



**APPEALS STANDING COMMITTEE  
MINUTES  
December 10, 2015**

PRESENT: Deputy Mayor Matt Whitman, Chair  
Councillor Stephen Adams, Vice Chair  
Councillor Russell Walker  
Councillor Gloria McCluskey  
Councilor David Hendsbee

REGRETS: Councillor Brad Johns

STAFF: Mr. Randolph Kinghorne, Senior Solicitor'  
Ms. Tanya Phillips, Manager, By-law Standards  
Ms. Cathy Collett, 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 Appeals Standing Committee are available online: <http://www.halifax.ca/boardscom/SCappeals/index.php#y2015>*

*The meeting was called to order at 10:00 a.m., and recessed at 10:48 a.m. The Standing Committee reconvened in at 11:00 a.m. and adjourned at 11:34 a.m.*

**1. CALL TO ORDER**

The Chair called the meeting to order at 10:00 a.m.

The Chair turned the meeting over to the Legislative Assistant

The Legislative Assistant called for nominations for the position of Chair of the Appeals Standing Committee.

MOVED by Councillor Adams, seconded by Councillor McCluskey

**THAT Deputy Mayor Whitman be nominated the Chair of the Appeals Standing Committee.**

The Legislative Assistant called three times for any further nominations. There being none, it was:

MOVED by Councillor Adams, seconded by Councillor McCluskey

**THAT nominations for the position of Chair be closed.**

**MOTION PUT AND PASSED.**

The Legislative Assistant declared Deputy Mayor Whitman Chair of the Appeals Standing Committee. Deputy Mayor Whitman then assumed the Chair. Deputy Mayor Whitman called for nominations for the position of Vice Chair of the Appeals Standing Committee.

MOVED by Councillor Walker seconded by Councillor McCluskey

**THAT Councillor Adams be nominated Vice Chair of the Appeals Standing Committee.**

**MOTION PUT AND PASSED.**

The Chair called three times for any further nominations. There being none, it was:

MOVED by Councillor Walker, seconded by Councillor McCluskey

**THAT nominations for the position of Vice-Chair be closed.**

**MOTION PUT AND PASSED.**

The Chair declared Councillor Adams Vice Chair of the Appeals Standing Committee.

**2. APPROVAL OF MINUTES – NONE**

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

It was agreed that 12.6.1 Approval of the 2016 meeting schedule and 12.5.1 Application #149120, Driveway widening at 8/20 Oakes Road, Fall River, be moved to immediately following correspondence.

MOVED by Councillor Adams, seconded by Councillor McCluskey,

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

Two-third majority vote required.

**MOTION PUT AND PASSED.**

4. **BUSINESS ARISING OUT OF THE MINUTES - NONE**
5. **CALL FOR DECLARATION OF CONFLICT OF INTERESTS**
6. **MOTIONS OF RECONSIDERATION – NONE**
7. **MOTIONS OF RESCISSION – NONE**
8. **CONSIDERATION OF DEFERRED BUSINESS – NONE**
9. **NOTICES OF TABLED MATTERS – NONE**
10. **CORRESPONDENCE, PETITIONS & DELEGATIONS**
  - 10.1 **Correspondence**
    - 10.1.1 **Correspondence from Amanda Halliday re: Bassam Aladin Al-Rawi Appeal**

The following was before the Standing Committee:

- A letter from Amanda Halliday requesting that the Appeals Standing Committee reconsider the appeal decision regarding the Bassam Aladin Al-Rawi Appeal.

Committee members questioned Mr. Randolph Kinghorne, Municipal Solicitor, about what courses of action were available in response to the letter from Ms. Halliday. Mr. Kinghorne explained that once the committee has made a ruling on a case, they cannot revisit the decision for any reason other than issues with form. An appeal decision cannot be reconsidered without the consent of the party in question. The Committee requested that Mr. Kinghorne advise the Clerk's office on the appropriate response to the letter. The Legislative Assistant confirmed that a response would be sent to the correspondent.

- 10.2 **Petitions - None**
- 10.3 **Presentation - None**
11. **INFORMATION ITEMS BROUGHT FORWARD – NONE**
12. **REPORTS**
  - 12.6.1 **Approval of the 2016 Meeting Schedule**

The following was before the Committee:

- A copy of the proposed 2016 meeting schedule

MOVED by Councillor Walker, seconded by Councillor McCluskey

**THAT the Proposed 2016 Meeting Schedule be approved.**

**MOTION PUT AND PASSED**

- 12.5.1 **Application #149120, Driveway widening at 18/20 Oakes Road, Fall River**

The following was before the Committee:

- A staff recommendation report dated December 1, 2015

Mr. Christopher Davis, Supervisor, Right of Way, gave a brief presentation on Application #149120, explaining the engineer's decision to refuse the permit for driveway widening. As he outlined, the maximum driveway width is twenty (20) feet, with the rationale being that the greater the width of a driveway, the more crossing distance for cars and pedestrians and thus the greater risk of collision. Mr. Davis showed photographs of the 25 closest driveways to 18/20 Oakes Road and concluded that if the driveway widening permit was to be allowed, it would be the 4<sup>th</sup> widest driveway on Oakes Road.

