



**APPEALS STANDING COMMITTEE  
MINUTES  
August 5, 2015**

PRESENT: Councillor Matt Whitman, Chair  
Councillor Steve Adams, Vice Chair  
Councillor Russell Walker  
Councillor Gloria McCluskey  
Councillor David Hendsbee  
Councillor Brad Johns

STAFF: Mr. Joshua Judah, Senior Solicitor  
Ms. Tanya Phillips, Manager, By-law Standards, Municipal Compliance  
Mr. Kevin Hindle, Supervisor, Regional Licensing, Municipal Compliance  
Ms. Jennifer Weagle, 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 Committee are available  
<http://www.halifax.ca/boardscom/scappeals/ASC150805agenda.php>:*

*The meeting was called to order at 10:05 a.m., and adjourned at 11:57 a.m.*

**1. CALL TO ORDER**

The Chair called the meeting to order at 10:05 a.m.

**2. APPROVAL OF MINUTES – May 14, 2015**

MOVED by Councillor Johns, seconded by Councillor Hendsbee,

**THAT the minutes of the May 14, 2015 Appeals Standing Committee meeting be approved as circulated.**

**MOTION PUT AND PASSED.**

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

An Information Update from Municipal Compliance staff dated August 5, 2015 regarding Demolition Orders issued by the Appeals Standing Committee on January 8, February 12, and March 12, 2015 was circulated to the Committee.

MOVED by Councillor Walker, seconded by Councillor McCluskey,

**THAT the agenda be approved as circulated.**

**MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES - NONE**

**5. MOTIONS OF RECONSIDERATION – NONE**

**6. MOTIONS OF RESCISSION – NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**7.1 Case #245613, 80 Brunt Road, Harrietsfield (deferred from March 12, 2015)**

The following was before the Committee:

- A supplementary staff recommendation report dated July 29, 2015

Mr. Mark Prosser, Compliance Officer, presented Case No. 245613, 80 Brunt Road, Harrietsfield.

Responding to questions from the Committee, Mr. Prosser advised that the subject property is in the direct line of sight of neighbouring properties.

Mr. Roger Rehberg, Appellant and property owner of 80 Brunt Road, Harrietsfield, advised that there have been major improvement to the barn since July 30, 2015. Mr. Rehberg circulated photos of work recently done to the property, which included painting the structure. He noted there are materials on the property to carry out roof repairs, and that windows have not been put in yet. Mr. Rehberg explained that the property has been whipper snipped and the barn is used as a workshop for carpentry work for the inside of the house on the property which is undergoing renovations. He indicated that he has a person staying on the property overnight, and the work crew is on the property all day.

Responding to questions from the Committee, Mr. Rehberg advised that they started painting the property several days ago. He indicated that Glidden paint is being used, and he purchased 80 or 90 gallons, at \$120 per gallon plus tax. Mr. Rehberg referred to photos of the paint in the photos circulated.

In response to questions from the Committee, Mr. Prosser confirmed the date the staff photos presented were taken on was July 30, 2015.

Councillor Walker noted that no painting had been done in the photos taken by staff on July 30<sup>th</sup>.

Responding to questions from the Committee, Mr. Rehberg indicated he did not have receipts for the paint with him.

Councillor Johns noted that Mr. Rehberg was given extensions on this property twice before.

In response to questions from the Committee, Mr. Prosser indicated that the last site visit recorded in the report was July 21<sup>st</sup>, because the report had to then be submitted for this meeting. He further advised that Mr. Alonzo MacDonald, Compliance Officer, took the July 30, 2015 photos, although Mr. MacDonald is not in attendance today.

Councillor Hendsbee indicated that he is not prepared to make a decision on the property when there is doubt of evidence and conflicting testimony.

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey,

**THAT this matter be deferred to the next Appeals Standing Committee meeting.**

Councillor Johns spoke against a further deferral, noting that this matter has been ongoing for seven months, and although summer is the time that significant work should be taking place on the property, progress is not happening.

In response to questions, Ms. Tanya Phillips, Manager, By-law Standards, Municipal Compliance, advised that if the demolition is ordered by the Committee today, it would generally be actioned within 30 days, although the Committee has the option of changing the time frame. She confirmed that if significant work was being done to the property to bring it into compliance, staff would hold on the order.

Responding to questions from the Committee, Mr. Joshua Judah, Senior Solicitor, indicated that the best evidence is to have the witness to question present, and that in a court setting, more weight would be given to evidence where a witness was present to testify.

Councillor Adams noted frustration with this property, noting that the deferral was granted in March to allow time for significant improvement to the property.

Mr. Adam Sadler, Building Official, confirmed that no permits have been applied for and no plans have been submitted. He indicated that November 2014 was the last time he was inside the property. He attended the property on July 7, 2015, but was not able to gain access, although he could see no significant change with the property.

