



**APPEALS STANDING COMMITTEE
MINUTES
May 8, 2014**

PRESENT: Councillor Steve Craig, Vice Chair
Councillor Linda Mosher
Councillor Steve Adams
Councillor Gloria McCluskey

REGRETS: Councillor Matt Whitman, Chair
Councillor David Hendsbee
Councillor Bill Karsten
Councillor Brad Johns

STAFF: Ms. Tanya Phillips, Manager, By-law Standards
Mr. Kevin Hindle, Regional Coordinator License Standards & Taxi,
Limousine Services, Municipal Compliance
Mr. Randolph Kinghorne, Senior Solicitor
Ms. Krista Vining, 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/AppealsMay82014.html>

The meeting was called to order at 10:15 a.m. The Standing Committee convened into In Camera at 10:49 a.m. and reconvened and adjourned at 11:04 a.m.

1. CALL TO ORDER

The Vice Chair called the meeting to order at 10:15 a.m.

2. APPROVAL OF MINUTES – NONE

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

MOVED by Councillor McCluskey, seconded by Councillor Adams that the Order of Business be approved, as presented. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTION OS RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Memorandum from staff dated March 21, 2014 re: By-law T-1000 Specific Time Penalty Following Offences – deferred April 10, 2014

The following was before the Standing Committee:

- A staff information report dated March 21, 2014

MOVED by Councillor Adams that the Appeals Standing Committee forward the staff information report dated March 21, 2014 entitled: By-Law T-1000 Specific Time Penalty Following Offences to the Transportation Standing Committee for consideration and possible recommendation to Regional Council. There being no seconder the motion was lost.

No further action was taken at this time.

8. CORRESPONDENCE, PETITIONS & DELEGATIONS

8.1 Correspondence – None

8.2 Petitions – None

8.3 Presentation – None

9. REPORTS

9.1 STAFF – NONE

9.2 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS – NONE

9.3 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

9.3.1 Case#223579, 1020 Bellevue Avenue, Halifax

The following was before the Standing Committee:

- A staff recommendation report dated April 16, 2014

Mr. Robert Ryan, Compliance Officer, By-law Standards, provided an overview of the April 16, 2014 staff report; presenting photographs of the property in question.

Mr. Ryan responded to questions around the Stop Work Order issued August 2012.

The appellant, Mr. Mit Jha of 38 Portland Hills, Dartmouth, commented on other buildings in HRM being in worse condition than his building and questioned the process. Mr. Ryan advised the process is complaint driven.

Mr. Jha expressed concern not having his lawyer present for the hearing and there being no provision to allow his lawyer to be present. His lawyer contacted Mr. Ryan requesting an extension as he would be out of town and unable to attend, but was denied.

Mr. Randolph Kinghorne, Municipal Solicitor asked Mr. Jha if he was requesting an adjournment from the Appeals Standing Committee in order to speak with legal counsel; to which Mr. Jha responded yes.

MOVED by Councillor McCluskey to defer the appeal of Case 223579, 1020 Bellevue Avenue, Halifax to the next meeting after June 1, 2014. There being no seconder the motion was lost.

Mr. Jha proceed to present his appeal to the Standing Committee; indicating that he had asked to demolish the building last year but was denied because there was the question of who was going to pay for it. He spoke to the complaints made by neighbours but was unsure as to how many complaints there were. As well, how he had asked Mr. Ryan for an extension on the demolition date where the building is eight feet from the neighbouring property, he did not want to demolish it in the winter where it is unsafe for the workman to go on the roof. Mr. Jha had contacted a contractor and was told the demolition could be done June 30, 2014.

In response to a question raised by Councillor Adams, Mr. Jha stated that his lawyer had contacted HRM staff and legal respecting concerns about how the demolition request has been dealt with. He had been advised not to make any decisions without his lawyer present.

Further discussion was held on Mr. Jha's request to have his lawyer present at the hearing.

Mr. Kinghorne spoke to judicial process and that the Court could overturn the Standing Committee's decision on the basis of Mr. Jha's request to have legal counsel present at the hearing.

MOVED by Councillor Adams, seconded by Councillor McCluskey that the Appeals Standing Committee defer the appeal of Case 223579, 1020 Bellevue Avenue, Halifax to the next meeting after June 1, 2014 to allow the appellant's lawyer to be present. MOTION PUT AND PASSED.

9.4 TAXI, ACCESSIBLE TAXI AND LIMOUSINES APPEALS – NONE

10. MOTIONS – NONE

11. IN CAMERA

MOVED by Councillor Adams, seconded by Councillor Mosher that the Appeal Standing Committee convene into In Camera to address a legal matter regarding security concerns. MOTION PUT AND PASSED.

The Standing Committee convened into In Camera at 10:49 p.m.

11.1 Legal Matter – Security Concerns

This matter was addressed at the In Camera session.

12. ADDED ITEMS – NONE

13. NOTICES OF MOTION – NONE

14. DATE OF NEXT MEETING – June 12, 2014

15. ADJOURNMENT

The meeting was adjourned at 11:04 a.m.

Krista Vining
Legislative Assistant