

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
August 18, 2005

PRESENT: Councillor Harvey, Chair
 Councillor Sloane, Vice Chair
 Councillor Johns
 Deputy Mayor Goucher
 Councillor McCluskey

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

STAFF: Mr. André Noël, Regional Coordinator, By-Law Enforcement
 Ms. Donna Keats, Municipal Solicitor
 Mr. Trevor Oliver, By-Law Enforcement Officer
 Mr. David Henry, By-Law Enforcement Officer
 Mr. Rob Coolen, By-Law Enforcement Officer
 Mr. Wayne Chapdelaine, Fire and Explosion Investigator
 Ms. Chris Newson, Legislative Assistant
 Ms. Jennifer Weagle, Legislative Assistant

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1. **CALL TO ORDER**

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

2. APPROVAL OF MINUTES - July 21, 2005

MOVED BY Councillor Sloane, seconded by Councillor Johns, that the minutes of July 21, 2005 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Deletion: Item 4.1.1 Lands of Judy Robertson, 6133 Shirley Street, Halifax

Item 5.3 Lands of Dimitrios Tsimiklis & Dimitria Tsimiklis, 5620 South Street, Halifax

Item 5.5 Lands of Baden Austin Connolly, 2570 Oxford Street, Halifax

Item 5.9 Lands of Patricia Acheson & Daniel Conlin, 6308 Duncan Street, Halifax

Item 6.1 was moved forward to be dealt with immediately following the approval of the agenda.

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

6. DEMOLITIONS

6.1 Lands of United Gulf Developments, 25 Brookdale Court, Dartmouth

- A Demolition Report dated August 4, 2005 was before the Committee.
- A power point presentation was provided to the Committee on behalf of the Appellant with accompanying handout entitled "The Lakes Concept Plan"

It was requested that this matter be moved forward on the agenda as Mr. Wayne Chapdelaine, Fire and Explosion Investigator, Fire and Emergency Services, had a court appearance to attend.

Mr. Wayne Chapdelaine, Fire and Explosion Investigator, Fire and Emergency Services, presented a video of the property and advised that this item is a joint effort between the Deputy Chief of Fire Services, Deputy Chief of Police, and Manager of By-Law Enforcement.

Mr. Chapdelaine provided further information for the Committee as follows:

- ! As set out in the Demolition Report, there have been numerous occurrences of arson to the structure. The property owners have been contacted on numerous occasions to secure the property.
- ! The property owners have displayed a lack of ability to maintain the security of the building. The owners' latest attempt to secure the building was to dig a trench around the building and pile the dirt from the trenches against the windows and doors. This essentially made the building more dangerous due to reduced visibility and airflow and danger of the dirt caving in on the firefighters if they attempt to remove the boards from the windows from the inside.
- ! There is an open pool on the premises which creates a hazard.
- ! During a recent response by fire services, firefighters could not locate the fire. Air supplies became low in attempting to find their way out of the building with the dirt piles barricading the windows and doors, which caused injury to two fire fighters. The fire fighters removed dirt from windows to let out smoke and ran high pressure fans in the building for three hours after the fire was extinguished, but could not get the Co² to an acceptable level. Any unauthorized personnel entering the building after the firefighters left would have been overcome by the Co² levels and would have immediately become unconscious. There are often several fires burning in the building at once.
- ! There is much graffiti on the building, which is visible from the adjacent highway. There is broken glass, metal and debris in the building.
- ! The building is located in a residential neighbourhood consisting mainly of high-rise condominiums and town houses. The property is regularly used by area residents as an access point for Lake Banook, which is at the back of the building.

In response to questions from the Committee, Mr. Chapdelaine advised that:

- ! He is of the opinion that the building is beyond repair and not suitable for an alternate use. It is continuing to deteriorate, but is not in immediate danger of collapse. The building has been without heat or electricity for an extended period of time. The video shown to the committee was shot using a 10 million candle light power flashlight and the interior of the building was still very dimly lit and visibility was poor.
- ! Fire services have responded to the building thirteen times, not counting visits by inspection services to the premises. There is evidence in the building of further fires that had gone undetected and extinguished themselves. Halifax Regional Police have created a general occurrence code for the property and a constable has been assigned to periodically check on the property to make sure it is secured.
- ! A mold analysis has not been completed on the property. Mr. Chapdelaine would not recommend entering the building without a breathing apparatus.
- ! The building has been vacant since approximately 1997.
- ! There is evidence of forced entry and youth partying in the building but no evidence of people taking up residence in the building or "squatting".
- ! Later in the meeting, Mr. Chapdelaine confirmed that he had never seen dirt used to

secure entrances to an abandoned building before.

