

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
September 14, 2005

PRESENT: Councillor Harvey, Chair
 Councillor Wile
 Deputy Mayor Goucher
 Councillor McCluskey
 Councillor Smith
 Councillor Snow

ABSENT
WITH REGRETS: Councillor Johns
 Councillor Sloane, Vice Chair
 Councillor McInroy

STAFF: Mr. André Noël, Regional Coordinator, By-Law Enforcement
 Ms. Tanya Phillips, Manager, By-Law Services
 Ms. Donna Keats, Legal Council
 Mr. Trevor Oliver, By-Law Enforcement Officer
 Mr. David Henry, By-Law Enforcement Officer
 Ms. Tamar Dorey, By-Law Enforcement Officer
 Mr. Wayne Chapdelaine, Fire and Explosion Investigator
 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 - August 18, 2005

MOVED BY Councillor McCluskey, seconded by Deputy Mayor Goucher, that the minutes of August 18, 2005 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Additions: Item 7.1 Lands of United Gulf Developments, 25 Brookdale Court, Dartmouth

Deletions: Item 5.2 Lands of Robert M. Allan, 166 Flying Cloud Drive, Dartmouth

Item 5.5 Lands of Ross Edward Hallett, 1674 Henry Street, Halifax

Item 5.7 Lands of Edgemere Tower House Ltd., 89 Rose Street, Dartmouth

MOVED BY Councillor Snow, seconded by Deputy Mayor Goucher, that the agenda be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.

4. CONSIDERATION OF DEFERRED BUSINESS

4.1 Lands of Wendall Brown and Marjorie Murray, 3381 Novalea Drive, Halifax

Mr. Trevor Oliver, By-Law Enforcement Officer, presented a video of the property taken on September 13, 2005.

Mr. Wendall Brown, Appellant, appeared before the Committee. Mr. Brown advised that the reason for his appeal was that he did not agree that the issues outlined in the Order were sufficient to warrant the term unsightly premises; a request for a time extension was not the reason for his appeal. Mr. Brown requested that the Committee allow his appeal and rescind the Order to Remedy, with no further action required on his behalf. Mr. Brown noted that at the August 18, 2005 meeting, he was granted a 30 day extension, which would bring his deadline for completion to September 17, 2005. Mr. Oliver reinspected the property on September 13, 2005. Mr. Brown requested that the Committee advise Mr. Oliver to respect the 30 day extension. Mr. Brown also indicated he would be pleased to discuss his perceived problems

with the by-law enforcement process with members of the Committee or Staff. Councillor McCluskey inquired whether Mr. Brown was planning to complete the painting today, to which Mr. Brown advised that he had completed the painting yesterday, starting after Mr. Oliver left the property.

The Committee advised Mr. Brown that if the requirements of the Order to Remedy are completed, the property is in compliance and, upon confirmation by reinspection, he would not have had to appear today. Mr. Brown reiterated that completing the work was not his reason for appealing, his issues with the process are his reason for the appeal.

Councillor Smith asked for clarification from staff whether the property does fall under the definition of unsightly. Ms. Tanya Phillips, Manager, By-Law Services, advised that if a property is deemed to be in a state of decay, deterioration, or disrepair, it is in violation of the by-law.

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

5. APPEALS

5.1 Lands of Nina Catherine Petropolis, Peter N. Petropolis, Angela Nicole Petropolis, Christopher N. Petropolis, 5517 Spring Garden Road, Halifax

! An Appeal Report dated September 6, 2005 was before the Committee.

Mr. Trevor Oliver, By-Law Enforcement Officer, presented a video of the property that was taken on September 13, 2005. Mr. Oliver noted that he spoke with the property owner yesterday and the basis for her appeal was that she did not feel that the property is unsightly.

