

DANGEROUS & UNSIGHTLY PREMISES  
MINUTES  
January 19, 2006

PRESENT:

Councillor Krista Snow  
Councillor Harry McInroy  
Councillor Gloria McCluskey  
Councillor Mary Wile  
Councillor Dawn Sloane, Vice Chair  
Councillor Brad Johns  
Councillor Robert Harvey, Chair  
Councillor Len Goucher

ABSENT  
WITH REGRETS:

Councillor Jim Smith

STAFF:

Ms. Tanya Phillips, Manager, By-Law Services  
Ms. Donna Keats, Solicitor, Legal Services  
Mr. Scott Hill, By-Law Enforcement Officer  
Mr. Trevor Oliver, By-Law Enforcement Officer  
Mr. Cameron Brown, By-Law Enforcement Officer  
Mr. Jason Bell, Methods and Procedures Analyst, Community  
Projects  
Ms. Jennifer Weagle, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order at 10:04 a.m.

**2. APPROVAL OF MINUTES**

**MOVED BY Councillor McCluskey, seconded by Councillor Wile, that the minutes of December 15, 2005 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

**3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS**

Deletions:   Item 5.1       Lands of Joan Turner and David Lorne Turner, 55 Kinsac Road, Beaverbank

                  Item 6.1       Lands of Austen Parsons and Christene H. Hirschfeld, Lot JS-1A Highway No. 3, Queensland

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

**4. CONSIDERATION OF DEFERRED BUSINESS**

**4.1 APPEALS**

**4.1.1 Lands of Halifax County Condominium Corporation No. 151, 45 Vimy Avenue, Halifax (deferred from November 17 and December 15, 2005)**

- C   An Appeal Report on the above noted property, dated November 7, 2005 was before the Committee.
- C   Extracts of the November 17 and December 15, 2005 minutes were before the Committee.

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

**MOVED BY Councillor McCluskey, seconded by Councillor Snow, that the Committee deny the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on October 21, 2005. MOTION PUT AND PASSED.**

**4.2 DEMOLITIONS**

**4.2.1 Lands of the Estate of Mary Ellen Knudsen, 436 Cobequid Road, Sackville (deferred from November 17, 2005 and December 15, 2005)**

- C A Demolition Report on the above noted property, dated November 7, 2005 was before the Committee.
- C Extracts of the November 17 and December 15, 2005 minutes were before the Committee.

The Chair requested, with the permission of the Committee, to have the property representative update the Committee on this matter.

Ms. Mary Lynn Hollier, representative of the Estate of Mary Ellen Knudsen, addressed the Committee, advising that the estate is still being processed through Probate Court.

**MOVED by Councillor McCluskey, seconded by Councillor Sloane, that this matter be deferred to the February meeting of the Dangerous and Unsightly Premises Committee.**

After speaking with Ms. Donna Keats, Legal Council, and Ms. Tanya Phillips, Manager, By-Law Services, the Chair clarified the following for Committee members:

- C When the Order is issued, it will allow thirty (30) days for the property owner to demolish the structures before the demolition would be undertaken by HRM.
- C If HRM were required to demolish the property, a lien would be placed against the property for the cost of the demolition.
- C The property is in the same state as when it was first brought before the Committee, and Councillor Harvey has not had any calls regarding the property from residents of his district, in which the property lies.

Ms. Hollier clarified that it is the intent of the Estate to sell the property immediately after the probate process is resolved. Mr. Hollier further advised there is a prospective purchaser in place. The purchaser does intend to demolish the property upon purchase and that they wish to undertake the demolition themselves, to ensure the lowest demolition cost is obtained.

Mr. Scott Hill, By-Law Enforcement Officer, noted that the only change to the property has been the re-boarding of a window and there have been no access issues with the property.

Councillor McInroy indicated that he is concerned about safety and due diligence issues surrounding not upholding the Order to Remedy by Demolition.

Councillor Johns noted that he is familiar with the property and is in favour of a deferral to February, but would not support any further deferrals after February.

Councillor Sloane noted that she can sympathize with the Estate representatives, however, the Committee must lead by example and recommends that the Committee move forward with the Order to Remedy by Demolition because of safety concerns.

Responding to questions of the Committee, Ms. Hollier clarified that the prospective purchasers of the property are aware that the property is before the Dangerous and Unsightly Premises Committee. She further clarified that she believes that the prospective purchasers do not intend to subdivide the property.

Councillor Johns retracted his original position in support of a one month deferral and advised he would not be supporting an extension.

Councillor Goucher suggested that the Committee issue the Order to Remedy by Demolition with an extension of the time line for demolition.