**MOTION TO DEFER DEFEATED.**

MOVED by Councillor Johns, seconded by Councillor Walker,

**THAT the Appeals Standing 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 SIXTY (60) 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.**

At the request of the Committee, Ms. Phillips noted that the motion on the floor would give the property owner 60 days to demolish the structure, or alternatively to obtain the necessary permits and make all repairs to the structure. If staff noted significant improvement to the structure, it would no longer be deemed to be a compromised state and the order would no longer be in effect. She advised that if the motion were approved, this matter would not be coming back to the Committee, but the Committee would be kept informed on the monthly demolition status sheet.

Responding to questions from the Committee, Mr. Judah indicated that the decisions of this Committee can be appealed to the Supreme Court of Nova Scotia for judicial review.

In response to further questions from the Committee, Ms. Phillips indicated that significant work would entail obtaining permits, providing a work plan, having interior and exterior inspections done by officials, and having all deficiencies completed.

Mr. Sadler indicated deficiencies to be addressed include having the plumbing capped, repairing the roof to make it water tight, repairing or replacing windows, obtaining an electrical permit from Nova Scotia Power, and regular inspections by building officials, including framing and final inspections. Mr. Sadler offered to help with a list of deficiencies for the property owner.

#### **MOTION PUT AND PASSED.**

#### **7.2 Case #232580, 1306 West Jeddore Road, West Jeddore (deferred from March 12, 2015)**

The following was before the Committee:

- A supplementary staff recommendation report dated July 20, 2015
- Photos from the Building Official

Ms. Tamar Brown, Compliance Officer, presented Case No. 232580, 1306 West Jeddore Road, to the Committee. At the request of the Committee, Ms. Brown clarified that the façade of the structure is not attached to the original structure, which remains mostly intact within the new structure.

Mr. Finlay MacInnis, Appellant and property owner of 1306 West Jeddore Road, advised that a wall on the original structure was removed and disposed of. He confirmed that he is building a new structure around the old structure, which is still being used for storage. Mr. MacInnis explained that he was served a stop work order by the building inspector because he built the new structure two feet higher than the old structure, and he now has a list of items he has to complete.

Mr. Jason Thibeau, Assistant Building Official, clarified that the new structure is not a building, and is just a wall-like structure, partially connected to the existing accessory building. He confirmed that the new structure does not meet the building code, noting that part of the new structure is resting on cinder blocks. Mr. Thibeau confirmed that a permit is required for a building this size, although one has not been applied for. Mr. Thibeau circulated photos he had taken of the property a few days ago.

Responding to questions from the Committee, Mr. Thibeau indicated that he plans to have the work done this year.

Councillor Johns noted that the Committee previously granted a four month extension on this matter.

MOVED by Councillor Johns, seconded by Councillor Walker,

**THAT the Appeals Standing 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 accessory structure, 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 ONE HUNDRED TWENTY (120) 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.**

At the request of the Committee, Ms. Phillips indicated that, as per the motion, Mr. MacInnis would have 120 days to obtain a permit and complete the structure to code, otherwise it will be demolished. She noted that this matter will not need to come before the Committee again.

Mr. Sergio Grbac, Supervisor, Municipal Compliance, noted that the structure does not meet building code compliance, and staff will assist with advising the property owner what needs to be submitted for the permit.

Responding to questions from the Committee, Mr. McInnis advised that he believes he can complete the work within 120 days.

**MOTION PUT AND PASSED.**

**7.3 Case #247063, 255 Waverley Road, Dartmouth (vehicle) (deferred from June 11, 2015)**

The following was before the Committee:

- A supplementary staff recommendation report dated July 29, 2015

Mr. Roger Brown, Compliance Officer, presented Case No. 247063, 255 Waverley Road, Dartmouth. He confirmed that the other order on the property regarding debris has been complied with, although this order regarding a derelict vehicle has not, and the vehicle still remains present in the driveway.

Mr. Brown confirmed that the property owner was not present at this meeting.

Responding to questions from the Committee, Mr. Brown confirmed that debris remains around the car, and that there is no room in the garage for the car.

MOVED by Councillor Johns, seconded by Councillor Walker,

**THAT the Appeals Standing Committee allow the appeal.**

**MOTION DEFEATED.**

At the request of the Committee, Ms. Phillips advised that since the appeal was denied, the order stands as direction to staff and the property owner.

**8. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**8.1 Correspondence - NONE**

**8.2 Petitions - NONE**

**8.3 Presentation - NONE**

**9. REPORTS**

**9.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS**

**9.1.1 Case #254347, 2688 Old Sambro Road, Williamswood**

The following was before the Committee:

- A supplementary staff recommendation report dated July 14, 2015

Mr. Mark Prosser, Compliance Officer, presented Case No. 254347, 2688 Old Sambro Road, Williamswood.