Ms. Nina Petropolis, Appellant, appeared before the Committee. Ms. Petropolis advised that she had a number of tenants interested in renting the building and none of them informed her it was unsightly. Ms. Petropolis noted that the property is on a busy street with businesses open 24 hours a day, making it vulnerable to graffiti and vandalism. Ms. Petropolis admitted that the property does need to be painted and some shingles need to be replaced, but she feels that the term unsightly is inappropriate. Some wood also needs to be replaced to the soffit on the right side of the house, but it cannot be seen from the street. Ms. Petropolis also advised the Committee that the property is family owned and she and her family are discussing demolishing the building. Ms. Petropolis stated that she does not think that the Order should be posted on the door as it could be removed by pedestrians.

Responding to questions from Councillor McCluskey, Ms. Petropolis advised that she does

occupy the upper flat of the building, but divides her time between her flat and her mother's residence next door, as she has to care for her mother. She also had obtained several estimates from carpenters to do the repairs. She does plan to paint the building and re-shingle the roof. Her family is having plans drafted by an architect in consideration of demolishing the building.

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

Deputy Mayor Goucher noted that he appreciates the design of the building and finds it a shame that the family is considering demolition. He indicated that he hopes they consider saving and restoring the building.

5.2 Lands of Robert M. Allan, 166 Flying Cloud Drive, Dartmouth

Deleted during the approval of the agenda. Property in compliance. See item 3.

5.3 Lands of Nancy Anne Bowes, 6287 Duncan Street, Halifax

! An Appeal Report dated August 25, 2005 was before the Committee.

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

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

5.4 Lands of Michael M. Williams, 50A Jackson Road, Dartmouth

! An Appeal Report dated August 25, 2005 was before the Committee.

Mr. David Henry, By-Law Enforcement Officer, presented a video of the property.

Mr. Michael Williams, Appellant, appeared before the Committee. Mr. Williams advised that he purchased the home two years ago and has made considerable improvements since. Mr. Williams acknowledged that the stain on the house has to be "touched-up" and some windows need to be repaired, however, he is in the process of going through the Tenancy Board with his tenants that are renting the lower flat of the house. On June 7, 2005, Mr. Williams provided the tenants with an eviction notice. The tenants then cleaned up the debris they caused in the yard and brought their rent arrears up to date. Mr. Williams then rented the upper flat of the house and made the new tenants superintendents of the building. They have been attempting to enforce the rules of the property with the downstairs tenants. The downstairs tenants have

continued to cause further damage to the property. The tenants threatened the superintendents, Mr. Williams and his family and threatened to cause more damage to the property. Mr. Williams has a Tenancy Board hearing set for September 26, 2005.

MOVED BY Councillor Snow, seconded by Councillor Wile, that a 30 day extension be granted to the November 17, 2005 meeting of the Dangerous and Unsightly Premises Committee.

Councillor McCluskey inquired whether Mr. Williams had a security deposit from the tenants, to which Mr. Williams replied he was holding half a month's rent. Councillor McCluskey also advised Mr. Williams that there is a clause in the Residential Tenancy Act to the effect that if a tenant is causing a danger to other tenants of a building, the Landlord only has to provide the tenants with five days notice of eviction. Councillor Wile inquired why Mr. Williams had not yet had the police remove the tenants. Mr. Williams advised the Committee that he and the Superintendent had gone to the Director of the Tenancy Board and were informed that there is no five day clause in existence.

A vote was taken on the motion with a tied result. **MOTION DEFEATED.**

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

5.5 Lands of Ross Edward Hallett, 1674 Henry Street, Halifax

Deleted during the approval of the agenda. Property in compliance. See item 3.

5.6 Lands of Lawrence LaPierre, 3211 Highway 207, Lawrencetown

! An Appeal Report dated September 6, 2005 was before the Committee.

Mr. David Henry, By-Law Enforcement Officer, presented a video of the property taken September 13, 2005, by Mr. Rob Coolen.