Responding to questions of clarification from Committee Members, Mr. Davis commented that there is no reason to believe that Oakes Road is the site of frequent collisions and that the By-law is the same for urban and rural locations. He explained that some of the driveways exceeding the allowed width have been grandfathered from pre-amalgamation standards.

The Chair invited the applicant to address the Standing Committee. Mr. Paul Branny circulated a photographic presentation to the Standing Committee, explaining that the property is a registered duplex inhabited by a three-car family and that the proposed driveway widening would increase safety by having the cars parked further away from the road and would prevent the residents from needing to back out on to the road to let other cars out of the driveway.

MOVED by Councillor McCluskey, seconded by Councillor Adams

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

Committee members indicated that they intend to support the appeal as it would facilitate ease of access for the residents and that it does not seem to pose an increased risk of collision.

**MOTION PUT AND PASSED.**

## **12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS**

### **12.1.1 Case #262765 and Case #262766, located at PID #00474544 and PID #40769374, Pettipas Lane (also know as Mines Road), East Chezzetcook**

The following was before the Appeals Standing Committee:

- A staff recommendation report dated November 27, 2015

Mr. Steven Birkman, Compliance Officer, gave a brief presentation regarding the property located at PID #00474544 and #40769374, showing photographs of the debris on the property.

The Chair invited the appellant to address the Committee.

Ms. Pamela Joy Lawlor, appellant, explained that the debris is the result of illegal dumping on the property, and while she has contacted the police, the identity of the persons responsible has not been discovered.

The committee recessed at 10:48 a.m. and resumed at 11:00 a.m.

MOVED by Councillor Hendsbee, seconded by Councillor Adams

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

Committee members commented that while the situation is unfortunate, the property poses a safety risk and needs to be addressed.

**MOTION PUT AND DEFEATED (with the effect that the Order stands).**

## 12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

### 12.2.1 Case #252082, PID #40769374 Pettipas Lane (also known as Mines Road), East Chezzetcook

The following was before the Appeals Standing Committee:

- A staff recommendation/information report dated November 25, 2015

Mr. Steven Birkman, Compliance Officer, gave a brief presentation regarding the property located at PID #00474544 and #40769374, showing photographs of the structure located on the property and outlining the ensuing safety concerns (roof is sloping and poses the risk of collapse, all windows, except two, are missing, the second story is not sound).

Committee members expressed concern that the property had been the target of vandalism and provided commentary on the unfortunate nature of the situation.

The Chair invited the appellant to address the Committee.

Ms. Lawlor, appellant, informed the Committee that she is concerned about losing the property that played an important role in her childhood.

Committee members commented that if the Demolition Order was issued, HRM staff would notify local contractors of the project in an attempt to make it as affordable as possible and that if a payment plan was established and followed, the property would not go to tax-sale.

MOVED by Councillor Hendsbee, 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 dwelling, including but not limited to, the removal of all demolition debris, backfilling of any foundation or crawl space, and disconnecting of 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 (15) of the Charter.**

The appellant indicated that she is hopeful that she could arrange to have the demolition completed by someone she knows personally.

Committee members discussed extending the time-frame on the Demolition Order beyond thirty (30) days to give the appellant a chance to arrange to have the demolition work completed.

MOVED by Councillor Walker, seconded by Councillor Adams

**THAT motion be amended to provide that the Demolition Order be extended to ninety (90) days**

**MOTION TO AMEND PUT AND PASSED.**

The motion now reads:

**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 dwelling, including but not limited to, the removal of all demolition debris, backfilling**

of any foundation or crawl space, and disconnecting of 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 ninety (90) 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 (15) of the Charter.

**MOTION AS AMENDED PUT AND PASSED.**

**12.3 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES: APPEALS - NONE**

**12.4 RESIDENTIAL OCCUPANCY APPEALS (By-law M-100) - NONE**

**12.5 STREETS BY-LAW**

**12.5.1 Application #149120, Driveway widening at 18/20 Oakes Road, Fall River**

This item was addressed immediately following 12.6.1 – see pages 3-4.

**12.6 STAFF**

**12.6.1 2016 Meeting Schedule**

This item was addressed immediately following Correspondence – see page 3

**13. MOTIONS - NONE**

**14. IN CAMERA (IN PRIVATE) - NONE**

**15. ADDED ITEMS - NONE**

**16. NOTICES OF MOTION**

**17. DATE OF NEXT MEETING – January 14, 2016 – 10:00 a.m., Council Chambers, 3<sup>rd</sup> floor, City Hall, 1841 Argyle Street, Halifax.**

**18. ADJOURNMENT**

The meeting adjourned at 11:34 a.m.

Cathy Collett  
Legislative Assistant