

DANGEROUS & UNSIGHTLY PREMISES  
MINUTES

June 18, 2009

- PRESENT:                   Councillor Dawn Sloane, Chair  
                              Councillor Gloria McCluskey, Vice Chair  
                              Councillor Sue Uteck  
                              Councillor Brad Johns  
                              Councillor Barry Dalrymple  
                              Councillor Lorelei Nicoll
- REGRETS:                   Councillor Andrew Younger  
                              Councillor Robert Harvey  
                              Councillor Stephen Adams
- STAFF:                     Mr. Jeff Rogers, Regional Coordinator By-Law Enforcement  
                              Ms. Erin Dobson, Regional Coordinator, Support Services  
                              Ms. Danielle Banks, Methods & Procedures Analyst  
                              Ms. Angela Jones-Rieksts, Solicitor, Legal Services  
                              Mr. Robert Coolen, Officer, By-Law Enforcement  
                              Mr. Scott Hill, Officer, By-Law Enforcement  
                              Mr. Rob Ryan, Officer, By-Law Enforcement  
                              Mr. Trevor Oliver, Officer, By-Law Enforcement  
                              Mr. Cameron Brown, Officer, By-Law Enforcement  
                              Mr. Steve Berkman, Officer, By-Law Enforcement  
                              Ms. Melody Campbell, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order at 10:05 a.m. in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

**2. APPROVAL OF MINUTES - April 30, 2009**

**MOVED by Councillor McCluskey, seconded by Councillor Johns, that the minutes of April 30, 19, 2009, as presented, be approved. MOTION PUT AND PASSED.**

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

Deletions:

Item 5.2 247 Main Street, Dartmouth  
Item 6.3 6280 Edinburgh Street, Halifax  
Item 8.2 2324 Creighton Street, Halifax

**MOVED BY Councillor McCluskey, seconded by Councillor Johns, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.**

**4. CONSIDERATION OF ADJOURNED BUSINESS**

**4.1 APPEALS - DANGEROUS OR UNSIGHTLY**

**4.1.1 2350 Creighton Street, Halifax, Case 91124**

- A report dated June 9, 2009 was before the Committee.

Mr. Carvery addressed the Committee advising that he will be complying with the Order. He requested the Committee provide a recommendation of a date for completion.

**MOVED BY Councillor McCluskey, seconded by Councillor Johns that Case 91124 be adjourned to September 30, 2009. MOTION PUT AND PASSED.**

**4.2 DEMOLITIONS - DANGEROUS OR UNSIGHTLY**

**4.2.1 Devils Hill Road, Fergusons Cove, Case 89992**

- A report dated June 9, 2009 was before the Committee.

Councillor Uteck entered the meeting at 10:11 a.m.

Mr. Cameron Brown, Officer, By-law Services, provided an update and pictures of the property to the Committee.

The property owner was not in attendance.

**MOVED BY Councillor Johns, seconded by Councillor McCluskey, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the dilapidated and structurally unsound dwelling and the removal of all demolition debris and the backfilling of any foundation or crawl space, leaving the property in a neat and tidy fashion within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the *Halifax Municipality Charter*. MOTION PUT AND PASSED.**

#### **4.3 DEMOLITIONS - DERELICT BUILDINGS - D300**

##### **4.3.1 6453 Highway 207, Grand Desert, Case 95503**

- A report dated June 9, 2009 was before the Committee.

Mr. Steve Berkman, Officer, By-law Services, provided an update and pictures of the property to the Committee.

Following the presentation, staff advised that the building has not been lived in for approximately ten years. The property owner wishes to renovate the property to enable grandchildren the ability to use the property.

Councillor Nicoll entered the meeting at 10:16 a.m.

Mr. Berman, property owner, addressed the Committee providing the following points:

- he advised that there is an issue with the assessment, adding that it should be assessed as a camp, not a residential property
- he has spent approximately six thousand dollars on the building
- he is doing a work a bit at a time
- he has put in a new door threshold, new floor in kitchen
- he advised that he suffers with medical issues and is doing his best to comply
- a contractor cannot get to the site until the second week in July

In response to a question by Councillor McCluskey, Mr. Berman advised that he has spent approximately six thousand dollars on the building at this point, and he advised that he is doing the work himself. He added that he wants to complete the repairs.

**MOVED BY Councillor Johns, seconded by Councillor McCluskey, that Case 95503 be adjourned to September 30, 2009.**

Councillor Uteck advised that she cannot support the motion noting that By-law Enforcement staff were on this property eleven times.

**MOTION PUT AND PASSED.**

#### **4.4 APPEALS - DERELICT BUILDINGS - D-300**

##### **4.4.1 1210 Bedford Highway, Bedford, Case 101048**

- A report dated June 9, 2009 was before the Committee.

