

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
November 17, 2005

PRESENT:

Councillor Krista Snow
Councillor Gloria McCluskey
Councillor Dawn Sloane, Vice Chair
Councillor Brad Johns
Councillor Robert Harvey, Chair

ABSENT
WITH REGRETS:

Councillor Harry McInroy
Councillor Jim Smith
Councillor Mary Wile
Councillor Len Goucher

STAFF:

Ms. Tanya Phillips, Manager, By-Law Services
Mr. Donn Fraser, Solicitor, Legal Services
Mr. Scott Hill, By-Law Enforcement Officer
Mr. Cameron Brown, By-Law Enforcement Officer
Mr. Andre Noel, By-Law Enforcement Officer
Mr. Trevor Oliver, By-Law Enforcement Officer
Mr. David Henry, By-Law Enforcement Officer
Mr. Jason Bell, Methods and Procedures Analyst, Community
Projects
Ms. Jennifer Weagle, Legislative Assistant

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1. CALL TO ORDER

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

2. APPROVAL OF MINUTES - October 20, 2005

MOVED BY Councillor Sloane, seconded by Councillor McCluskey, that the minutes of October 20, 2005 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Additions: Item 8.1 Time Limitations of Appellant Submissions

Deletions: Item 6.1 Lands of 3060646 Nova Scotia Limited, 6117 Jubilee Road, Halifax

Item 6.5 Lands of Gerald M. Edward Rodgers, 24 Spry Avenue, Halifax

Item 6.6 Lands of Michael Tremblay and Lisette Surette, 3848 Newberry Street, Halifax

Deferred: Item 6.4 Lands of Halifax County Condominium Corporation No. 151, 45 Vimy Avenue, Halifax

MOVED BY Councillor Sloane, seconded by Councillor Snow, that the agenda be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor McCluskey requested an update from Mr. Wayne Chapdelaine, Fire and Explosion Investigator, regarding the demolition at 25 Brookdale Court, Dartmouth. Ms. Tanya Phillips, Manager, By-Law Services, advised that she would have Mr. Chapdelaine contact Councillor McCluskey directly to provide her with an update. Councillor McCluskey reminded the Committee that the demolition completion date is set for November 23, 2005, and she will request that HRM assume responsibility for the demolition and removal of debris if it is not completed by that date.

4. APPROVAL OF 2006 MEETING SCHEDULE

The July 20, 2006 and August 17, 2006 proposed meeting dates were removed from the schedule, pending the approval of Regional Council's schedule in December 2005.

MOVED BY Councillor Sloane, seconded by Councillor McCluskey, that the 2006 meeting schedule be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

5. CONSIDERATION OF DEFERRED BUSINESS

5.1 APPEALS

5.1.1 Lands of Gladys T. Ferguson and Murdock E. Ferguson, 621 Old Sackville Road, Lower Sackville

! A memorandum from Jennifer Weagle, Legislative Assistant, dated November 14, 2005, was before the Committee.

The decision on this item was deferred from the October 20, 2005 meeting of the Dangerous and Unsightly Premises Committee.

As indicated in the memo dated November 14, 2005, without a positive (majority) vote to overturn the staff recommendation, the staff recommendation to uphold the Order to Remedy is supported and the appeal of the Order to Remedy has been denied.

The Chair informed the Committee that the property is now 75% compliance and By-Law Services will provide follow-up to ensure 100% compliance.

5.2 DEMOLITIONS - none

6. APPEALS

6.1 Lands of 3060646 Nova Scotia Limited, 6117 Jubilee Road, Halifax

This item was deleted during the approval of the agenda.

Ms. Phillips advised that painting is still required to the exterior of the structure, however, due to inclement weather, the property will be revisited by a By-Law Enforcement Officer on or about April 30, 2006 to ensure compliance with the Order to Remedy dated September 2, 2005.

6.2 Lands of 3005751 Nova Scotia Limited, 18 Lynnette Road, Halifax

! An Appeal Report dated November 4, 2005 was before the Committee.

Neither the Appellant, nor a representative of the Appellant, appeared before the Committee.

MOVED BY Councillor Sloane, seconded by Councillor Johns, that the appeal be denied. MOTION PUT AND PASSED UNANIMOUSLY.

6.3 Lands of 3005751 Nova Scotia Limited, 20 Lynnette Road, Halifax

! An Appeal Report dated November 4, 2005 was before the Committee.

