

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
October 26, 2006

PRESENT:

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

STAFF:

Mr. Jeff Rogers, Regional Coordinator, By-Law Enforcement
Ms. Angela Jones-Rieksts, Solicitor, Legal Services
Mr. Cameron Brown, By-Law Enforcement Officer
Mr. Steve Berkman, By-Law Enforcement Officer
Mr. Wayne Chapdelaine, Fire and Explosion Investigator
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 10:03 a.m. in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES

MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the minutes of June 8, 2006 & September 5, 2006, be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Deletion:

- 5.1 Lands of Burton Roger MacLeod, 13 Brompton Road, Dartmouth**
- appeal withdrawn by the Appellant

Correction:

- 6.3 Lands of Amin M. D. Merchant, Dawood K. Merchant, and Ashraf D. Merchant, 11 Lynnett Road, Halifax**
- This is not an M100 matter as indicated on the agenda.

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

4. CONSIDERATION OF DEFERRED BUSINESS - None

- 4.1 Appeals - None**

- 4.2 Demolitions - None**

5. APPEALS

- 5.1 Lands of Burton Roger MacLeod, 13 Brompton Road, Dartmouth**

This item was deleted from the agenda. See item 3.

- 5.2 Lands of Saint Peter's Parish, 10 Maple Street, Dartmouth**

- C** An appeal report on the above noted dated September 1, 2006, was before the Committee.

Mr. Jeff Rogers, Regional Coordinator, By-Law Enforcement, with the aid of a video, presented the report, noting the following:

- C The overgrown grass violation still exists at one piece of property along Maple Street, and there is a lack of landscape maintenance to the property;
- C There have been multiple complaints regarding this property; and
- C The lack of landscape maintenance does not fit with the well-kept surrounding properties.

Councillor McCluskey noted that as Councillor for that district, she has never had a complaint on this property.

Councillor Smith arrived at 10:08 p.m.

Mr. John Langan, Caretaker, St. Peter's Parish, addressed the Committee, noting the following:

- C The parish objects to the cutting of the grass strip along Maple Street;
- C Maintenance to the property is undertaken by younger members of the parish;
- C The parish believes the slope is too rocky and steep to safely cut the grass;

Reverend Owen Connolly, St. Peter's Parish Priest, addressed the Committee, noting that it is the position of the parish, that rather than the tall grass being viewed as unsightly, they view it as a natural garden and believe that it adds to the neighbourhood.

Councillor Sloane suggested removing the grass, and creating a garden in the space using hardy flowers and bark mulch. She suggested asking for donations from parishioners of flowers and funds to create the garden.

Councillor McCluskey commented that she finds the long grass attractive and unoffensive, noting that the debris has been removed.

MOVED by Councillor McCluskey, seconded by Councillor Johns, that the appeal be granted.

Councillor McInroy arrived at 10:14 a.m.

Discussion ensued, with the following comments noted from Committee members:

- C The area in question is difficult and unsafe to maintain;
- C Long grass creates a fire hazard;
- C The definition of "garden" is subjective;
- C Allowing the long grass on this property may create a precedent for other properties;
- C The parish could contract professional landscapers to maintain the area;
- C The Committee must consider the complaints from neighbours;

C The front lawn of the parish is well manicured.

The Solicitor clarified that there is case law supporting that long grass is not unsightly.

MOTION PUT AND PASSED.

5.3 Lands of Bruce Harry Leslie and Catherine C. Leslie, 5751 Lady Hammond Road, Halifax

C An appeal report on the above noted dated August 31, 2006, was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the report, noting the following:

- C That scraping and painting is still required; and
- C Some improvements have been completed, including repairs and painting of the front porch, painting of the front section of the garage, and scraping of the right side of the building.

Responding to questions of clarification from members, Mr. Brown advised that the back of the building is concealed by trees, and the accessory building is structurally sound.

Mr. Josh Leslie, representative of the property owners, distributed photographs of the property and notes regarding the appeal process. Mr. Leslie addressed the Committee, noting the following:

- C The September 21, 2006 meeting, at which this appeal was to originally be heard, was cancelled due to a lack of quorum;
- C There is a vacant building nearby that formerly operated as a restaurant, but is now boarded up and covered in graffiti;
- C The reporting, investigation, and remediation processes are unreasonable;

Mr. Leslie reviewed the proposed changes to the process.

The Chair apologized for any inconvenience caused by the September meeting cancellation.

Discussion ensued on this matter, with the following comments noted by members:

- C The past two months have been the best painting weather, which have past since the first inspection report was provided to the property owner on July 11th;
- C The appeal is based on the process, not the work to be completed; and
- C It would be difficult to complete the work required in 30 days when working and attending school, and only having weekends.

In response to questions of clarification from members, Mr. Leslie clarified the following:

- C Time, finances, and weather are the main factors that have prevented the work from being completed;
- C The property owners cannot afford to hire contractors, and have been doing the work themselves;
- C The property owners require an additional 30 days to complete the work; and
- C There was no communication from staff on this matter, just the inspection report and the order.

MOVED by Councillor Snow, seconded by Councillor Sloane, that this matter be deferred to the November 16, 2007 meeting of the Dangerous or Unsightly Premises Committee.