Mr. Lawrence LaPierre, Appellant, appeared before the Committee. Mr. LaPierre indicated that he was having difficulty contacting the By-Law Enforcement Officers and had tried to do so on numerous occasions. Mr. LaPierre indicated that he has been continuing to work on the home, and has completed the fascia and siding installation and the windows have been painted. Mr. LaPierre advised that he had arranged to meet with an officer on one occasion and the officer did not show up. Mr. LaPierre further indicated that his building permit allows for one year to complete the work.

Councillor McCluskey inquired as to how long it would take for Mr. LaPierre to complete the work on the property, to which Mr. LaPierre indicated it would take him one year.

**MOVED BY Councillor Snow, seconded by Councillor Wile, that the appeal be denied.
MOTION PUT AND PASSED UNANIMOUSLY.**

5.7 Lands of Edgemere Tower House Ltd., 89 Rose Street, Dartmouth

Deleted during approval of the agenda. Property in compliance. See item 3.

6. DEMOLITIONS

6.1 Lands of Louise Stone, 608 Stanhope Street, Halifax

- ! A Demolition Report dated August 25, 2005 was before the Committee
- ! Mr. Clarence Spencer, representative of the Appellant, provided photos of the property for review by Committee members.
- ! Mr. Spencer also provided an email from the prospective purchasers of the property, for review by Committee members.

Ms. Tamar Dorey, By-Law Enforcement Officer, presented a video of the property.

Mr. Clarence Spencer, representative of the Appellant, Louise Stone, appeared before the Committee. Mr. Spencer advised that the property was initially owned by Ms. Stone's aunt and was inherited by Ms. Stone in March. The two accessory structures in question were used as a garage and a workshop. Mr. Spencer advised that it had taken several months to prepare the house for sale and the Notice was posted shortly after the property was listed. The property is located at the end of a small street with only five houses. The accessory structures are 160 feet from the street. Mr. Spencer indicated that he did not feel that the buildings are a danger as anyone entering the structures would be trespassing on Ms. Stone's property if they did enter. Mr. Spencer also indicated he had difficulty contacting Ms. Dorey to obtain further information to prepare for the meeting and his phone calls were not returned. Ms. Stone has accepted an offer on the property and the prospective purchasers are aware of the Notice. The purchasers would like to demolish the small building and repair the larger one.

Deputy Mayor Goucher requested from Mr. Spencer clarification of the closing date of the sale and if a 30 day extension would allow time for completion of the sale. Mr. Spencer advised that the closing date was September 13, 2005 but they have not heard from the purchaser's lawyer on whether the closing went through.

MOVED BY Deputy Mayor Goucher, seconded by Councillor McCluskey, that the Dangerous and Unsightly Premises Committee defer this matter to the October 20,

2005 meeting to allow time to clarify the issue of title.

Ms. Tanya Phillips, Manager, By-Law Services, advised that the Order does allow for the demolition of the building within 30 days. Ms. Phillips also pointed out to the Committee that if the title transfer takes place before the October 20, 2005 meeting, the Committee will have to deal with the new property owners instead of Ms. Stone or her representative. Mr. Spencer advised that the prospective purchasers wish to undertake other renovations to the property and were planning to have the accessory buildings taken care of at the same time.

Deputy Mayor Goucher requested advice from HRM legal counsel, Ms. Donna Keates. Ms. Keates advised that if the property did change hands, they would have to deal with the current owner of title to the property. Mr. Spencer informed the Committee that the issue with the Notice for the demolition of the accessory buildings was not a condition of the sale.

Ms. Dorey informed the Committee that while she was videotaping the property, the rear window of the smaller building fell out. She believes that these are issues that need to be dealt with sooner than later.

Mr. Spencer voiced concern regarding the prospective purchaser backing out of the offer if they do not have adequate time to deal with the issue of the demolition of the buildings. Ms. Phillips confirmed that the purchasers would have a minimum of 30 days to complete the demolition and if they required an extra week or so, they could speak with By-law Services to work out an acceptable extension.