Neither the Appellant, nor a representative of the Appellant, appeared before the Committee.

MOVED BY Councillor McCluskey, seconded by Councillor Sloane, that the appeal be denied. MOTION PUT AND PASSED UNANIMOUSLY.

6.4 Lands of Halifax County Condo. Corp. No. 151, 45 Vimy Avenue, Halifax

! An Appeal Report dated November 7, 2005 was before the Committee.

Deferred during the approval of the agenda to the December 15, 2005 meeting of the Dangerous and Unsightly Premises Committee.

6.5 Lands of Gerald M.E. Rodgers, 24 Spry Avenue, Halifax

! An Appeal Report dated November 10, 2005 was before the Committee.

Deleted during the approval of the agenda.

6.6 Lands of Michael Tremblay and Lisette Louise Surette, 3848 Newberry Street, Halifax

! An Appeal Report dated November 7, 2005 was before the Committee.

Deleted during the approval of the agenda.

7. DEMOLITIONS

7.1 Lands of Creighton Gerrish Development Association, 2379 Creighton Street, Halifax

! A Demolition Report dated November 10, 2005 was before the Committee.

! HRM Permit to Renovate Multi-Unit Dwelling dated October 24, 2005 was distributed at the meeting to Committee members.

! Correspondence from Creighton/Gerrish Development Association dated November 11, 2005 was distributed at the meeting to Committee members.

Mr. Cameron Brown, By-Law Enforcement Officer, presented a video of the property. Mr. Brown clarified that HRM has had to respond to the property to secure the property on several instances.

Regarding the different addresses appearing on the letter from the Creighton/Gerrish Development Association and the HRM permits, Councillor Sloane clarified that there are

multiple entrances to the building, which contains 12 units, and two addresses were assigned to the building by HRM. She also pointed out the conflict between HRM Development Services issuing a permit to renovate the building (dated October 24, 2005) and HRM By-Law Services' staff recommending to demolish the building (Inspection Report dated July 8, 2005) issuing an Order to Remedy dated November 17, 2005. Councillor Sloane indicated the need for communication between different business units and sections.

Mr. Grant Wanzel, President, Creighton Gerrish Development Association ("the Association"), appeared before the Committee. Mr. Wanzel advised that HRM gave the property to the Association in 1998, after which the building was inhabited until the summer of 2003, at which time the building was boarded up. Mr. Wanzel advised that the intent of the Association was initially to renovate the building, however an engineer's report completed on the property indicated that the building is not salvageable. Their intent is now to demolish the building and construct a building containing 12 units for affordable apartments. Mr. Wanzel advised that the necessary permits have been obtained, arrangements have been made for financing of the project through League Savings and Mortgage, plans have been drafted for the new building, the contract has been signed with the builder, and the Association has applied for a housing grant through the Affordable Housing Program offered by Nova Scotia Department Community Services, Housing Services, for which they are awaiting approval. Mr. Wanzel advised that the Association has been boarding up the building frequently and removing garbage from the property, and they recently hired a superintendent for maintenance and to keep watch over the building. The Association has received some assistance from the Provincial and Municipal governments in maintaining the building. Mr. Wanzel informed the Committee that as soon as they have approval for the housing grant, the Association plans to start demolition.

Councillor McCluskey inquired as to the liability associated with this vacant building prior to demolition, to which Mr. Donn Fraser, Legal Council, advised that liability would generally be attached to the property owner. Mr. Fraser, however, could not comment as to HRM's liability with regard to HRM's power to exercise authority over properties under the *Municipal Government Act*. Councillor McCluskey further inquired when was the last time that HRM was required to secure the building, to which Mr. Cameron advised that was October of 2005.

Further to questions from Councillor Johns, Mr. Wanzel advised that he is not opposed to the staff recommendation to demolish the building, however, his concern lies with the fact that the Association has already priced the demolition of the building, which has been built into the project budget. If HRM undertakes the demolition, this may increase the costs of the demolition, affecting the project budget, and in turn potentially causing delays with the project as a whole.

Councillor Sloane indicated that if the demolition had not been completed within 30 days and HRM was required to undertake the demolition, there would be a Request for Proposals and the lowest bidder would be chosen to complete the project.

Ms. Phillips indicated that there has been communication between By-Law Services and Planning and Development Services, who are aware of the concerns regarding the stability of the structure, and of the issue of the two different addresses associated with the building.

