

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
May 25, 2006

PRESENT:

Councillor Krista Snow
Councillor Gloria McCluskey
Councillor Jim Smith
Councillor Dawn Sloane, Vice Chair
Councillor Robert Harvey, Chair

ABSENT:

Councillor Harry McInroy
Councillor Mary Wile
Councillor Brad Johns
Councillor Len Goucher

STAFF:

Ms. Tanya Phillips, Manager, By-Law Services
Mr. Steve Berkman, By-Law Enforcement Officer
Mr. Trevor Oliver, 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 10:16 a.m. in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES

MOVED BY Councillor McCluskey, seconded by Councillor Sloane, that the minutes of March 23, 2006, be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Deletions: Item 6.1 Lands of Geri-Lynn Campbell, 30 Inverary Drive, Dartmouth

Item 6.3 Lands of Albert J. LeGrow, 53 Candy Mountain Road, Mineville

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

4. CONSIDERATION OF DEFERRED BUSINESS - None

4.1 Appeals - None

4.2 Demolitions

4.2.1 Lands of Wilma Jean Sellars, 564 West Lawrencetown Road, Lawrencetown
(deferred from March 23, 2006)

C An appeal report on the above noted dated March 2, 2006 was before the Committee.

C This matter was deferred from the March 23, 2006 meeting.

Mr. Trevor Oliver, By-Law Enforcement Officer, addressed the Committee and presented a video of the property. He noted that the property owners have been working to remedy the condition of the property and the structure has been demolished. He further noted that the property owners have indicated that arrangements are being made to remove the demolition debris.

Councillor Harvey advised of staff's indication that the requirement to demolish the accessory building could be deleted from the Order, leaving the requirement to remove the demolition debris.

Mr. Gordon Sellars, son of the property owner, addressed the Committee. He advised that the family decided to demolish the structure in consideration of the cost of repairing the structure. He indicated that they are working to clean up the property and remove the demolition debris.

At the request of Councillor McCluskey, Mr. Sellars advised that the debris would be removed within a month. He further advised that the building was constructed on a flat concrete slab.

At the request of Councillor Snow, Mr. Oliver advise that he had been given direction by the Administrator that the foundation was not required to be removed because of the area and the proximity to the road.

MOVED by Councillor Snow, seconded by Councillor Sloane, that the Dangerous and Unsightly Premises Committee issue an amended Order removing the requirement to demolish the heavily damaged accessory building, leaving the requirement for the removal of all demolition debris, 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 XV of the *Act Respecting Municipal Government*. MOTION PUT AND PASSED UNANIMOUSLY.

Ms. Tanya Phillips, Manager, By-Law Services, advised that staff will follow up with the property owner to ensure compliance.

5. APPEALS

5.1 Lands of Vance Fraser Joudrey, 7169 Andrew Street, Halifax (Appeal under Bylaw M-100 Respecting Standards for Residential Occupancies)

C An appeal report on the above noted dated May 18, 2006, was before the Committee.

Mr. Ed Thornhill, Manager, Permits and Inspections addressed the Committee. Mr. Thornhill advised that the property had been reinspected on May 23, 2006, at which time only one item in the Order to Remedy, being the loose electrical box, had been remedied.

Councillor Smith arrived at 10:30 a.m.

Mr. Vance Joudrey, property owner, addressed the Committee, noting that he has undertaken \$70,000 in repairs since he purchased the building, which is CMHC approved and insured. Mr. Joudrey commented on a previous incident with the tenant involving the police, which he believes spurred the tenant to place the minimum standards complaint. He further advised that he hired someone to repair the items requiring remedy, as per Attachment A to the Order to Remedy, and Mr. Joudrey addressed each item with the Committee as follows:

