

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
APRIL 21, 2005

PRESENT: Councillor Harvey, Chair
 Deputy Mayor Goucher
 Councillor Sloane
 Councillor Wile
 Councillor Johns

ABSENT
WITH REGRETS: Councillor McInroy
 Councillor McCluskey
 Councillor Snow
 Councillor Smith

STAFF: Ms. Donna Keats, Municipal Solicitor
 Ms. Julia Horncastle, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	03
2.	ELECTION OF CHAIR AND VICE-CHAIR	03
3.	APPROVAL OF MINUTES - November 25, 2004	03
4.	APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS	03
5.	CONSIDERATION OF DEFERRED BUSINESS	
5.1	Lands of Raymond G. Beazley, Catherine A. Beazley, Kenneth W. Mosher and Ruth R. Mosher, 822 Cow Bay Rd., Eastern Passage	03
6.	APPEALS	
6.1	Lands of Ms. Carole A. MacKay, 508 Herring Cove Road	04
6.2	Lands of Ms. Monica Carvery and Ms. Eva Prevost, 2350 Creighton Street, Halifax	04
6.3	Lands of Robert Byatt and Theresa Bezanson-Byatt, 103 Cove Road, Porters Lake	04
6.4	Lands of Dimitrios and Dimitra Tsimiklis, 20 Dawn Street, Halifax	05
6.5	Lands of Najat Chedid, 18 Lynnett Road, Halifax	06
6.6	Lands of 30055751 Nova Scotia Limited, 9 Hillcrest Drive, Stewiacke ..	06
7.	DEMOLITIONS	
7.1	Lands of Ada M. Stevens, 239 Church Street, Wellington	06
7.2	Lands of Texas Downey, Sidney Willis, Glennister and Ian Antonio Whynder, 1045 Lake Major Road, North Preston.	06
8.	NEXT SCHEDULED MEETING - May 19, 2005	07
9.	ADJOURNMENT	07

1. CALL TO ORDER

The meeting was called to order at 10:00 a.m.

2. ELECTION OF CHAIR AND VICE CHAIR

The Legislative Assistant called for nominations for the position of chair.

MOVED by Councillor Johns, seconded by Councillor Wile, that Councillor Harvey be appointed as chair. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Deputy Mayor Goucher, seconded by Councillor Johns, that Councillor Sloane be appointed as vice-chair. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF MINUTES - November 25, 2004

MOVED by Councillor Johns, seconded by Deputy Mayor Goucher, that the minutes of November 25, 2004 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Councillor Sloane requested an update on the Mitchell's Environmental Treasures be provided to the committee.

5. CONSIDERATION OF DEFERRED BUSINESS

5.1 Lands of Raymond G. Beazley, Catherine A. Beazley, Kenneth W. Mosher, and Ruth R. Mosher, 822 Cow Bay Road, Eastern Passage

- An extract from the November 25, 2004 minutes was before the committee.
- A report dated November 15, 2004 was before the committee.

Ms. Tamar Dorey, By-Law Enforcement Officer, with the aid of a video, presented the report.

In response to Deputy Mayor Goucher, Ms. Dorey stated there is no evidence to show that the property is deeded to the Municipality.

Mr. Ken Mosher, property owner, advised the garbage is being dumped on the property. He noted the Department of Transportation owns the road and, as a result, he is unable to barricade the road to restrict access to the area in question. He stated he does not feel he should be responsible to be constantly cleaning up garbage that is resulting from illegal

dumping. He stated he is willing to clean up his property but does not feel he should become caretaker of the dumping problem.

MOVED by Councillor Johns, seconded by Councillor Wile, that the committee defer the item to the next meeting to determine who owns the road and whether there is a possibility of having the road blocked off.

Ms. Tanya Phillips, Manager, By-Law Services, stated staff is requesting the committee deal with the portion of the property with garbage on it.

Without a vote being taken on the motion on the floor, the following motion was placed.

MOVED by Councillor Johns, seconded by Councillor Wile that the Committee refuse the appeal and uphold the Order to Remedy Dangerous and Unsightly Conditions issued on September 29, 2004. Further, staff clarify who owns the road and whether there are any steps that can be taken to stop any future dumping. MOTION PUT AND PASSED UNANIMOUSLY.

6 APPEALS

6.1 Lands of Ms. Carole A. MacKay, 508 Herring Cove Road

- A report dated December 6, 2004, on the above noted, was before the committee.

Mr. Rob Coolen, By-Law Enforcement Officer, with the aid of a video, presented the report.