**Councillor McCluskey withdrew the original motion, with the agreement of the seconder and the Committee.**

**MOVED BY Councillor Snow, seconded by Councillor Sloane, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the main and accessory structures, removal of all demolition debris and backfilling any foundation or crawl space, leaving the property in a neat and tidy fashion within sixty (60) 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*.**

The Committee further discussed and clarified the motion. Ms. Keats and Ms. Phillips agreed that amending the staff recommendation to allow for a sixty day time line for demolition would be a viable option to the Committee.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**5. APPEALS**

**5.1 Lands of Joan Turner and David Lorne Turner, 55 Kinsac Road, Beaver Bank**

This item was deleted during the approval of the agenda.

**5.2 Lands of Christopher Joyce and Suzanne Saul, 426 Herring Cove Road, Halifax**

**C** An Appeal Report on the above noted property, dated January 11, 2006 was before the Committee.

Mr. Scott Hill, By-Law Enforcement Officer, with the aid of a video, presented the report, noting that the violation on this property is a metal file cabinet and metal box in the backyard.

Ms. Suzanne Saul, Appellant, appeared before the Committee. Ms. Saul advised that she and her husband have owned the property as a secondary residence and studio space for three years and are at the property on a daily basis. She informed the Committee that they have done much work to the property and have received positive feedback from their neighbours for renovations and repairs to date. Ms. Saul spoke with Councillor Stephen Adams, Councillor for District 18 - Spryfield-Herring Cove, who indicated no problem with the property. She advised that in 2004 the property was burglarized, and they have had several instances of vandalism to the property.

Pursuant to questions from the Committee, Mr. Christopher Joyce, Appellant, clarified that the metal file cabinet and box are temporarily storing building materials and are covered with a tarp, as per the request of Mr. Hill. There is a storage shed on the property, however, the shed is filled with other materials and does not have room to store the cabinet and box.

Mr. Hill provided clarification that indoor items stored outdoors would be considered a violation, and he considers a metal filing cabinet as an indoor item.

Mr. Hill further clarified that the property owners are deemed as repeat offenders due to a previous Order to Remedy against the property, which was complied with. Ms. Phillips noted that By-Law Enforcement abides by the Corporate Enforcement Procedure followed by all HRM business units. The first time a complaint is received, a By-Law Enforcement Officer attends the property to inspect for violations. If a violation is noted, the Officer will advise the property owner of the legislation, educate the property owner of their responsibilities and issue an inspection report, which sets out a time line to remedy the violation, a description of the violation and the section of the By-Law which is in violation. At the re-inspection of the property, if the violation is not yet remedied, an Order to Remedy is issued. At the third inspection, if the violation is not yet remedied, a summary offence ticket is issued, along with another Order to Remedy. With any subsequent violations on the property, the property owner is deemed a repeat offender. Ms. Phillips invited Committee members to meet with her to discuss internal business practices outside of the meeting.

Councillor Sloane indicated concern with property owners being deemed repeat offenders after one violation. She suggested that perhaps the policy regarding repeat offenders should be reviewed.

Mr. Joyce noted that while he will be able to have the supplies removed from the yard by the end of the month, he and his wife find it offensive that they do not have the right to store supplies neatly in their own backyard while they are working on their property.

Councillor Goucher noted that the property appears well kept and the issue of the metal filing cabinet does not, in his opinion, make the property appear derelict or offensive. He further noted that the By-Law Enforcement Officer was acting within his job description by issuing the Order.

It was clarified by Mr. Hill, at the request of the Committee, that no residential complaint was laid against the property, and that the violation was noted when an Officer was inspecting a violation on a neighbouring property, which has since been remedied. Ms. Phillips further clarified that when staff receive a complaint about a violation on a property, they are required to walk the entire property to note any violations, and take note of all abutting properties for violations. She advised that violations are noted in the context of the entire property and the surrounding neighbourhood, keeping within the community standard and existing legislation.

**MOVED BY Councillor Johns, seconded by Councillor Sloane, that the appeal be granted.**

Councillor McInroy noted that he would not be supporting the motion as he believes the items in the yard could easily be stored indoors and this case was appealed on principle, not substance.

**MOTION PUT AND PASSED.**

### **5.3 Lands of Downtown Mini Storage, 2115 Creighton Street, Halifax**

- C An Appeal Report on the above noted property, dated January 11, 2006 was before the Committee.
- C Mr. Andrew Murphy, Appellant, provided the Legislative Assistant with copies of a report to be distributed to Committee members including correspondence, a survey, photographs, and information on "Grow Homes".

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the report noting that the violations include an accumulation of debris and a dilapidated fence. Mr. Brown clarified that this property and Item 5.4, Lands of Downtown Mini Storage Limited, 2111 Creighton Street are adjacent properties and both can be seen in the video presented.