- C "Smoke Alarm to have missing batteries replaced" - Tony Garber, HRM Fire Prevention Officer, attended the property and ensured that all smoke alarms were working properly. Mr. Joudrey has a form signed by the tenant indicating that the tenant removed the batteries.
- C "Make necessary repairs to floor area around toilet" - Two bolts on the toilet needed to be tightened and the floor did not need to be repaired.
- C "Toilet seat & flush handle to be replaced" - The seat and flush handle were broken by the tenant and Mr. Joudrey indicated he will not repair these items until the tenant pays for the repairs.
- C "Electrical box to be anchored properly to wall face" - This has been repaired.
- C "Sink to be anchor[ed] to wall" - There was a small gap, which has been secured.
- C "Repairs to loose and leaking tub fixtures" - There were no leaks and was therefore not repaired.
- C "Repair water damage to ceiling section" - These were only stains and there is no damage to the ceiling. The tenant had indicated to Mr. Joudrey that he would paint the ceiling and did not.
- C "Recommend good house keeping practice to remove build-up grime from window sashes and window frames" - Mr. Joudrey indicated it is not his responsibility to monitor the cleanliness of his tenants.
- C "Emergency lighting shall have its own source of electrical power supply" - The emergency lighting was installed by Bluenose Lighting, was inspected and passed by Tony Garber, and is a new addition to the building.
- C "Main entrance door shall have frame around glass section to be repaired" - The frame is not broken and does not require repairs.
- C "Outside steps lower level hand rail to be installed" - The hand rail was installed two days after the Order was received. It is two inch square hardwood and is secured.

At the request of Councillor McCluskey, Mr. Thornhill advised that photos of the property were taken during the inspection on May 23rd, however the photos were saved on a DVD, which is not compatible with technology in Council Chambers and cannot be viewed by the Committee.

Mr. Thornhill commented that he understands that there is some animosity between the tenant and the landlord, however, staff maintain an objective opinion and focus only on ensuring minimum standards are maintained as per By-law M-100. In response to Mr. Joudrey's comments, Mr. Thornhill and Mr. Rick Brown, Building Inspector, addressed each item requiring remedy, as follows:

- C "Outside steps lower level hand rail to be installed" - Upon reinspection on May 23rd, the handrail is loose and incorrectly installed, and therefore.
- C "Smoke Alarm to have missing batteries replaced" - There was no battery in the smoke alarm upon reinspection on May 23rd. The missing battery had to be reported regardless of who removed it.
- C "Make necessary repairs to floor area around toilet" - The floor is soft around the toilet and requires repairs.

- C "Toilet seat & flush handle to be replaced" - The toilet is currently being flushed with a string attached to the inside of the flush box and requires repairs.
- C "Sink to be anchor[ed] to wall" - The sink is loose and needs to be secured.
- C "Repairs to loose and leaking tub fixtures" - The shower taps are leaking and require repairs.
- C "Emergency lighting shall have its own source of electrical power supply" - The emergency lighting system in the building is a complicated wiring effort, which is connected to a light switch in the hallway. This electrical system is inappropriate because it will not function in an emergency.
- C "Main entrance door shall have frame around glass section to be repaired" - This item has been properly secured.
- C "Electrical box to be anchored properly to wall face" - This item has been properly secured.
- C "Recommend good house keeping practice to remove build-up grime from window sashes and window frames" - The grime in the window may be mold. This item was included in the Order more as a recommendation and incentive for the tenant to maintain good house keeping practices.

At the request of Councillor Sloane, Mr. Thornhill confirmed that maintaining minimum standards is the responsibility of the landlord, regardless of any verbal agreement between the landlord and tenant. Mr. Thornhill further confirmed that there are specifics in the National Building Code which would regulate the standards of the hand rail installation and other repairs discussed.

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

6. DEMOLITIONS

6.1 Lands of Geri-Lynn Campbell, 30 Inverary Drive, Dartmouth

This item was deleted during the approval of the agenda.

6.2 Lands of Mark Stephen Kane, 63 Lower Partridge River Road, East Preston

- C A Demolition Report for the above noted property, dated May 5, 2006, was before the Committee.

