



**APPEALS STANDING COMMITTEE
MINUTES
August 4, 2016**

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

OTHERS PRESENT: Councillor Lorelei Nicoll

STAFF: Ms. Karen MacDonald, Solicitor
Ms. Tanya Phillips, Manager, By-law Standards
Ms. Krista Vining, Legislative Assistant
Ms. Phoebe Rai, 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/160804asc-agenda.php>

*The meeting was called to order at 10:00 a.m., recessed at 10:43 a.m. and reconvened at 10:45 a.m.
The meeting was adjourned at 11:18 a.m.*

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – June 9, 2016

MOVED by Councillor McCluskey, seconded by Councillor Walker

THAT the minutes of June 9, 2016 be approved as circulated.

MOTION PUT AND PASSED.

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

Deletion:

8.2 Notice to Appear, Kerrie Gill, Case #272452 – 7 St. Peters Loop, Sheet Harbour

Deferral:

12.1.2 Appeal of Maurita Ritchey – Case #229928, 32 Elwin Crescent, Dartmouth

Staff confirmed Case #264084, 48 Antares Court, Westphal (Item 8.1) was in compliance and closed, and could be deleted from the agenda, to which the Standing Committee agreed.

MOVED by Councillor Johns, seconded by Councillor Walker

THAT the agenda be approved as amended.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Request for Reconsideration

4.1.1 Roger Rehberg – Demolition Order re: Case #245613, 80 Brunt Road, Harrietsfield

The following was before the Standing Committee:

- A supplementary staff report dated July 21, 2016
- Extract of Appeals Standing Committee minutes dated August 5, 2016
- Correspondence from Matthew J. D. Moir, Weldon McInnis

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee

THAT the request for reconsideration be heard by the Appeals Standing Committee.

MOTION PUT AND PASSED.

Mr. Matthew Moir, legal counsel for property owner asked the Standing Committee to reconsider demolishing the building at 80 Brunt Road, Harrietsfield (Case #245613).

Mr. Mark Prosser, Compliance Office spoke to the work done to the building to date and gave a brief presentation, showing photos of building taken August 2, 2016.

MOVED by Councillor Johns, seconded by Councillor McCluskey

THAT the Appeals Standing Committee remove the Order to Demolish issued August 5, 2015 for the accessory structure located at 80 Brunt Road, Harrietsfield (Case #245613).

MOTION PUT AND PASSED.

- 5. **CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE**
- 6. **MOTIONS OF RECONSIDERATION – NONE**
- 7. **MOTIONS OF RESCISSION – NONE**
- 8. **CONSIDERATION OF DEFERRED BUSINESS – February 18, 2016 & June 9, 2016**
- 8.1 **Appeal of Edgard Hoyeck – Case #264084, 48 Antares Court, Westphal**

This matter was deleted during the approval of the agenda.

- 8.2 **Notice to Appear, Kerrie Gill, Case#272452 - 7 St. Peters Loop, Sheet Harbour**

This matter was deleted during the approval of the agenda.

- 9. **NOTICES OF TABLED MATTERS – NONE**
- 10. **CORRESPONDENCE, PETITIONS & DELEGATIONS**
- 10.1 **Correspondence**
- 10.1 **Angela Jeffrey-Haynes, Victim Services Caseworker, Halifax Police re: committee process**

The Standing Committee asked the clerk to arrange to have Ms. Jeffrey-Haynes attend a future meeting to provide a presentation.

- 10.2 **Petitions – None**
- 11. **INFORMATION ITEMS BROUGHT FORWARD – NONE**
- 12. **REPORTS**
- 12.1 **DANGEROUS OR UNSIGHTLY PREMISES: APPEALS**
- 12.1.1 **Appeal of Joseph Chisholm – Case #272820, Case #273304 and Case #273305, 110 Montague Road, Lake Loon**

This matter was addressed later in the meeting, see page 5.

- 12.1.2 **Appeal of Maurita Richey – Case#229928, 32 Elwin Crescent, Dartmouth**

This matter was deleted during the approval of the agenda.

- 12.2 **DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS**

12.2.1 Notice to Appear Donald McLeod - Case #273914, 163 Nauglers Settlement Road, Moser River

The following was before the Standing Committee:

- A staff recommendation report dated July 20, 2016

The Chair confirmed that the property owner was not in attendance.

Mr. Steven Beckman, Compliance Officer gave a brief presentation providing background for the case and showed pictures of the property taken August 2, 2016. He noted that the building official was present if the Standing Committee had any questions.

It was noted that Mr. Beckman had attempted to contact the property owner via phone, registered mail and speaking with people working at the property but was unsuccessful.

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 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 owner. Otherwise, the Municipality will exercise its rights as set forth under Part XV (15) of the Charter.

MOTION PUT AND PASSED.

12.2.2 Notice to Appear Anthony Croft – Case #267665, 16 Hershey Road, Dartmouth

The following was before the Standing Committee:

- A staff recommendation report dated July 11, 2016

The Chair confirmed that the property owner was in attendance.

