



**APPEALS STANDING COMMITTEE
MINUTES
February 18, 2016**

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>

The meeting was called to order at 1:01 p.m. and adjourned at 2:37 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 1:01 p.m.

2. APPROVAL OF MINUTES – January 14, 2016

MOVED by Councillor McCluskey, seconded by Councillor Adams

THAT the minutes of January 14, 2016 be approved as presented.

MOTION PUT AND PASSED.

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

MOVED by Councillor Walker, seconded by Councillor Adams

THAT the order of business be approved as presented

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 REQUEST FOR RECONSIDERATION

4.1.1 Case #202675 – Property located at 3 Mercury Avenue, Harrietsfield, NS

MOVED by Councillor McCluskey, seconded by Councillor Adams

That the Appeals Standing Committee hear the request for reconsideration regarding Case #202675.

Mr. Leon Tovey, solicitor for Mr. Roger Rehberg, explained that the case should be reopened because extensive progress has been done on the property.

MOTION PUT AND PASSED.

Mr. Mark Prosser, Compliance Officer, informed the Committee that August 24, 2015 was the last time he was inside the property and that no visible exterior changes had been made, except for several replaced deck boards.

Mr. Brian Murray, HRM Building Official, in response to questions of clarification from Committee members regarding the original scope of the required work, informed the Committee that the structural repairs have been completed and the broken windows have been covered over.

In response to a question from Councillor Adams regarding whether the specific work outlined in the motion from March 12, 2015 had been completed, Mr. Murray explained that, while there is a new panel on site and some progress has been made, he has not seen evidence of heat pumps being installed or a renovation plan.

In response to a question from Councillor McCluskey regarding whether or not extensive work has been done on the property, Mr. Murray explained that drywall was installed throughout the main floor, two new footings have been installed for the columns, and that structural repairs were done and the building has been approved as structurally sound.

Mr. Leon Tovey remarked that Mr. Rehberg is waiting to have funds available to complete the work on the electrical panel. He explained that Mr. Rehberg has already purchased the required heat-pumps, but that all subsequent work will flow from having the new electrical panels in place and that his client does not have the funds available to hire the electrical work done at this time.

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee

THAT a four (4) month extension be granted to complete the required work.

Mr. Prosser led the Committee through the timeline of the case.

Councillor Adams indicated that he would not support the motion as there have already been a number of extensions.

Councillor McCluskey indicated that she does not believe that the property is in close proximity to other properties and does not believe that it is currently taking value away neighbouring properties. She commented that a lot of work has been done, that it is structurally sound, and that she does not want to see the property demolished.

Councillor Walker indicated that there are neighbouring properties on the three sides of the property.

The Standing Committee called for the question on the motion.

MOTION PUT AND DEFEATED.

In response to a question from a Committee member, Mr. Randolph Kinghorne, Senior Solicitor, explained that the only recourse for the decision is to seek judicial review from the Supreme Court of Nova Scotia.

- 5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE**
- 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 - NONE**
- 11. INFORMATION ITEMS BROUGHT FORWARD – NONE**

- 12. REPORTS**

- 12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS**

- 12.1.1 Case #264084 – Property located at 48 Antares Crt, Westphal, NS**

The following was before the Committee:

- A staff recommendation report dated January 20, 2016

The Chair confirmed that the property owner was present.

Ms. Theresa Hickey, Compliance Officer, provided a brief presentation included photographs of the working that has been ongoing since October 16, 2015. She explained that the property owner is adding a parking space to the property.

Responding to questions of clarification from Committee members, Ms. Hickey explained that the Order deals with landscaping, not stormwater management.

Mr. Matt Conrad, solicitor for the appellant, explained that while it may be temporarily unsightly, the property is not dangerous and that the weather has been a hindrance to completing the project. Mr. Conrad explained that the appellant is requesting until June 2016 to complete the work.

MOVED by Councillor Hendsbee, seconded by Councillor Adams

THAT the Appeals Standing Committee allow the appeal

MOVED by Councillor Hendsbee and McCluskey

THAT the Appeals Standing Committee defer consideration of the item until the end of June, 2016, and if required, hold a special meeting in July to address Case #264084.

MOTION TO DEFER PUT AND PASSED.

12.1.2 Case #265352 – Property located at 6852 Chebucto Road, Halifax

The following was before the Committee:

- A staff recommendation report dated January 18, 2015

The Chair questioned three times if the property owner was present. The property owner was not in attendance.

Mr. Ben Amini, Compliance Officer, provided a brief presentation including pictures of the property. He explained that the source of the Dangerous and Unsightly order is a pile of scrap wood that is visible from the abutting property.

In response to a question from a Committee member, Mr. Amini explained that the property owner had indicated that the scrap wood was for burning.

MOVED by Councillor Walker, seconded by Councillor Adams

THAT the Appeals Standing Committee allow the appeal

MOTION PUT AND DEFEATED.

12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

12.2.1 Case #231273 – Property located at 169 Wyse Road, Dartmouth

The following was the before the Committee

- A staff recommendations report dated January 22, 2016

The Chair confirmed that the property owner was present.

Mr. Alonzo MacDonald, Compliance Officer, provided a brief presentation including pictures of the property located at 169 Wyse Road, Dartmouth. Mr. MacDonald explained that a front panel fell onto the street during a wind storm, that the windows in the basement provide open access to the elements, and that the door to the back of the building has been pried open. He commented that the building needs to be secured or it poses a danger to the public.

Responding to questions of clarification from Committee members, the appellant, Mr. Ken Anthony, explained that he was currently in the process of working with Mr. Mitch Dickey, HRM Major Projects Planner, on a development agreement for the property. Mr. Anthony indicated that it is his hope that this process will be completed shortly as there is only one more Public Information Meeting (PIM) required before it goes to Council.

Responding to questions from Committee members, Mr. Anthony agreed to remove the remaining sign that exists on the property and to address the panel that fell off.

MOVED by Councillor McCluskey, seconded by Councillor Walker

THAT the Appeals Standing Committee defer Case #231273, pending an update from staff, with the understanding that Case #231273 will return to the Appeals Committee for an update in May, 2016.

Responding to questions of clarification regarding a hole in the floor of the building, Mr. Anthony explained that the water in the hole is only a few inches deep.

Mr. Anthony agreed to put up No Trespassing signs on the building.

MOTION TO DEFER 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 - NONE
- 12.6 STAFF - NONE
- 13. MOTIONS - NONE

14. IN CAMERA (IN PRIVATE)

14.1 In Camera (In Private) Minutes – November 12, 2015

MOVED by Councillor McCluskey, seconded by Councillor Adams

THAT the In Camera (In Private) Minutes of November 12, 2015 be approved as presented.

MOTION PUT AND PASSED.

- 15. ADDED ITEMS - NONE
- 16. NOTICES OF MOTION - NONE
- 17. DATE OF NEXT MEETING – April 14, 2016 10:00 a.m., Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.
- 18. ADJOURNMENT

The meeting adjourned at 2:37 p.m.

Cathy Collett
Legislative Assistant