Mr. Louis DeMontbrun, Vice President of United Gulf Developments, was in attendance, representing the Appellant. Mr. DeMontbrun provided a power point presentation for the Committee entitled "The Lakes Concept Plan".

Councillor Harvey and Councillor McCluskey reminded Mr. DeMontbrun that the purpose of the meeting was to determine whether the building is safe or unsafe and that is the only information they require.

Mr. DeMontbrun advised the Committee of the following during his presentation:

- ! The Development Agreement has been going through the approval process for the past five years. The property was re-zoned to R3. There has been a wind study completed for winds coming off Lake Banook. Council recently voted to restrict the height of the buildings around the lake to 35 feet. The new development will consist of townhouses and high rise condos. United Gulf Developments would have maintained the use of the building if they had known that the development process would have taken over five years.
- ! One third of the lands surrounding the new development will be opened as public parkland. In total, the new development will contribute approximately \$60,000.00 to the city. The company has continued to allow the public to use the access to the lake on the property and continue to clean up litter left by the public and mow the lawns on the property.
- ! United Gulf Developments continue to make attempts to secure the building, the latest being the last resort of digging the trenches and piling the dirt against the windows and doors. In the past they have bolted wood over the doors and windows but vandals continued to pry it open. They have proposed bolting steel plates over the doors and windows but Fire Services were concerned about gaining entry in the event of a fire.
- ! The building was built in 1968. It contains asbestos, mercury and chlorine. There are also Nova Scotia Power transformers on the property that may contain PCB's. There is also acid generating rock in the foundation. The building is close to the lake so catch basins would have to be installed at the base of the lake to prevent run-off of chemicals into the lake.
- ! The Order calls for demolition within 30 days but he estimates a proper demolition would take five to seven months.
- ! United Gulf Developments is proposing renovating part of the building into affordable housing for families. The space will be easy access for users and will meet a need in the community. They propose to clean up the debris in the former day care space, fix the holes in the roof, fix the windows, repair the wiring, limit access to the pool area, install heating and reinstate fixtures in two major bathrooms (using recycled fixtures

currently being removed from the Sisters of Charity - Motherhouse renovation project, also under the charge of United Gulf Developments). United Gulf proposed that some of their staff and community and business volunteers would be supplying some of the labour and materials.

- ! Mr. DeMontbrun disputed Mr. Chapdelaine's account of the darkness of the building, informing the Committee that the pictures included in his presentation were taken with a basic digital flash.

Responding to questions from the Committee, Mr. DeMontbrun advised the following:

- ! The acid generating rock will only be a concern when the foundation is disturbed.
- ! The asbestos would only be a concern when it is disturbed.
- ! United Gulf would begin construction on the new development as soon as the Development Agreement was approved.
- ! He did not have quotes on the demolition costs, but the costs would be significant.

Deputy Mayor Goucher noted the following:

- ! If he was a resident of in the area, he would want the building taken down.
- ! He is concerned about the issues of asbestos and PCBs.
- ! HRM staff are of the opinion that the building is not salvageable.
- ! There is no question of need for affordable housing, but he questions the need in this particular area and the accessibility of the area to the people that would reside there.
- ! He would be concerned with people living in the building, given that leaving part of the building boarded up would still leave the building and its residents at risk of vandalism and arson.

Mr. Chapdelaine added that it is a noble idea to use the building for affordable housing, but it is not the proper facility for such a place. He would oppose it absolutely.

Mr. DeMontbrun replied that he cannot speak to the community's desire to see a facility in the area to help the needy. He believes the building has potential and he has consulted experts that agree it can be done.

Councillor McCluskey reminded Mr. DeMontbrun that he advised the Committee that if the Development Agreement were passed tomorrow, the new development would go ahead immediately. She is concerned where the people residing in the building for short term affordable housing would go when they are asked to leave so the new development can go ahead.

MOVED BY Councillor McCluskey, seconded by Councillor Johns, that the Dangerous and Unsightly Premises Committee issue an Order requiring the

demolition of a dilapidated and structurally unsound accessory 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 IV of the *Act Respecting Municipal Government*. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor McCluskey added that fire services and police have endangered lives because of this building and she believes her area residents have put up with the building long enough.

Councillor Sloane spoke to her concern regarding the concoction of volatile materials within the building. She is also concerned about the practices of the company to secure the building and further believes that the building is a health and safety concern to the public and HRM staff.