Councillor Sloane advised of her concern that if a lien is placed against the property, this may affect funding opportunities for the Association. Mr. Wanzel indicated that this may push the Province approve the housing grant soon as possible to avoid such complications.

MOVED BY Councillor Snow, seconded by Councillor McCluskey, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of a dilapidated and structurally unsound accessory building and the removal of all demolition debris and backfilling any foundation or crawl space, leaving the property in a neat and tidy fashion within thirty (30) days after service upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part IV of the *Act Respecting Municipal Government*. MOTION PUT AND PASSED UNANIMOUSLY.

7.2 Lands of Vincent James Melvin, 9 Melvin Drive, Halifax

! A Demolition Report dated November 7, 2005 was before the Committee.

Neither the property owner nor a representative of the property owner appeared before the Committee.

MOVED BY Councillor Snow, seconded by Councillor Johns, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of a dilapidated and structurally unsound accessory building and the removal of all demolition debris and backfilling any foundation or crawl space, leaving the property in a neat and tidy fashion within thirty (30) days after service upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part IV of the *Act Respecting Municipal Government*. MOTION PUT AND PASSED UNANIMOUSLY.

7.3 Lands of Marjan Enterprises Ltd., Herring Cove Road, Halifax

! A Demolition Report dated November 7, 2005 was before the Committee.

Ms. Tanya Phillips addressed the Committee and advised that she had spoken with the property owner regarding this demolition. The property owner also indicated his regrets that he had a prior commitment on the date of the meeting and could not attend today. Ms. Phillips indicated that the property owner is not opposed to the demolition, however, he would like to undertake the demolition in the spring of 2006. Leave to committee to decide whether to defer to spring.

The Chair pointed out to the Committee that the building inspector's report states that "There appears to be no danger to public safety as the building is reasonably secure".

Ms. Phillips advised that there is significant deterioration of the building but there is not an immediate need for the demolition. If there was an immediate public safety concern, an Immediate Order would have been issued.

Mr. Cameron Brown indicated that he has been monitoring the building for the past six months and he is in agreement with the building inspector that there is no immediate public safety danger.

Councillor Sloane reminded the Committee that it has been practice that if a property owner does not appear at the meeting to defend their case, the Committee generally goes ahead with the staff recommendation. Ms. Phillips confirmed that Councillor Sloane's understanding is correct with regard to appeals, however, this situation is more extensive as it deals with demolishing a structure, so she feels it is best to have the property owner present.

MOVED BY Councillor Sloane, seconded by Councillor Snow, that this matter be deferred to the December 15, 2005 meeting of the Dangerous and Unsightly Premises Committee.

Mr. Cameron Brown presented a video of the property at this time. Mr. Brown indicated that there had not been any fires at the property since it was vacant, nor was there any evidence of people 'squatting' in the building.

Ms. Phillips advised the Committee that she had expressed to the property owner that if the demolition was granted, the property owner would have 30 days to demolish the building before HRM would take action on the demolition. Ms. Phillips had also advised the property owner that By-Law Services would work with him if he required additional time. The property owner advised Ms. Phillips he had only received the demolition report yesterday and did not have enough time to prepare for the meeting. Ms. Phillips and the Legislative Assistant agreed that they would look into the process of forwarding reports to property owners.

Councillor Sloane, with the agreement of the seconder, amended her motion as follows:

MOVED BY Councillor Sloane, seconded by Councillor McCluskey, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of a dilapidated and structurally unsound accessory building and the removal of all demolition debris and backfilling any foundation or crawl space, leaving the property in a neat and tidy fashion within thirty (30) days after service upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set

forth under Part IV of the *Act Respecting Municipal Government*. MOTION PUT AND PASSED UNANIMOUSLY.

7.4 Lands of the Estate of Charlotte Simmonds, 1242 Downey Road, Lot 60, North Preston

! A Demolition Report dated November 7, 2005 was before the Committee.

Mr. Scott Hill, By-Law Enforcement Officer, presented a video of the property.

Responding to questions from Councillor Sloane, Mr. Hill clarified that there is a home within 30 to 40 feet of the burnt out structure that is before the Committee for demolition. He further clarified that there was a seven day order to secure the property. When the property was inspected at the time the video was taken, it had not been secured and HRM will be undertaking to secure the building.

Mr. Ivan Willis, representing the property owner of 1242 Downey Road, North Preston, appeared before the Committee. Responding to questions from Councillor Johns, Mr. Willis advised that nothing was recovered from the house after the fire, which had taken place on June 6, 2005, and the property owner did not have fire insurance against the property.

