

DANGEROUS & UNSIGHTLY PREMISES
MINUTES

June 17, 2010

PRESENT:

Councillor Dawn Sloane, Chair
Councillor Gloria McCluskey, Vice Chair
Deputy Mayor Brad Johns
Councillor Sue Uteck
Councillor Barry Dalrymple
Councillor Lorelei Nicoll
Councillor Robert Harvey
Councillor Stephen Adams

STAFF:

Mr. Jeff Rogers, Regional Coordinator By-Law Enforcement
Ms. Erin Dobson, Regional Coordinator, Support Services
Ms. Danielle Banks, Methods & Procedures Analyst
Mr. Stephan Jedynek, Solicitor, Legal Services
Mr. Scott Hill, Officer, By-Law Enforcement
Mr. Robert Ryan, Officer, By-Law Enforcement
Ms. Melody Campbell, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 10:03 a.m. in Council Chambers, City Hall.

2. APPROVAL OF MINUTES - December 17, 2009

MOVED by Councillor McCluskey, seconded by Deputy Mayor Johns, that the Dangerous & Unsightly Premises Committee approve, as presented, the minutes of December 17, 2009. MOTION PUT AND PASSED.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

5.1 The agenda should Read Necum Teuch not Necum Secum

MOVED by Deputy Mayor Johns, seconded by Councillor McCluskey, that the Dangerous & Unsightly Premises Committee approve, as amended, the Order of Business. MOTION PUT AND PASSED.

4. CONSIDERATION OF ADJOURNED BUSINESS - NONE

5. APPEALS - DANGEROUS AND UNSIGHTLY

5.1 Case 134671 - 9567 St. Margarets Bay Road, Queensland

- A report dated June 8, 2010 was before the Committee.

Mr. Robert Ryan, Officer, By-Law Services, provided an update and pictures of the property to the Committee.

The following points of clarification were provided to the Committee:

- this case is for the van only
- vehicles have been moved on and off and on the property
- staff have been to the property on seven occasions

Members of the Committee agreed to hear from a neighbour of the property in this Case.

Mr. Robert Kennedy, St. Margarets Bay Road, advised the Committee that the van and vehicles have been on the property for a long time. He added that at one time vehicles were removed, however, they were brought back to the property. The cube van has been on the site for a long time. He added that the frame of the cube van is broken and it is unsightly. He noted that Mr. Bill Jones tried to move the van but it is now in the front area of the property. He stated that the engine is seized so it had to be towed to that location. He added that is not accessible for highway use and is not in good condition. He noted that the area has a lot of traffic and is across from Queensland

Beach but the property right across the road is unsightly. He added that the fifth wheel trailer has no electricity or no running water.

In response to a question by Deputy Mayor Johns, Mr. Kennedy advised that someone lives on the property.

Mr. Pat MacKenzie, St. Margarets Bay Road, advised the Committee that he has removed six vehicles. He added that the frame of the cube van is not broken and added that the van is used for storage. He advised the Committee that the house that was on the property burnt down seven years ago. He added that his father is not deceased. He noted that Mr. Jones was not at the site. He added that the floor is not broken. He advised that he cleaned up his property and he had pictures that he will submit to show his case. He stated that this is harassment by By-law enforcement adding that he called the by-law office three days before notice on door. He added that in order to get information, he had to get it from his father in Truro.

The following points of clarification to the Committee by the appellant:

- there were six vehicles removed from property; they are not the same vehicles
- the van is not to be driven, it is for storage

In response to a question by Councillor Uteck, Mr. Rogers advised that the parking of the trailer on the site is a land use issue. He added that the trailer is permitted to be stored on property when it can be taken on and off the site, however, occupancy is not permitted.

Further clarification was provided by the appellant:

- the vehicle is not being taken on the road so it does not have insurance

Mr. Rogers advised that if by-law is called in to a site, By-law Enforcement takes numerous conditions into account including how unsightly it is to the neighborhood.

Mr. Jedynak, Municipal Solicitor, advised Council that derelict can be determined based on community standards. The Committee can make a judicative decision on what is derelict based on staff's information and on its merits and factors.

MOVED BY Deputy Mayor Johns, seconded by Councillor Dalrymple, that the Dangerous & Unsightly Premises Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on April 30, 2010. MOTION PUT AND PASSED.

5.2 Case 134398 - 9567 St. Margarets Bay Road, Queensland

- A report dated June 8, 2010 was before the Committee.

Mr. Robert Ryan, Officer, By-Law Services, provided an update and pictures of the property to the Committee.

The following clarification was provided to the Committee:

- the house originally on the property has burnt down
- staff is not sure what is under the tarps
- this case deals with debris only

Members of the Committee agreed to hear from a neighbour of the property in this Case.