Councillor Johns noted to Committee members that he believes that five years is an adequate amount of time to deal with the issues surrounding this building. The property owner will have to deal with costs of demolition. The dirt used as a means of securing the building is no remedy. He believes that the proposal to renovate the building for short term affordable housing is to “pull at the heart strings” of the Committee.

Deputy Mayor Goucher added that he believes demolishing the building is the right thing to do for everyone concerned.

The Committee called for a short recess at 10:52 a.m., resuming at 10:57 a.m.

The Committee discussed the approval of an alternate time-line for demolition of 25 Brookdale Court, as it is agreed that a 30 day deadline is an insufficient amount of time to safely and properly demolish the building.

Mr. Chapdelaine, in response to questions from the Committee, advised the following:

- ! The demolition would definitely take longer than 30 days.
- ! If granted the authority, he would ensure that the building is demolished within strict time lines to have it completed safely.
- ! He will have discussions with United Gulf and will research how long the demolition should properly take.

Councillor McCluskey suggested that the work begin immediately as area residents and staff have put up with the issues surrounding the building long enough.

Councillor Sloane added that she has full confidence in staff to deal with the demolition in a timely manner to the satisfaction of all parties.

MOVED BY Deputy Mayor Goucher, seconded by Councillor Sloane, that discretionary powers be granted to Mr. Wayne Chapdelaine to work with United Gulf Developments to ensure the timely and safe demolition of the building. MOTION PUT AND PASSED.

Deputy Mayor Goucher left the room at 11:05 a.m.

4. CONSIDERATION OF DEFERRED BUSINESS

4.1 APPEALS

4.1.1 Lands of Judy Robertson, 6133 Shirley Street, Halifax

Deleted during the approval of the agenda. See Item 3.

5. APPEALS

5.1 Lands of Mr. Wendall Brown & Marjorie Murray, 3381 Novalea Drive, Halifax

! An Appeal Report dated August 2, 2005 was before the Committee.

Mr. Trevor Oliver, By-Law Enforcement Officer, presented a video of the property. Mr. Oliver noted that the exterior maintenance has been completed on the building with the exception of touch up paint required on the steps, railing and foundation.

Mr. Oliver indicated he had spoken to Mr. Brown on two occasions and Mr. Brown indicated his desire and intent to have the work completed, however, he did not complete the work and filed an appeal.

Mr. Brown, Appellant, spoke to the committee. Mr. Brown advised he scraped the railing in preparation of painting, which makes the railing appear worse than it is. He stated he was advised by an employee of HRM, whom he declined to name, not to complete the work listed in the Order if he was planning to appeal, so he stopped. Mr. Brown wanted to speak to the Committee about two concerns: substance and process. The first inspection by a By-Law Enforcement Officer was on June 10, 2005, during a period of inclement weather and the start of painting season. A laminated Order was left on the door. Mr. Brown had purchased paint and had intended to paint the deck. He did not believe that the level of deterioration of the steps is enough to warrant a notice being posted on his door. Mr. Brown advised Mr. Oliver that he could come by in a few weeks to see that work had been done. Another By-Law Officer visited the property, posting the Order, and then a registered letter with the same order was mailed to him. Mr. Brown advised that his property was in better condition than 50-60%

of the surrounding properties. He noted that anyone can call in any frivolous complaint against any property. Mr. Brown suggested that as a solution, the complainant should be identified and endure validated questioning before the property is inspected. He believes that the process now in place is at much cost to the city and weeding out frivolous complaints first would be less stressful for the property owner. Mr. Brown reiterated that the reason for his appeal is that he believes the deficiencies listed in the order are not sufficiently great to warrant this action. Mr. Brown would like to make a complaint against the property across the street from him at Cabot Place where a building was torn down but foundation left and only partially filled in . There is also a city bench near his home that is in need of paint.

Councillor McCluskey inquired how long it would take for Mr. Brown to complete the work. Also, if he had the railing scraped and the paint bought, why did he stop? Mr. Brown indicated he was advised by an HRM employee that if he finished the work, he would not have grounds for appeal.

MOVED BY Councillor Johns, seconded by Councillor McCluskey, that a 30 day extension be granted to the next meeting of the Dangerous and Unsightly Premises Committee on September 14, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

Deputy Mayor Goucher returned at 11:15 a.m.

Councillor Sloane voiced concern that Mr. Brown was given ill advice by an employee of HRM, but the process has to be followed. She also echoed Councillor Johns concerns with anonymous tips since the property owners who have been complained about feel that they have been picked on.

5.2 Lands of Mr. Russell Paul Stewart, 56 Albro Lake Road, Dartmouth

: An Appeal Report dated August 5, 2005 was before the Committee.

