



**APPEALS STANDING COMMITTEE
MINUTES
February 12, 2015**

PRESENT: Councillor Matt Whitman, Chair
Councillor Steve Adams, Vice Chair
Councillor Russell Walker
Councillor Gloria McCluskey
Councillor Brad Johns

REGRETS: Councillor David Hendsbee

STAFF: Ms. Tanya Phillips, Manager, By-law Standards
Mr. Randolph Kinghorne, Senior Solicitor
Ms. Krista Vining, Legislative Assistant
Ms. Jennifer Weagle, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

*The agenda circulated to the Appeals Standing Committee is available online:
<http://www.halifax.ca/boardscom/SCappeals/appeals150212agenda.php>*

The meeting was called to order at 10:06 a.m., and adjourned at 10:19 a.m.

1. CALL TO ORDER

The Chair called the meeting to order at 10:06 a.m.

1.1 Appeals Standing Committee Membership

The Legislative Assistant indicated that, based on amendments to By-law A-100 respecting the Appeals Standing Committee, the membership of the Committee is to be six (6) members of Council. The motion approved by Halifax Regional Council on February 3, 2015 also noted that, *that the Appeals Standing Committee will determine which six members will remain to constitute the Appeals Standing Committee for this two year term.* She advised that, based on agreement of the members of the Appeals Committee present, the membership of the Appeals Standing Committee will be Councillors Whitman, Johns, Adams, Walker, McCluskey and Hendsbee.

2. APPROVAL OF MINUTES - December 11, 2014, January 8, 2015 and January 13, 2015 (special meeting)

MOVED by Councillor McCluskey, seconded by Councillor Johns, that the Appeals Standing Committee minutes of December 11, 2014, January 8, 2015 and January 13, 2015 (special meeting) be approved, as circulated. MOTION PUT AND PASSED.

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

Addition:

- 12.1 Information Item #1 - Memorandum from Legal Services dated January 20, 2015 - Insurance of Orders to Remedy to Federal or Provincial Properties re: the Metropolitan Regional Housing Authority

MOVED by Councillor Johns, seconded by Councillor McCluskey, that the order of business be approved, as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case #240424, 80 Brunt Road, Harrietsfield (Demolition)

The Chair confirmed that the building has been demolished and the case is closed.

7.2 Case #243296, 80 Brunt Road, Harrietsfield (Appeal)

The Chair confirmed that the violation has been removed and the case is closed.

8. CORRESPONDENCE, PETITIONS & DELEGATIONS

8.1 Correspondence – None

8.2 Petitions – None

9. REPORTS

9.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS - NONE

9.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

9.2.1 Case #240336, 25388 Highway 7, Port Dufferin

The following was before the Standing Committee:

- A staff recommendation report dated January 22, 2015.

The Chair confirmed that the appellant or representative was not present.

Mr. Alonzo MacDonald, Compliance Officer, provided an overview of the staff report dated January 22, 2015, presenting photographs of the property in question.

The Chair asked if members of the Standing Committee had any questions of clarification for staff.

Responding to questions from Councillor McCluskey, Mr. MacDonald advised that there is no one living in either accessory structures, and that neither is habitable. He indicated that the main residential structure on the property was at one point under renovations, and although it is not structurally compromised, it is not habitable in its current interior condition.

MOVED by Councillor McCluskey, seconded by Councillor Johns, that the Appeals 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 buildings, 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.

In response to questions from Councillor Walker, Mr. MacDonald indicated that the owner of the property lives in British Columbia. Staff have been unable to reach her by phone or email since an initial conversation with the property owner, who had indicated that the property was under foreclosure proceedings.

MOTION PUT AND PASSED.

10. MOTIONS – NONE

11. IN CAMERA – NONE

12. ADDED ITEMS

12.1 **Information Item #1 - Memorandum from Legal Services dated January 20, 2015 - Insurance of Orders to Remedy to Federal or Provincial Properties re: the Metropolitan Regional Housing Authority**

Councillor McCluskey requested that the Solicitor comment on the memo.

Mr. Randolph Kinghorne, Senior Solicitor, advised that the Municipality does not have the ability to enforce orders to remedy against the Metropolitan Regional Housing Authority, as it is an agent of the Provincial Crown.

Ms. Tanya Phillips, Manager, By-law Standards, added that based on this information from Legal Services, Municipal Compliance staff will have to refine their processes. She clarified that Municipal Compliance staff will still be addressing problem properties, and bringing them to the attention of the Province, although the Municipality will not be able to enforce a remedy.

13. NOTICES OF MOTION – NONE

14. DATE OF NEXT MEETING – March 12, 2015

The next meeting of the Appeals Standing Committee is scheduled for Thursday, March 12, 2015 at 10:00 a.m. in the Council Chamber, 3rd floor, City Hall, 1841 Argyle Street, Halifax.

15. ADJOURNMENT

The meeting was adjourned at 10:19 a.m.

Jennifer Weagle
Legislative Assistant