Ms. MacKay, property owner, advised she does not feel she is guilty of an unsightly premises. She stated she lives in the area and keeps an eye on the lot and has not noticed signs of junk or graffiti on the property. She advised the structure was torn down and what is sited in the order cannot be seen from the roadway. She does not feel it is unsightly, noting it is a vacant lot which she is trying to keep tidy.

MOVED by Councillor Johns, seconded by Councillor Wile, that the committee refuse the appeal and uphold the Oder to Remedy Dangerous and Unsightly conditions issued on October 26, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

6.2 Lands of Ms. Monica Carvery and Ms. Eva Prevost, 2350 Creighton Street, Halifax

As there was no representative of the property owner present, the appeal was denied.

6.3 Lands of Robert Byatt and Theresa Bezanson-Byatt, 103 Cove Road, Porters Lake

Mr. Wayne Chapedelaine, By-Law Enforcement, presented the staff report advising the building is currently not inhabited.

MOVED by Deputy Mayor Goucher, seconded by Councillor Johns, that the committee dismiss the appeal as being null and void as the property is vacant.

Mr. Chapedelaine cautioned the committee that if the order was dismissed it may never get fixed and could continue to be a problem.

Mr. Keith MacKay, representing the property owner outlined his presentation to the committee a copy of which was submitted for the file. He stated the report indicates the house is in good shape and is 88% efficient in its current state. He noted that the house is almost twice as tight as the average according to one of the tests carried out. He noted the Byatt's have been renting out this house for the past twenty years and this is the first time they have had any complaints regarding heat.

At this time the motion on the floor was withdrawn and the following motion placed.

MOVED by Councillor Johns, seconded by Deputy Mayor Goucher, that the Order be rescinded and the appeal be upheld.

Councillor Sloane stated she did not support the motion.

Deputy Mayor Goucher noted the house did not meet the energy requirements so there are some issues.

The Committee agreed there needs to be some way to address the issue other than saying since the premises is not occupied there no longer an issue.

MOTION PUT AND PASSED.

6.4 Lands of Dimitrios and Dimitra Tsimiklis, 20 Dawn Street, Halifax

Mr. Wayne Chapedelaine, Fire Services, presented the staff report to the committee noting the building is not inhabited.

Mr. Jim Matheson, representing the owner, advised the insurance company is aware of the situation with the building and that it has to come down. He advised the property owner has

submitted two quotes to the insurance company and work will commence on the demolition very shortly. He advised the demolition has been delayed due to road weight restrictions and in the meantime the property is fenced with a 24 security person on site.

MOVED by Deputy Mayor Goucher, seconded by Councillor Sloane that the committee uphold the demolition order with an extension being granted to May 31, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

6.5 & 6.6 Lands of Stephen Densmore, 3005751 Nova Scotia Limited, 9 Hillcrest Drive, Stewiacke

- A report dated March 22, 2005 on the above noted, was before the committee.

As there was no representative of the property owner present, the following motion was placed.

MOVED by Councillor Johns, seconded by Deputy Mayor Goucher, that the Committee uphold an Order requiring the owner of the property to repair the stove in apartment three and to exterminate the apartment to get rid fo the insects within thirty (30) days after service upon the owner, otherwise, the Municipality will exercise its rights as set forth under Halifax Regional Municipality By-Law By-Law M-100 "Respecting Residential Occupancies". MOTION PUT AND PASSED.

7. DEMOLITIONS

7.1 Lands of Ada M. Stevens, 239 Church Street, Wellington

- A report dated March 8, 2005 on the above noted, was before the committee.

As there was no representative of the property in attendance, the following motion was placed.

MOVED by Councillor Sloane, seconded by Deputy Mayor Goucher, that the Committee issue an Order requiring the demolition of a dilapidated and structurally unsound vacant 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 UNANIMOUSLY.

7.2 Lands of Texas Downey, Sidney Willis, Glennister and Ian Antonio Whynder, 1045 Lake Major Road, North Preston

- A report dated April 11, 2005 on the above noted, was before the committee.

Mr. Keith Cahoon, By-Law Enforcement Officer, with the aid of a video, presented the report.

In response to Councillor Goucher, Mr. Cahoon advised the registered property owner is a Mr. John Fuller.

MOVED by Councillor Wile, seconded by Deputy Mayor Goucher, that the Committee issue an Order requiring the demolition of a dilapidated and structurally unsound vacant 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 UNANIMOUSLY.

8. NEXT SCHEDULED MEETING

The next meeting is scheduled for Thursday, May 19, 2005 at 10:00 a.m. in Council Chambers, City Hall.

9. ADJOURNMENT

The meeting was adjourned at 12:15 p.m.

Julia Horncastle
Legislative Assistant