Mr. Robert Coolen, By-Law Enforcement Officer, presented a video of the property.

Mr. Coolen advised that the property requires painting on the exterior, soffit and fascia. The priming has been started, scaffolding has been erected on the property, the trim and exterior has been scraped and a new roof is being put on the building. Mr. Coolen noted that the roof repairs are not part of order but that the owner is doing major work to the property. Mr. Coolen also indicated that new siding is also going on the house.

Responding to questions from Councillor Sloane, Mr. Coolen clarified that the initial complaint regarding garbage had been rectified, however, there was some fence still remaining.

Mr. Russell Paul Stewart, Appellant, spoke to the Committee. Mr. Stewart informed the

Committee that he had purchased the property in March. He has been undertaking repairs and improvements to the house, however, it is a large house and he requires more time. Mr. Stewart also commented that the house is in a bad area and he cannot leave materials and supplies outside, as he has had shingles stolen from the yard. He is finding it hard to get contractors to attend the property to do the work.

Responding to questions from the Committee, Mr. Stewart advised the following:

- ! He lives and works out of the home. He runs a tax accounting business out of the home and also rents three rooms to students.
- ! He recently had the roof re-shingled and is having the siding replaced on the home as well as soffit repairs.
- ! He would like to have more time to work on the property to have a good job completed, not a rush job.

Councillor Sloane advised Mr. Stewart that the Committee understands his intent to have a good job done and the complications associated with painting and bad weather but time is of the essence. **MOVED BY Councillor Sloane that a six month extension be granted to Mr. Stewart. Having no seconder, the motion was lost.**

MOVED BY Deputy Mayor Goucher, seconded by Councillor Sloane, that a 90 day extension be granted to the November 17, 2005 meeting of the Dangerous and Unsightly Premises Committee. MOTION PUT AND PASSED UNANIMOUSLY.

5.3 Lands of Dimitrios Tsimiklis & Dimitria Tsimiklis, 5620 South Street, Halifax

Deleted during the approval of the agenda. See item 3.

5.4 Lands of Timothy Henneberry & Michele MacIsaac, 7184 Highway 207, West Chezzetcook

- ! An Appeal Report dated August 5, 2005 was before the Committee.

Neither the Appellant, nor a representative of the Appellant were in attendance.

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

5.5 Lands of Baden Austin Connolly, 2570 Oxford Street, Halifax

Deleted during the approval of the agenda. See Item 3.

5.6 Lands of Monica Carvery & Eva Prevost, 2350 Creighton Street, Halifax

- ! An Appeal Report dated August 5, 2005 was before the Committee.
- ! Mr. Ervin Carvery provided photos of the property.

Mr. Trevor Oliver, By-Law Enforcement Officer, presented a video of the property. Mr. Oliver indicated to the Committee that the pavement in the driveway is broken and there is debris and litter around the house. It has been cleaned up a bit since it first appeared. Most of the debris is now covered by growth. The debris includes a tire and roof boards taken off the exterior structure with screws and nails still attached to the boards, which create a hazard.

Responding to questions from the Committee, Mr. Oliver advised that:

- ! There have been previous complaints against the property including one in October 2004 for debris and exterior maintenance.
- ! There were exterior painting issues indicated in another Order against the property and the current Order only dealt with debris.
- ! YouthLive have attended the property previously to clean up debris.

Councillor Sloane, asked for clarification regarding the policy on reissuing Orders to repeat offenders. Mr. André Noël, Regional Coordinator, By-Law Enforcement, informed the Committee that further debris has been created on the property since the property owner appeared before the Committee months ago. It was difficult for By-Law Enforcement to determine what was new debris and what was the previous debris so they decided to issue a new Order. Councillor Sloane commented that although issuing a new order captures the immediate look of the property, it gives the property owner more time. The Officers and crew undertaking the remediation should be taking pictures before and after remediation.

Mr. Ervin Carvery, husband of Monica Carvery, Appellant, appeared before the Committee.

Mr. Carvery advised the Committee that he had some concerns regarding the By-Law enforcement process. Mr. Carvery also indicated that he would like to know whether it was his neighbour, Councillor Sloane, that made the complaint. Councillor Sloane replied that she had not. Councillor Sloane declared a conflict of interest as she is Mr. Carvery's neighbour and removed herself from the discussion.