Mr. Jeff Rogers, Regional Coordinator, By-Law Services, clarified that extensions are granted by staff when reasonably requested, and there was no extension requested in this case. He noted that staff did send 6-10 emails to the property owners, providing information.

Mr. Rogers also clarified at the request of the Committee that if, upon inspection prior to November 16th, staff deem the property to be in compliance, this matter need not be added to the November agenda.

MOTION PUT AND PASSED.

6. DEMOLITIONS

6.1 Lands of Peter Clark, 11 Lakefront Drive, Lake Echo

- C A Demolition Report for the above noted property, dated August 28, 2006, was before the Committee.

The Chair noted that the property owner, nor a representative of the property owner, are not in attendance.

Mr. Steven Berkman, By-Law Enforcement Officer, with the aid of a video, presented the report, noting that staff are recommending the demolition of this structurally unsound accessory building and removal of demolition debris. Mr. Berkman noted the following:

- C The wooden floor and supports (plywood on studs and two by fours) are beyond repair and pulling apart;
- C There are no roof shingles or siding, and there is no waterproofing of the accessory building;
- C There are holes in the roof and walls; and
- C There are neighbouring houses.

At the request of members, Mr. Berkman clarified that the property owner inherited the property, and the accessory building was constructed by previous owners. He further noted that staff are addressing the fence with the property owner.

MOVED BY Councillor Wile, seconded by Councillor Sloane, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the 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 XV of the *Act Respecting Municipal Government*. MOTION PUT AND PASSED UNANIMOUSLY.

6.2 Lands of Heather Lynn Edmonds and Stephen Leonard Edmonds, 1055 Rocky Lake Drive, Waverley

C A Demolition Report for the above noted property, dated October 6, 2006, was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the report, noting that staff are recommending the demolition of a dilapidated and structurally compromised accessory building and the removal of demolition debris. Mr. Brown noted the following:

- C The large accessory building was previously a commercial structure;
- C The roof of the structure is very deteriorated, and there are cracks in the concrete and brick walls;
- C Windows are broken and there are also cracks in the foundation;
- C There is a metal section of the exterior missing, allowing access to the interior;
- C There is much debris inside the structure, and in the back of the property;
- C There are neighbouring houses;
- C There is a second accessory structure closer to the water, that is also full of debris and is dilapidated.

Mr. Leonard Edmonds, Co-owner of the property, addressed members, noting the following:

- C He was given little notice of the process, and has not been in contact with staff since earlier this summer;
- C The building was previously a brick factory;
- C At the nearby quarry used for making the bricks, 200 times per year, for 50 years, an explosion would occur at lunch time, and the building withstood all of those explosions;
- C The building is constructed of solid concrete and steel rebar;
- C During White Juan, the roof witheld six feet of snow for 2 days, until he was able to shovel it off; and

- C He and his family do not live in the area, however they try to go there as often as they can to do work to the property.

Mr. Edmonds answered questions of clarification of members at this time.

Councillor Snow advised that this property is in her district, and she visited it yesterday. She noted that she has not received any complaints on this property, only comments on its uniqueness. Councillor Snow advised that a considerable amount of work has been done to the property facing the road, and she is comfortable with the structure in her district.

MOVED by Councillor Snow, seconded by Councillor McCluskey, that the application for demolition be denied.

At the request of Councillor McInroy, the Solicitor clarified that if the Committee chooses today not to order the demolition of the building, and a trespasser is injured on the property, HRM would not be liable.

Councillor Sloane suggested that the property owner erect fencing around the building and secure the building in a timely manner.

MOTION PUT AND PASSED.

6.3 Lands of Amin M. D. Merchant, Dawood K. Merchant, and Ashraf D. Merchant, 11 Lynnett Road, Halifax

- C A Demolition Report for the above noted property, dated September 8, 2006, was before the Committee.

Mr. Wayne Chapdelaine, Fire and Explosion Investigator, with the aid of photographs, presented the report, noting that staff are recommending the demolition of the residential structure and removal of all demolition debris. Mr. Chapdelaine noted the following:

- C A video of the building was taken, however the quality is too dark to view clearly;
- C The first fire to the structure was an incendiary fire in May 2004, making the structure uninhabitable and the building has been vacant since that time;
- C The second fire occurred in September 2006, and was also an incendiary fire, causing further structural damage and opening access to the building;
- C Inspectors are concerned that the building may collapse;
- C Neighbours are concerned with activities they have been witnessing;
- C The history of the property demonstrates that boarding the property has not been an effective means of preventing unlawful entry to the building, which could lead to injuries or further fires;
- C There are a lot of children in the area and there is a playground located across the street;

- C Staff have had difficulty locating the three registered owners of the property, whom live in British Columbia.

Ms. Fay Askri, representing the property owners, addressed members, advising that the property owners have no objections to demolishing the building. She indicated that the property owners have recently experienced family tragedy, and have intentions to demolish the structure by the end of 2006.

At the request of Councillor Sloane, the Solicitor clarified that there would be no liability to HRM associated with not ordering the building to be demolished, in the event that a trespasser was injured.

MOVED BY Councillor Sloane, seconded by Councillor McInroy, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition the entire structure, 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. **ADDITIONS** - None

8. **NEXT SCHEDULED MEETING**

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

9. **ADJOURNMENT**

The meeting was adjourned at 11:14 a.m.

Jennifer Weagle
Legislative Assistant