Ms. Keates recommended that a 30 day extension be granted and advised that Ms. Phillips would provide the Notice to the current owners at that time, as the information becomes available.

MOTION PUT AND PASSED.

6.2 Lands of David J. O'Brien and Deborah E. O'Brien, 3389 Agricola Street, Halifax

! A Demolition Report dated August 25, 2005 was before the Committee.

Ms. Tamar Dorey, By-Law Enforcement Officer, presented a video of the property.

Mr. David O'Brien and Ms. Deborah O'Brien, Appellants, appeared before the Committee. Mr. O'Brien advised that one side of building was rotting and pulling down the other side of the building. Mr. O'Brien further advised that he has been in and out of the hospital for the past few years and did not realize the extent of the rot to the building until it was quite considerable. Mr. O'Brien advised they keep tools and their lawn mower in the building and he believes that the building is salvageable.

Deputy Mayor Goucher inquired whether Mr. O'Brien would be in a position to complete the demolition himself, to which Mr. O'Brien replied that he would be able to complete the demolition and he would like to salvage some of the materials.

MOVED BY Councillor Smith, seconded by Councillor Wile, 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.

The Chair called a five minute recess at this time.

7. ADDITIONS

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

- ! Mr. Wayne Chapdelaine provided a preliminary demolition program from United Gulf Developments.
- ! Councillor McCluskey provided a Petition signed by 75 residents of H.C.C. #166, Banook Woods Condominiums, located at 30 Brookdale Crescent, Dartmouth.

At the August 18, 2005 meeting of the Dangerous and Unsightly Premises Committee, an Order was issued requiring the demolition of the building located at 25 Brookdale Court, Dartmouth. Discretionary powers were granted to Mr. Wayne Chapdelaine to work with United Gulf Developments to ensure the timely and safe demolition of the building.

Mr. Chapdelaine provided an update to the Committee on the status of the demolition.

On September 1, 2005, Mr. Chapdelaine and two police officers attended the property to ensure it was secure and found that entry had been gained to the building by constructing a ramp onto the roof of the building. There was also entry gained through a side window. They found the remnants of another fire that had occurred at some point since police or fire officials had last entered the building.

Mr. Chapdelaine advised he had met with United Gulf Developments on September 1, 2005 and was presented with a 23 week time-line for demolition of the building. Mr. Chapdelaine informed United Gulf that this time frame was unacceptable and they would have to come back to him with an acceptable proposal. On September 2, 2005, Mr. Chapdelaine received a

phase 1 environmental site assessment final report, a hazardous materials survey, and an acid generating rock management plan for the property from United Gulf.

On September 11, 2005 another fire occurred on the property. On September 12, 2005, Mr. Louis DeMontbrun, Vice President, United Gulf Developments, informed Mr. Chapdelaine that arrangements were made for three separate contractors to “walk through” the building on September 19th to prepare tenders for the demolition of the property. Mr. DeMontbrun also advised that by October 21, 2005, all hazardous materials would be removed from the building.

On September 12, 2005 a revised time line for the demolition of the building, entitled “YMCA/YWCA Demolition Program - Preliminary”, was faxed to Mr. Chapdelaine with a twelve week completion goal. The date of completion was listed as November 30, 2005. A copy of this time-line is on file. On the morning of September 14, 2005, Mr. DeMontbrun provided Mr. Chapdelaine with the hazardous materials report marked “Preliminary”. Mr. Chapdelaine had a chance to briefly review the report and noticed that it makes numerous references to the Halifax Infirmary and appears to be a partially modified hazardous materials report prepared for the Halifax Infirmary. Mr. DeMontbrun clarified that the report is marked preliminary and still requires further work. Mr. Chapdelaine contacted the procurement office and determined that HRM could not demolish the building any faster than United Gulf Developments’ proposed time line.