Mr. Robert Kennedy, St. Margarets Bay Road, a neighbour to the appellant, advised the Committee that the site had been cleaned up the site considerably but there is still a lot of debris on the property. He added that it has been seven years since the house fire, but it seems that the property is accumulating more debris.

In response to a question by Councillor Sloane, Mr. Rogers advised that in order for a property to be habitable at site must have water and electricity, as stated in the Fire Safety Act, M-100 and the National Building Code.

Mr. Jedynak advised that the definition of debris is written into By-law q(3) noting that property is considered debris it is unhealthy or offensive to a person.

Mr. Pat MacKenzie, St. Margarets Bay Road, advised that the definition for debris is broken or damaged adding that nothing on the property is not broken or damaged. He stated that he has cleaned up the property considerably and everything is organized. He advised the Committee that he threw away a lot property that could have been reused or restored.

Deputy Mayor Brad Johns questioned why Mr. MacKenzie did not continue to clean and tarp the property.

Mr. MacKenzie stated that he considers his property neat and tidy, and that he is doing the best he can do. He noted that he is waiting for funds from the house fire.

Mr. Rogers advised the Committee members that tarping the cube van is not acceptable.

Mr. Rogers advised the Committee that the property owner will have at least seven days from the day of the hearing for the work to be done. If staff have to remedy, a tender will have to be issued which would add more time for the clean up to be done by Mr. MacKenzie.

Councillor Uteck advised if the Order is upheld today, the property owner has at least a week, maybe two, to clean the property.

MOVED by Councillor McCluskey, seconded by Deputy Mayor Johns, that Case 134398 be adjourned to the next meeting.

Deputy Mayor Johns questioned that if the Order is upheld if Mr. MacKenzie will continue to the clean and tarp the property. He suggested that Mr. MacKenzie should continue to work with staff on this matter.

Mr. Ryan clarified that if the Order is upheld, Mr. MacKenzie has fourteen days to clean the property as it is noted in the Order to Remedy.

Upon further discussion, Deputy Mayor Johns withdrew his seconding on the motion, the motion was LOST.

MOVED BY Councillor Adams, seconded by Councillor Uteck, that the Dangerous & Unsightly Premises Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on April 30, 2010. MOTION PUT AND PASSED.

6. DEMOLITIONS - DANGEROUS AND UNSIGHTLY

6.1 Case 132643 - Highway 7, Necum Teuch

- A report dated June 8, 2010 was before the Committee.

Mr. Scott Hill, Officer, By-Law Services, provided an update and pictures of the property to the Committee.

Mr. Bill Mont, Apollo Venture Capital, advised the Committee that when HRM sold the property on tax sale, it should have been aware of the condition of the property. He added that By-law staff should have dealt with the former owners on this site. He stated that this case is not complaint driven. He added that the tax sale process is flawed and a better description of the property and pictures should be supplied to the potential buyers before tax sale. Mr. Mont stated that HRM should pay for this cleanup.

Councillor Adams retired from the meeting at 11:05 a.m.

In response to a question by Councillor McCluskey, Mr. Mont advised that the property is assessed at \$12,000.

In response to a question by Deputy Mayor Johns, the Committee was advised that the property went up for tax sale March 2009.

In response to question by Councillor Uteck, Mr. Hill advised that the site was identified by Fire Services.

MOVED BY Councillor Uteck, seconded by Councillor Harvey, that the Dangerous & Unsightly Premises Committee pass the following resolution:

The Dangerous & Unsightly Premises Committee finds the Property to be dangerous or unsightly as per section 3(q) of the Charter 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 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 of the Charter.

MOTION PUT AND PASSED.

6.2 Case 128245 - 6109 Highway 207 Seaforth

- A report dated June 8, 2010 was before the Committee.

Mr. Scott Hill, Officer, By-Law Services, provided an update and pictures of the property to the Committee.

Mr. Hill advised that he has spoken to the property owner and he is willing to accept the Order. He added that the work has started to remove the structure.

MOVED BY Deputy Mayor Johns, seconded by Councillor McCluskey, that the Dangerous & Unsightly Premises Committee pass the following resolution:

The Dangerous & Unsightly Premises Committee finds the Property to be dangerous or unsightly as per section 3(q) of the Charter 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 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 of the Charter.

MOTION PUT AND PASSED.

- 7. APPEALS - DERELICT BUILDINGS - D300 - NONE**
- 8. DEMOLITIONS - DERELICT BUILDINGS - D300 - NONE**
- 9. ADDED ITEMS - NONE**
- 10. NEXT SCHEDULED MEETING - Thursday, July 15, 2010**

11. ADJOURNMENT

The meeting was adjourned at 11:25 a.m.

Melody Campbell
Legislative Assistant