Mr. Andrew Murphy, Appellant and owner of Downtown Mini Storage Limited, provided the Legislative Assistant with copies of a report he had prepared to be distributed to Committee members, and reviewed the report with the Committee. Mr. Murphy advised that townhouses are in the process of being built on the site, facing Cornwallis Street. Construction debris and demolition debris from the previously existing building was moved to the back parking lot on the property and disbursed to neighbours and local businesses for fire wood and recycled construction materials. Mr. Murphy noted that the debris is neatly piled on the property and referenced photos in his report of the construction progress and construction debris. He indicated that building supplies for the townhouses are stored in the white and black trailers on the property. Mr. Murphy went on to describe the townhouses, indicating that they are "Grow Homes", which is a design concept to

create an affordable ownership housing form for low-income to moderate-income households. An article describing "Grow Homes" was distributed with Mr. Murphy's report.

Mr. Murphy noted that the address on ODUW4597 is incorrect. The property on which the dilapidated fence is located is 2111 Creighton Street, not 2115 Creighton Street. He acknowledged that the fence is a problem and indicated that he would be able to remove it in the spring.

Mr. Brown clarified that By-Law Services follow the Nova Scotia Property Online data base to obtain property address and owner information. When inspecting the property, Mr. Brown initially thought the fence was on a neighbouring property owned by another individual, and issued an Order against that neighbouring property. Mr. Brown was then informed by Mr. Murphy that the fence was on Mr. Murphy's property and Mr. Brown revised the Order according to the NS Property Online data base information, which was later confirmed to have an incorrect address.

Councillor Sloane, referencing the survey provided by Mr. Murphy, noted that the fence extends along the length of 2111 Creighton Street, and continues along the back of four other properties along Creighton Street. Mr. Murphy noted that the fence was likely installed years ago by Empire Theaters.

**MOVED BY Councillor Sloane, seconded by Councillor Johns, that the appeal be granted.**

Ms. Phillips clarified that the violations noted in the Orders were with regard to the two vacant lots, not the construction site. She further clarified that when Mr. Brown inspected the lots, he looked at the surrounding area to determine what is acceptable for vacant lots in downtown Halifax. Ms. Phillips advised the Committee that if they agree that the state of the vacant lots at 2111 and 2115 Creighton Street are of an acceptable standard for vacant lots on the Peninsula, this is the standard with which the Officers will inspect all other vacant lots in the Peninsula.

**MOTION PUT AND PASSED.**

#### **5.4 Lands of Downtown Mini Storage, 2111 Creighton Street, Halifax**

C An Appeal Report dated January 11, 2006 was before the Committee.

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

### **6. DEMOLITIONS**



**6.1 Lands of Austen Parsons and Christene H. Hirschfeld, Lot JS-1A Highway No. 3, Queensland**

This item was deleted during the approval of the agenda. See Item 3.

**6.2 Lands of Michael Ramsey and Maria Ramsey, 9949 Peggy's Cove Road, Hacketts Cove**

C A Demolition Report for the above noted property, dated January 11, 2006 was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the report noting that the recommended demolitions on this property are for a house destroyed by fire and a barn in an advanced state of decay.

Ms. Maria Ramsey, Appellant, addressed the Committee. She advised that she and her husband are the owners of the property and that the house burned down this past November. Ms. Ramsey noted that she and her husband agree that the burned-out home is unsightly and needs to be demolished, however, they wish to save the barn.

Councillor Goucher inquired whether it is possible to secure the barn until such a time as repairs can be completed to make it structurally sound. Mr. Brown noted that the areas on the barn that are open are too high for anyone to gain access, and therefore, access is not an issue. He further noted that a building inspector would have to determine whether it is possible to salvage the barn.

Ms. Ramsey indicated that they would ensure that the barn is secured until a building inspector could complete the reinspection. Further to questions from the Committee, she confirmed that the barn is empty and not being used.

**MOVED BY Councillor Goucher, seconded by Councillor Snow, that the Dangerous and Unsightly Premises Committee:**

- 1. Issue an Order requiring the demolition of the fire damaged, dilapidated and structurally unsound house structure 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*.**
- 2. Order that the barn be secured until an HRM building inspector can reinspect the structure to determine whether repairs can be undertaken to the barn to make it structurally sound.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

7. **ADDITIONS** - none

8. **NEXT SCHEDULED MEETING**

The next meeting of the Dangerous & Unsightly Premises Committee is scheduled for Thursday, February 16, 2006, at 10:00 a.m. in Council Chambers.

9. **ADJOURNMENT**

The meeting was adjourned at 11:41 a.m.

Jennifer Weagle  
Legislative Assistant