Mr. Carvery continued, asking for clarification of the record that he is the husband of Monica Carvery, and not her brother as previously stated. The previous appeal for this property was to be held in Dartmouth. The location and time changed and he did not appear since he had the location confused. He later received a bill from HRM after they sent staff to clean up the property. Mr. Carvery contacted Mr. André Noël and asked him to send copies of the before and after photos of the debris. The items that had been claimed removed from the property

had not been removed. Mr. Carvery further requested that a By-Law Enforcement Officer be sent to the property to confirm that items had not been removed from property. It was confirmed that items had not been removed and Mr. Carvery received a letter indicating that the bill would be reversed. He informed the Committee that the video was taken yesterday before he cleaned up the property last night. Mr. Carvery circulated pictures taken of the property that morning. He advised that he and his wife are applying for a demolition order to demolish the property to build a new house on the lands. The home is the old family home of his wife and they just recently obtained clear title to the property. The boards in the yard with the screws and nails attached were materials from a previous roofing project and have since been removed from the property. Mr. Carvery advised that all of the debris had been cleaned up. It was not done previously because he did not want to spend the time and money to clean up the debris before title to the property was cleared. Some of the debris was from the neighbouring property where construction was taking place.

Mr. Oliver indicated he would like to reinspect the property. Deputy Mayor Goucher suggested that the property be immediately reinspected and if the order has been remedied, then that will be the end of this matter. If it has not been remedied, the Order will be upheld. Mr. Oliver indicated he would reinspect the property immediately.

MOVED BY Deputy Mayor Goucher, seconded by Councillor McCluskey, that the appeal be denied, subject to an immediate reinspection of the property. MOTION PUT AND PASSED.

5.7 Lands of Zdena Cerny, 6297 Allan Street, Halifax

! An Appeal Report dated August 5, 2005 was before the Committee.

Neither the Appellant, nor a representative of the Appellant were in attendance.

MOVED BY Deputy Mayor Goucher, seconded by Councillor McCluskey, that the appeal be denied. MOTION PUT AND PASSED UNANIMOUSLY.

5.8 Lands of Najat Chediac, 19 Lynnett Road, Halifax

! An Appeal Report dated August 5, 2005 was before the Committee.

Mr. David Henry, By-Law Enforcement Officer, presented a video of the property. Mr. Henry indicated that upon reinspection of the property, two further Orders were issued. There is an overgrowth issue in front of house and debris on the deck. There is further debris in the yard alongside the house such as construction refuse, soffit, pots, window panes with broken glass, an old door and a trailer containing debris. There is also a large pile of firewood that appears to have been there for years. Some exterior maintenance issues have been resolved. Mr.

Harvey advised that the owner is not a resident of the property.

Ms. Najat Chediac, Appellant, appeared before the Committee. She indicated that she agrees with the issues raised by the previous Appellants regarding the concerns for the By-Law Enforcement process. She further indicated that she will reuse most of the construction materials in the yard and that is why she has not disposed of them. Ms. Chediac informed the Committee that she did not cut the grass when she previously lived in the house. She is currently not occupying the property and it is vacant, however, she does live in the neighbourhood.

Responding to questions from the Committee, Ms. Chediac informed the Committee of the following:

- ! She does not have any financial issues regarding the removal of the debris.
- ! Youth from the neighbourhood make the property worse by going in the backyard and scattering around the materials.
- ! The home is vacant, but not abandoned. Electricity and heat are still hooked-up at the property and she attends the property almost every day.

Councillor Sloane voiced concern regarding the home being uninhabited.

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

5.9 Lands of Patricia Acheson & Daniel Conlin, 6308 Duncan Street, Halifax

Deleted during the approval of the agenda. See Item 3.

5.10 Lands of the Estate of Melvin Lucas, 5653 Cornwallis Street, Halifax

- ! An Appeal Report dated August 5, 2005 was before the Committee.

Neither the Appellant, nor a representative of the Appellant were in attendance. Councillor Sloane advised the Committee that the property is currently under police investigation.

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

6. DEMOLITIONS

6.1 Lands of United Gulf Developments, 25 Brookdale Court, Dartmouth

Dealt with previously in the meeting. See page 3.

6.2 Lands of Wholesale Enterprises Limited, 42 Coronet Avenue, Halifax

A Demolition Report dated August 8, 2005 was before the Committee.

Neither the Appellant, nor a representative of the Appellant were present.

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

7. NEXT SCHEDULED MEETING - September 14, 2005

The next meeting of the Dangerous & Unsightly Premises Committee is scheduled for September 14, 2005, at 10:00 a.m. in Council Chambers.

8. ADJOURNMENT

The meeting was adjourned at 12:05 p.m.

Jennifer Weagle
Legislative Assistant