Mr. Rob Coolen, Officer, By-law Services, provided an update and pictures of the property to the Committee.

Mr. Armsworthy, Solicitor for Estate of Mr. Darby, addressed the Committee advising that the clean up is very slow, as there are numerous important papers strewn throughout the home.

Mr. Hallett, advised the Committee of the following:

- he had a contractor in to fix the floor
- illness delayed the work being completed
- there are important papers and cheques scattered around the floor, every paper has to be checked
- the bags pictured have been taken to Otter Lake, kitchen recyclables have to be taken away
- the upstairs is mainly cleaned
- the house contains boxes of papers have to be gone through
- there is an issue with the estate, there is a filing with the Supreme Court to enable Mr. Hallett
- Clean up is continuing, the water is on, the lawn is cut, a carpenter is going in to fix the roof
- the building is secure

The following clarifications were provided in response to queries by the Committee:

- Mr. Darby passed away in May 2008
- ownership is still to be determined
- Mr. Hallett plans to sell the property, if he is granted ownership
- it will not take much to bring back to habitable condition
- there has been approximately two hundred hours of work done
- a carpenter has been hired to put in new flooring in the kitchen and for roof supports
- there is no indication of pests on the site

Councillor Uteck noted that By-Law Enforcement staff have visited the estate ten times.

**MOVED BY Councillor Uteck, seconded by Councillor Johns, that the Dangerous and Unsightly Premises Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on March 4, 2009. MOTION PUT AND PASSED.**

#### **5. APPEALS - DANGEROUS OR UNSIGHTLY**

**5.1 1674 Henry Street, Halifax, Case 111994**

- A report dated June 9, 2009 was before the Committee.

Mr. Steve Berkman, Officer, By-law Services, provided an update and pictures of the property to the Committee.

Mr. Hallett, addressed the Committee making the following points:

- he lives at the property
- the front deck has been cleared off
- when pictures were taken, he was starting the clean up
- the lumber is from garage roofing
- he believed that residents can have rubbermaid containers and material tarped in the back yard but was told this is no longer the case as it is temporary measure.
- many containers were taken to storage
- he got back to town last evening and was not able to provide updated pictures

**MOVED BY Councillor Uteck, seconded by Councillor Johns that Case 111884 be adjourned until the next meeting.**

The Chair requested that staff visit the property in two weeks to note the progress of clean up of the property.

**MOTION PUT AND PASSED.**

**5.2 247 Main Street, Dartmouth, Case 103723**

This item was deleted from the agenda during the approval of the Order of Business.

**5.3 10 Kuhn Drive, Dartmouth, Case 110448**

- A report dated June 9, 2009 was before the Committee.

Mr. Scott Hill, Officer, By-law Services, provided an update and pictures of the property to the Committee.

Mr. Parsons addressed the Committee advising of the following points:

- he is trying to clean up property, and has bought temporary garages
- he had complied with first order
- he has a sweat lodge on his property
- he is working with planning to determine what is permissible
- he is doing his best to pay bills and comply with the orders
- he asked that pictures not be taken of the sweat lodge, but his request was not adhered to. He stated that pictures disrespect sacred ceremonies
- he requested that a different By-law Enforcement Officer be assigned to the case
- he advised the Officer does not listen, is aggressive, not understand aboriginal culture

- he has rain barrels on the property, as he is on septic and is trying to save water
- he tries to reduce, reuse and recycle
- the vehicle runs but is not safety inspected. He hopes to get the vehicle fixed over the summer

Councillor Dalrymple advised that the property owner has removed by-law staff from the property at least three times.

**MOVED BY Councillor Johns, seconded by Councillor Uteck, that the Dangerous and Unsightly Premises Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on May 1, 2009. MOTION PUT AND PASSED.**

**5.4 4209 Highway 357, Meaghers Grant, Case 105583**

- A report dated June 9, 2009 was before the Committee.

The property owner was not present during the meeting.

Mr. Rogers stated that the property owner advised he would not be able to attend this morning and he requested that he be made aware of the recommendation of the Committee.

Mr. Scott Hill, Officer, By-law Services, provided an update and pictures of the property to the Committee.

**MOVED BY Councillor Johns, seconded by Councillor McCluskey, that the Dangerous and Unsightly Premises Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on May 21, 2009. MOTION PUT AND PASSED.**

**5.5 113 St. Margarets Bay Road, Halifax, Case 112399**

- A report dated June 9, 2009 was before the Committee.

Mr. Cameron Brown, Officer, By-law Services, provided an update and pictures of the property to the Committee.

