolition the Order would be executed. A site meeting would be held with a number of contractors and to welcome bids for the work. The work would be awarded to the lowest bidder, the work would be completed and the property owner would be invoiced. If the property owner is unable to pay the invoice, a lien would be placed on the property taxes. If unable to pay the lien in full, the property owner could then make a re-payment plan with HRM.

Councillor Johns questioned the average cost to demolish a house. Ms. Phillips was unable to respond, noting that there are many variables. In response to additional questions, Ms. Phillips

advised that if the property were to be sold the profit would be used to pay off the lien and the remaining amount would go to the property owner. She clarified that the process of HRM taking ownership of the property and selling it to pay off the lien was not a foreseeable concern and is way down the line in terms of process. Staff typically encourages the property owner to speak with HRM Customer Service to work out a re-payment plan if they are unable to pay the amount in full.

Councillor Mosher commented that the property is currently assessed at \$230,000; questioning if this reflects the property's current state. Ms. Phillips did not have accurate information at the time to respond but as the house has decayed she would assume the assessment does not reflect its current state. In response to a question, Ms. Adams confirmed that she has been paying taxes on the property since her father's death.

Councillor Mosher suggested a solution of having HRM tear down the house; a lien could then be placed on the property and Ms. Adams' could appeal the property tax assessment to have it lowered and work out a payment plan based on the reduced taxes. She further commented that the property may have a better chance of being sold as a vacant lot and given its location. Ms. Adams supported Councillor Mosher's suggestion.

MOVED by Councillor Mosher, seconded by Councillor Craig that the Appeals Standing Committee find 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 Dwelling, 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 rights as set forth under Part XV of the Charter.

Councillor Craig agreed that the house is in a state of disrepair and needed to be demolished. He requested clarification as to whether the lien and the financing apply to the zero interest if HRM undertakes the demolition. Mr. Randolph Kinghorne, Senior Solicitor advised that Administrative Order One sets out the charges HRM imposes for debt to the Municipality. The lien will become part of the property taxes on the vacant lot and the debt would be charged at the rate of interest provided in Administrative Order One.

In response to a question raised by Councillor Johns, Ms. Adams advised that the property has only been in its current state for approximately a year. Councillor Johns agreed with Ms. Adams contacting HRM Customer Service to appeal the property tax assessment.

Councillor Karsten provided supporting comments toward the motion and agreed with comments made by members.

MOTION PUT AND PASSED.

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

7. ADDED ITEMS – NONE

8. IN CAMERA

8.1 In Camera Minutes – January 9, 2014

MOVED by Councillor Karsten seconded by Councillor Adams that the January 9, 2014 In Camera minutes be approved as presented. MOTION PUT AND PASSED.

9. NEXT MEETING DATE – April 10, 2014

10. ADJOURNMENT

The meeting was adjourned at 11:07 a.m.

Krista Vining
Legislative Assistant