Mr. Willis advised that the community has been collecting donations to help Ms. Simmonds with the cost of the demolition of the home and the removal of the debris. He indicated that there are two companies offering to complete the demolition and removal of debris at no cost to Ms. Simmonds. Mr. Willis advised that the demolition was scheduled to take place this weekend, however, the contractor could not secure a dump truck to remove the debris.

Councillor Johns inquired whether there is any opportunity for HRM to do a controlled burn of the property to get rid of the structure. Ms. Phillips advised that the demolition could take place, the debris could be stacked in neat piles, and once a truck is available, the debris could be removed. Mr. Willis advised that the company would then have to charge to have the excavator come back to the property to load the dump truck with the debris.

MOVED by Councillor Snow, seconded by Councillor Sloane, that this matter be deferred for three months to the February 2006 meeting of the Dangerous and Unsightly Premises Committee.

Ms. Phillips indicated that there will be costs associated with HRM securing the structure. Mr. Willis indicated that he would ask the contractor if they would be willing to demolish the building and come back to load the truck when a truck would be available.

Councillor Snow, with the agreement of the seconder, amended her motion as follows:

MOVED BY Councillor Snow, seconded by Councillor Sloane, that the decision for this matter be deferred to the December 15, 2005 meeting of the Dangerous and Unsightly Premises Committee MOTION PUT AND PASSED.

7.5 Lands of the Estate of Richard L. Knudsen, 436 Cobeguid Road, Sackville

- ! A Demolition Report dated November 7, 2005 was before the Committee.
- C Correspondence dated November 17, 2005, from the Estate of Mary Ellen Knudsen was distributed to Committee members at the meeting.

Mr. Scott Hill, By-Law Enforcement Officer, presented a video of the property. Mr. Hill pointed out that there is a school bus stop across the street from the property, however there have been no signs of unauthorized entry to the building.

Mr. John Knudsen, representative of the Estate of Richard L. Knudsen, appeared before the Committee. Mr. Knudsen advised that the Estate is in the process of transferring title of the property from the Estate. The property owner had resided in a retirement home for the last 15 years of her life and she had died without a will. The Estate is awaiting the legal ability to demolish structure. A contractor has been contacted regarding the demolition of the building and an interested party has indicated a desire to construct a new structure on the property.

Further to questions from Councillor McCluskey, Mr. Fraser advised that if HRM were to undertake the demolition of the building, the cost of the demolition would be charged to the estate.

Responding to further questions from Councillor McCluskey, Mr. Knudsen provided clarification that the title transfer had just been started and would probably take a month or two to be completed.

Councillor Harvey informed Committee members that this property is in his district and had looked the same for the past 15 years, without any disturbances or problems.

MOVED BY Councillor McCluskey, seconded by Councillor Sloane, that this matter be deferred to the December 15, 2005 meeting of the Dangerous and Unsightly Premises Committee. MOTION PUT AND PASSED.

8. ADDITIONS - None

8.1 Time Limitation of Appellant Submissions

- C A memorandum from Jennifer Weagle, Legislative Assistant, dated November 14, 2005, was before the Committee.

After discussion regarding time limitations of appellant submissions at appeal hearings, the following motion was made:

MOVED by Councillor Sloane, seconded by Councillor Johns, that the time limitation of Appellant submissions at appeal hearings before the Dangerous and Unsightly Premises Committee be limited to five (5) minutes, and further that questions and clarification directed to the Appellant and/or Staff from Committee members not be included in the five minute time limitation. MOTION PUT AND PASSED UNANIMOUSLY.

It was directed to the Legislative Assistant that notice of the five minute time limitation be included in the letters to the Appellants advising of the date, time, and location of their appeal hearing.

Ms. Phillips introduced the following new staff members of Community Projects who were in attendance at the meeting: Theresa Hickey, By-Law Enforcement Officer; Steve Berkman, By-Law Enforcement Officer; Andre Noel, By-Law Enforcement Officer; and Jason Bell, Methods and Procedures Analyst.

9. NEXT SCHEDULED MEETING

The next meeting of the Dangerous & Unsightly Premises Committee is scheduled for Thursday, December 15, 2005, at 10:00 a.m. in Council Chambers.

10. ADJOURNMENT

The meeting was adjourned at 11:23 p.m.

Jennifer Weagle
Legislative Assistant