Mr. Trevor Oliver, By-Law Enforcement Officer, with the aid of a video, presented the report, noting that the staff recommendation is for the demolition of a dilapidated and structurally compromised building. Mr. Oliver advised the following:

- C the structure is in very poor shape and the property has been deemed dangerous,
- C every window in the structure has been broken and there is glass scattered over the property,

- C staff completed an immediate board-up of the windows upon inspection of the property,
- C the property owner indicated that he requires a few months to remedy the property,
- C the roof is caving, the steps are collapsed, and there is possible fire damage and mold inside the structure.

Mr. Mark Kane, property owner addressed the Committee. Mr. Kane agreed that the building must be demolished and requested 90 days to have the property remedied.

At the request of Councillor McCluskey, Mr. Kane advised that incidents of vandalism began at the property starting approximately one year ago. Councillor McCluskey noted concern for someone being injured on the property and advised that she would like to see the building demolished within a month to prevent injury to anyone entering the building. Mr. Kane advised that he cannot afford to hire an excavator to have the structure demolished within one month.

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 compromised 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 sixty (60) days after service upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the *Act Respecting Municipal Government*. MOTION PUT AND PASSED UNANIMOUSLY.

Ms. Phillips advised that staff will work with the property owner to facilitate the process and this matter will not have to come back to the Committee.

6.3 Lands of Albert John LeGrow, 53 Candy Mountain Road, Mineville

This item was deleted during the approval of the agenda.

6.4 Lands of Laurina Mae Simmons, Nellie Rebecca Saunders and William Henry Saunders, 76 Lower Partridge River Road, East Preston

- C A Demolition Report for the above noted property, dated May 5, 2006, was before the Committee.

Mr. Trevor Oliver, By-Law Enforcement Officer, with the aid of a video, presented the report, noting that the staff recommendation is for the demolition of a dilapidated and structurally compromised building. Mr. Oliver also noted the following:

- C the foundation is open and unsecured,
- C support beams have shifted and are sagging,

- C the front steps are rotten and in a state of disrepair,
- C there is debris dumped on the property.

Mr. Oliver further noted that he had spoken with Laurina Mae Simmons, one of the property owners, and she agreed the structure should be demolished but did not have the finances to do so. Ms. Simmons advised Mr. Oliver that the property was formerly her mother's home and has been in a state of disrepair for several years. She further advised that one of the three owners of the property are deceased. At the request of Councillor Sloane, Mr. Oliver advised that he did not have any correspondence from the property owner.

Councillor Snow commented that the structure looks abandoned, but sound and inquired whether demolition is necessary. Ms. Phillips noted the Building Official's Report indicates that he finds the "structure to be beyond repair", "the structure should be demolished", the "property can be accessed by the public and poses a safety issue to anyone who may enter", and the "structure is not habitable".

Ms. Phillips advised the Committee that there would be no immediate out of pocket expenses to the property owner if HRM were to undertake the demolition. She commented that either a lien would be placed against the property which would be paid upon the sale of the property, or the owners could make arrangements with HRM to make regular payments on the debt.

MOVED BY Councillor Smith, seconded by Councillor Sloane, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the dilapidated and structurally unsound 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 XV of the *Act Respecting Municipal Government*. MOTION PUT AND PASSED.

7. ADDITIONS

Ms. Phillips addressed the Committee, clarifying that appeals of Orders issued under By-law M-100 Respecting Standards for Residential Occupancies are addressed through Planning and Development Services.

Councillor McCluskey commented that 87 Rose Street in Dartmouth appeared in the newspaper indicated as a slum. She advised that she has reported this property several times in the past and that people are living in the house even though the windows are boarded. Councillor Sloane requested that Planning and Development Services ensure that photos are available for the next M-100 appeal. The Legislative Assistant will discuss the format of presentations with Planning and Development staff.

8. NEXT SCHEDULED MEETING

- C A memorandum dated May 24, 2006 from the Legislative Assistant was before the Committee.

As per the memo, the Committee agreed to reschedule the June 15, 2006 meeting of the Dangerous and Unsightly Premises Committee due to Council budget deliberations scheduled for that week. The meeting is rescheduled to Thursday, June 8, 2006 at 10:00 a.m. in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

9. ADJOURNMENT

The meeting was adjourned at 11:15 a.m.

Jennifer Weagle
Legislative Assistant