In response to questions from the Committee, Mr. Prosser confirmed that the two derelict vehicles are toward the front left of the property.

Mr. Kevin Sabine, Appellant and property owner of 2688 Old Sambro Road, Williamswood, addressed the Committee, noting that he intends to use the two vehicles to make one vehicle. He advised that he has purchased parts to carry out this task, but he has to have them in a garage to be able to do the work. Mr. Sabine commented that he does not see the vehicles as derelict, and he has a portable garage to store one of the vehicles.

Responding to questions from the Committee, Mr. Sabine advised that he has spent considerable money on the vehicles and parts so far, but his plans were put on hold because of a workplace accident resulting in him being off work for two years. He confirmed he has no immediate plans to undertake the work.

Mr. Prosser indicated that Mr. Sabine would need a permit to erect a portable garage, and would require either two single portable garages, one for each vehicle, or one portable garage large enough for both vehicles.

**MOVED by Councillor Johns, seconded by Councillor Adams, that the Appeals Standing Committee defer this matter to the October meeting.**

The Committee reiterated that the purpose of the deferral would be to allow Mr. Sabine time to either remove the vehicles from the property, or erect portable garage(s) over the vehicles, which would require a permit.

In response to questions from the Committee, Mr. Sabine indicated that he hopes to have one vehicle removed before October, and obtain a permit and erect the temporary garage by October.

**MOTION PUT AND PASSED.**

**9.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS**

**9.2.1 Case #252408, 144 Pleasant Street, Dartmouth**

The following was before the Committee:

- A supplementary staff recommendation report dated July 28, 2015

Ms. Tamar Brown, Compliance Officer, presented Case No. 252408 to the Committee.

Mr. Kenneth Dacey, property owner of 144 Pleasant Street, Dartmouth, advised that he is an Architect, and intends to demolish the portion of the building that was destroyed by snow, and resurrect it as a double garage. He indicated that he has a demolition permit and will be applying for a building permit once the plans are printed this afternoon.

Responding to questions from the Committee, Mr. Dacey advised that the demolition should be completed within two to three weeks. He plans to salvage some materials from the demolition, and all non-salvageable materials will be removed from the property.

Responding to further questions from the Committee, Mr. Dacey confirmed he does not live at the property, and it is presently vacant and has been vacant for a number of years. He noted that the house was built in 1854, and he bought it in 1974. Mr. Dacey indicated that the collapsed structure was originally a carriage house, which was fixed up as a garage. He noted that the back half of the garage roof collapsed from the weight of ice and snow over the winter, and is still partially attached to the house.

Ms. Brown advised that the overall garage structure is not code compliant and no part can be salvaged.

Mr. Paul Guest, Assistant Building Official, confirmed that the structure is not up to building code standard, and when it collapsed, it tore away a section of the house. With regard to salvaging materials, he noted that a lot of the materials would be compromised, as they were twisted and broken in the collapse. He confirmed that there are no compliance files open with regard to the main building.

At the request of the Committee, Mr. Dacey confirmed that he plans to repair the damage to the house structure.

Councillor Johns noted that the property is in a densely populated area, and the collapsed structure is not secured.

MOVED by Councillor Johns, seconded by Councillor McCluskey,

**THAT the Appeals Standing 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 addition to 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.**

Responding to questions from the Committee, Mr. Dacey advised that the property is intended to be a rental property. He noted complications with removing the garage because it is built into the bank of a steep slope.

**MOTION PUT AND PASSED.**

### **9.3 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES APPEALS**

A memorandum from the Legislative Assistant dated July 30, 2015 regarding a process change related to taxi license appeals was before the Committee.

#### **9.3.1 Appeal of Bassam Al-Rawi – Suspension of Taxi Driver License and Taxi Owner License**

The following was before the Committee:

- A staff recommendation report dated June 19, 2015
- Correspondence from Michael S. Taylor, Pressé Mason, dated July 21, 2015.
- Written authorization dated July 21, 2015 from Bassam Al-Rawi giving Michael Taylor authority to represent him with regard to this appeal.

Mr. Mike Taylor, Solicitor representing the Appellant, Bassam Al-Rawi, provided in writing a request that Mr. Al-Rawi's appeal hearing be held in camera, including circumstances which he believed warranted an in camera hearing, noting that he would be making reference to certain issues that may be contentious at the time of Mr. Al-Rawi's Preliminary Inquiry and/or trial, and since this information is not publically

available, he would not want to have his comments in relation to some of the proposed evidence to become public information through reporting by the press. In the interests of ensuring that Mr. Al-Rawi receives a fair trial when the time comes, Mr. Taylor requested that this hearing be dealt with as an in camera matter.