Mr. Steven Beckman, Compliance Officer gave a brief presentation providing background for the case and showed pictures of the property taken August 2, 2016. He noted that the building official was present if the Standing Committee had any questions.

A correction was noted to staff's recommendation outlined in the July 11, 2016 staff report, that the word dwelling be replaced with *building* as it is a garage.

Mr. Anthony Croft, property owner spoke about his intent to demolish the building but asked for additional time to come up with the funds.

Members and staff provided information to Mr. Croft about HRM's tendering process should he be unable to complete the demolition. Mr. Croft indicated that he should be able to complete the demolition within a 60 day timeframe and would follow up with Mr. Beckman.

MOVED by Councillor McCluskey, seconded by Councillor Adams

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 owner. Otherwise, the Municipality will exercise its rights as set forth under Part XV (15) of the Charter.

MOTION PUT AND PASSED.

Item 12.1.1 was addressed at this time.

12.1.1 Appeal of Joseph Chisholm – Case #272820, Case #273304 and Case #273305, 110 Montague Road, Lake Loon

The following was before the Standing Committee:

- A staff recommendation report dated July 25, 2016

Due to health reasons, staff requested a deferral of Cases #272820, #273304 and #273305 to the next meeting on behalf of the appellant.

MOVED by Councillor Johns, seconded by Councillor Adams

That the Appeals Standing Committee defer Case #272820, Case #273304 and Case #273305, property located at 110 Montague Road, Lake Loon to the next meeting to be held September 8, 2016.

MOTION PUT AND PASSED.

The Standing Committee recessed at 10:43 a.m. and reconvened at 10:45 a.m.

12.2.3 Notice to Appear Paul and Nancy Bellefontaine – Case #270709, 653 Bellefontaine Road, West Chezzetcook

The following was before the Standing Committee:

- A staff recommendation report dated July 12, 2016

The Chair confirmed that the property owner was in attendance.

Mr. Steven Beckman, Compliance Officer gave a brief presentation providing background for the case and showed pictures of the property taken August 2, 2016. He advised that the building official was present to comment on the condition of the interior of the building.

In response to questions raised, Mr. Clinton Sutton, Building Official spoke to the damage to some of the floor boards and joists, as well as the roof from the fire. He confirmed that no one was presently living in the building and that he had not brought photographs of the building's interior to the hearing. Mr. Sutton suggested that with extensive renovations and confirmation from a structural engineer the building could be saved; however, the homeowner does plan to demolish the building.

Mr. Paul Bellefontaine, property owner requested an extension to next spring complete the demolition. He explained that he is a contractor and would be taking the building down with his hands and plans to recycle a lot of the materials. He planned to complete the demolition over the winter.

Mr. Beckman responded to questions respecting the property being secure, its vacancy, surrounding neighbours and how the matter was brought forward.

In response to a question raised, Mr. Bellefontaine spoke about working in construction and how the winter was the best time to complete the demolition.

MOVED by Councillor Johns, seconded by Councillor Hendsbee

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 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 two hundred and forty (240) days after the Order being posted in a conspicuous place upon the property or personally served upon owner. Otherwise, the Municipality will exercise its rights as set forth under Part XV (15) of the Charter.

MOTION PUT AND PASSED.

12.2.4 Notice to Appear Sunrise Park Inter-Faith Cemetery Ltd. – Case #269605, 2043 Prospect Road, Hatchet Lake

The following was before the Standing Committee:

- A staff recommendation report dated July 12, 2016

The Chair confirmed that neither the property owner nor a representative was not in attendance.

Mr. Steven Beckman, Compliance Officer gave a brief presentation providing background for the case and showed pictures of the property taken August 2, 2016.

In response to questions raised around the building permit, Ms. Rebecca Zolkower, Assistant Building Official confirmed the property owner has a building permit effective June 15, 2016 that is valid for two (2) years. The building permit is to replace the singles on the roof, two (2) doors and three (3) windows. Mr. Beckman suggested that the permit would not address all of the issues with the dwelling (e.g. damage to floors and walls).

MOVED by Councillor Johns, seconded by Councillor Adams

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 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 owner. Otherwise, the Municipality will exercise its rights as set forth under Part XV (15) of the Charter.

Questions were raised around the condition of the commercial building in front of the dwelling in question. It was noted that there was an open case to address the building's unsightliness concerns (e.g. painting) with the property owner but that it was not deemed to be structurally compromised and therefore staff was not seeking a demolition order at this time.

The Committee discussed the structural issues with the dwelling in question, with staff responding to additional questions.

MOTION PUT AND PASSED.

12.3 STAFF – NONE

13. **MOTIONS – NONE**
14. **IN CAMERA (IN PRIVATE) – NONE**
15. **ADDED ITEMS – NONE**
16. **NOTICES OF MOTION – NONE**
17. **DATE OF NEXT MEETING** – September 8, 2016 10:00 a.m., Council Chambers, 3rd Floor,
City Hall, 1841 Argyle Street
18. **ADJOURNMENT**

The meeting adjourned at 11:18 a.m.

Krista Vining
Legislative Assistant