Councillor McCluskey read into the record a petition signed by 75 owners of HCC #166, Banook Woods Condominiums located at 30 Brookdale Crescent, Dartmouth, urging the immediate action on the demolition. A copy of this petition is on file.

Councillor McCluskey requested clarification from the Municipal Solicitor whether HRM would be liable if someone was injured on the property before the building was torn down, given the prolonged demolition process. Ms. Donna Keates, Municipal Solicitor, advised that HRM can be sued at any time for any level of responsibility. HRM must show that the proper steps are being taken to remedy the situation.

Mr. Chapdelaine reviewed the preliminary demolition time-line from United Gulf with Committee members. Further discussion ensued regarding the demolition time-line, to which Mr. Chapdelaine provided the following comments:

- ! The twelve week time-line proposed by United Gulf Developments is a reasonable and realistic time-line to allow for the proper removal of the hazardous materials on the property.
- ! The twelve week time-line was not yet approved by Mr. Chapdelaine.
- ! United Gulf has taken steps toward the demolition by commissioning AMEC to prepare the various hazardous materials reports, surveys and plans. This gives United Gulf an

advantage over HRM in terms of time frames for demolition.

! It was ordered at the August 18, 2005 meeting that Mr. Chapdelaine was to contact United Gulf on August 22, 2005 to begin plans for the demolition of the building. He advised that he did contact United Gulf, leaving numerous messages for them, however, his phone calls were not returned until August 26, 2005.

Councillor McCluskey and Councillor Snow indicated they would not support a further extension.

Deputy Mayor Goucher recommended that ongoing, detailed specifications of the work to be done by United Gulf be provided to Mr. Chapdelaine to ensure that deadlines will be maintained.

Mr. DeMontbrun addressed the Committee. Mr. DeMontbrun informed the Committee that United Gulf Developments hired the consultant firm AMEC to assist with the demolition planning. Mr. DeMontbrun provided the hazardous materials report to Mr. Chapdelaine before United Gulf reviewed the report. He confirmed that if a faster or better way to remove the hazardous materials comes to their attention, United Gulf will proceed with the faster and better form of removal. Due to the fact that it is a large building containing hazardous materials, care must be taken to find the right company to demolish the building. Mr. DeMontbrun advised that United Gulf is committed throughout the process to complete the demolition as fast and safe as possible.

Responding to questions from Councillor McCluskey, Mr. Chapdelaine informed the Committee that the preliminary hazardous materials report deals specifically with the tendering process. The report needs further work before he can draw any conclusions from it.

Councillor Wile stated that if the developer can guarantee that the building will be demolished properly by November 30, 2005, she would rather it be demolished by United Gulf Developments than using HRM staff to complete the demolition. Councillor Wile also requested that the small shed on the property be torn down immediately. Mr. DeMontbrun advised he will have the shed demolished immediately.

MOVED BY Councillor McCluskey, seconded by Councillor Snow, that HRM proceed to hire a demolition firm to complete the demolition.

Deputy Mayor Goucher advised he would not support the motion, based on the following:

- ! Staff have advised that the demolition cannot be completed any sooner than November 30, 2005.
- ! The Committee has received a clearly articulated time-line from United Gulf Developments.
- ! He has dealt with United Gulf on several issues before and believes that Mr.

- DeMontbrun will have the building demolished as fast and safe as possible.
! He trusts that Mr. Chapdelaine will ensure the timely and safe demolition of the building and that it can be completed effectively between United Gulf and Mr. Chapdelaine.

A vote was taken with the result tied. **MOTION DEFEATED.**

Mr. Chapdelaine will provide a further update on the demolition progress to the Committee on October 20, 2005.

8. NEXT SCHEDULED MEETING - October 20, 2005

The next meeting of the Dangerous & Unsightly Premises Committee is scheduled for Thursday, October 20, 2005, at 10:00 a.m. in Council Chambers.

9. ADJOURNMENT

The meeting was adjourned at 12:20 p.m.

Jennifer Weagle
Legislative Assistant