The Standing Committee rose to go into a private In Camera session at 12:11 p.m. The Committee reconvened to the public session at 12:35 a.m.

The following motion from the In Camera session was ratified in public:

MOVED by Councillor Johns, seconded by Councillor Adams,

**THAT the Appeals Standing Committee allow the appeal of Bassam Al-Rawi, that he be restricted from driving from 6 p.m. to 6 a.m. and that a camera be placed in the taxi he is driving, and that these conditions are pending the conclusion of the court case against him.**

**MOTION PUT AND PASSED.**

### **9.3.2 Appeal of David Marriott – Denial of Renewal of Taxi Owner License**

The following was before the Committee:

- A staff recommendation report dated July 17, 2015
- Package from the Appellant of materials including letters of reference.

Mr. Kevin Hindle reviewed the July 17, 2015 report.

At the request of Mr. David Marriott, Mr. David Buffett, President of the Halifax Taxi Drivers Association, assisted Mr. Marriott in addressing the Committee. Mr. Buffett advised that he and Mr. Marriott sincerely appreciate the opportunity to represent the situation to the Committee. Mr. Buffett commented that, as the President of the Halifax Taxi Drivers Association, he wants to see good service to the public by taxi drivers, and noted that it is important that all drivers take the *Motor Vehicle Act* very seriously. Mr. Buffett advised that Mr. Marriott was sick for a number of months and on medications; he was not thinking straight, and used poor judgment in this circumstance.

Mr. Buffett submitted for each member of the Committee a package of materials containing letters of reference for Mr. Marriott, a note from his doctor, a driver report for the period from April 27, 2015 to June 10, 2015, and a newspaper article from 1973 referencing charges being laid against a man who stabbed Mr. Marriott during a fare pickup. Mr. Buffett reviewed Mr. Marriott's past efforts on behalf of the industry, and noted that he was always an exceptional taxi driver.

Responding to questions from the Committee, Mr. Hindle advised that he is not aware of any prior issues by Mr. Marriott that would affect his taxi license.

Constable Aaron Head, Halifax Regional Police, advised that he assisted with the investigation related to this matter. Constable Head indicated that in the process of having a conversation with Mr. Marriott regarding the situation, Mr. Marriott, while seeming coherent, admitted that his friend took his vehicle to a garage which passed its Motor Vehicle Inspection, when he knew repairs were required to pass inspection. Mr. Marriott advised at that time that he did not know which garage the vehicle was brought to, and he indicated that he had further repairs done to the taxi before it brought the vehicle to the taxi office for his license renewal.

Responding to questions from the Committee, Mr. Hindle advised that he was not involved in that particular vehicle inspection, but that the fraudulent inspection sticker was seized and turned over to police with the fraudulent certificate.



Responding to questions from the Committee, Mr. Marriott indicated he has been off work for medical reasons since June 11, 2015.

Councillor Adams commented that this seems very out of character for Mr. Marriott, based on his past dealings with him.

Responding to questions from the Committee, Constable Head clarified that the Criminal Code charge of fraud against Mr. Marriott has not proceeded to court yet, and therefore, Mr. Marriott has not entered a plea. Mr. Hindle further clarified that the fraud charge related to provincial documents is outside the scope of the Municipality.

In response to question from the Committee, Mr. Marriott discussed repairs still needed to the taxi, including a rocker, headlight and wiper adjustments, and brake line replacement. Mr. Marriott apologized to staff and the Committee for the poor judgement he used in this circumstance.

MOVED by Councillor Johns, seconded by Councillor Walker,

**THAT the Appeals Standing Committee allow the appeal of David Marriott.**

At the request of the Committee, Mr. Hindle advised that if the appeal were allowed, Mr. Marriott's vehicle inspection would be a part of the complete renewal process, by appointment with his office.

**MOTION PUT AND PASSED.**

**10. MOTIONS - None**

**11. IN CAMERA**

The In Camera session was held earlier in the meeting (refer to item 9.3.1).

**11.1 Approval of In Camera Minutes – May 14, 2015**

MOVED by Councillor Walker, seconded by Councillor McCluskey,

**THAT the In Camera minutes of May 14, 2015 be approved as circulated.**

**MOTION PUT AND PASSED.**

The In Camera minutes were approved during the public session.

**12. ADDED ITEMS - None**

**13. NOTICES OF MOTION - None**

**14. DATE OF NEXT MEETING – September 10, 2015, 10:00 a.m., Council Chamber, City Hall, 1841 Argyle Street, Halifax**

**15. ADJOURNMENT**

The meeting was adjourned at 12:59 p.m.

Jennifer Weagle  
Legislative Assistant