Mr. McFadden addressed the Committee advising of the following:

- he has owned the property for approximately twenty years
- he plans to use wood to build a storage shed and to contain wood that is on the property
- he needs to establish timelines
- it would not be feasible to take wood away and then bring back to the property to build the shed

- he has been in the property business for forty years and this is the first time he has been before council on any issue

Councillor McCluskey raised concern that tenants renting the property have to look at the debris. The Councillor noted that the wood looks old. Mr. McFadden advised that the majority of the wood is being used for repairs and reconstruction on other sites.

In response to a query by Councillor Johns, staff advised that this is a compliant driven case.

In response to a query by Councillor Dalrymple, Mr. McFadden advised that seventy percent of the materials would be used in the construction of the shed.

In response to a question by Councillor Uteck, Mr. McFadden advised that he runs a Christmas Tree lot on Quinpool Road and that materials and wood for the lot is stored on this property. He advised that the gate under the deck came loose in the winter and it will be fixed.

Committee members raised concern regarding tenants having to look at the materials on the property.

**MOVED BY Councillor Johns, seconded by Councillor McCluskey, that the Dangerous and Unsightly Premises Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on May 27, 2009. MOTION PUT AND PASSED.**

#### **5.6 113 St. Margarets Bay Road, Halifax, Case 112102**

- A report dated June 9, 2009 was before the Committee.

Mr. Cameron Brown, Officer, By-law Services, provided an update and pictures of the property to the Committee.

In response to a query by Councillor Johns, Mr. McFadden advised that the vehicle is not inspected and does not have valid stickers.

Mr. McFadden advised he will comply with this case.

**MOVED BY Councillor McCluskey, seconded by Councillor Johns, that the Dangerous and Unsightly Premises Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on May 27, 2009. MOTION PUT AND PASSED.**

#### **6. DEMOLITIONS - DANGEROUS OR UNSIGHTLY**



**6.1 Church Loop, Mosher River, Case 93437**

- A report dated June 9, 2009 was before the Committee.

Mr. Scott Hill, Officer, By-law Services, provided an update and pictures of the property to the Committee.

The property owner was not in attendance at the meeting.

**MOVED BY Councillor Johns, seconded by Councillor McCluskey, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of dilapidated and deteriorated residential structure and the removal of all demolition debris and the backfilling of any foundation or crawl space, leaving the property in a neat and tidy fashion within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the *Halifax Municipality Charter*. MOTION PUT AND PASSED.**

**6.2 26 B Kennedy Drive, Dartmouth, Case 109724**

- A report dated June 9, 2009 was before the Committee.

Mr. Scott Hill, Officer, By-law Services, provided an update and pictures of the property to the Committee.

The property owner was not in attendance at the meeting.

**MOVED BY Councillor Johns, seconded by Councillor McCluskey, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of a dilapidated and collapsing accessory structure and the removal of all demolition debris and the backfilling of any foundation or crawl space, leaving the property in a neat and tidy fashion within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the *Halifax Municipality Charter*. MOTION PUT AND PASSED.**

**6.3 6280 Edinburgh Street, Halifax, Case 94995**

This item was deleted from the agenda during the approval of the Order of Business.

**6.4 343 Montague Road, Westphal, Case 101774**

- A report dated June 9, 2009 was before the Committee.

Mr. Trevor Oliver, Officer, By-law Services, provided an update and pictures of the property to the Committee.

Mr. Riley addressed the Committee advising that he is aware that the building is unsightly and deteriorated. He advised that he needs more time, a couple of months, as he is on a fixed income. He advised she will have it torn down and hauled away. He stated that many of the dates noted in the report are not correct.

**MOVED BY Councillor Nicoll, seconded by Councillor Johns, that Case 101774 be adjourned for three months. MOTION PUT AND PASSED.**

**6.5 295 Montague Road, Westphal, Case 101551**

- A report dated June 9, 2009 was before the Committee.

Mr. Trevor Oliver, Officer, By-law Services, provided an update and pictures of the property to the Committee.

Ms. Bernard addressed the Committee advising of the following:

- she was first contacted by staff in November 2008
- she has no argument with the pictures
- she is surprised to be before the Committee, as she agreed to touch base with staff in the spring to come up with a plan
- she did not hear from staff until the order was stapled on her home
- she advised that the order was stapled to her home on May 22<sup>nd</sup>, damaging the siding. She has not removed the staples, as they will leave holes in her siding.
- the property is difficult to see from the roadway
- put twelve loads of fill on property in order to reach the back of the property
- she requested more time to comply with order

**MOVED BY Councillor Nicoll, seconded by Councillor John, that Case 101551 be adjourned for three months. MOTION PUT AND PASSED.**

Mr. Rogers advised the Committee that he will address issues relating to this case.

**6.6 2621 St. Margarets Bay Road, Halifax Case 101806**

Due to time constrains, this item was adjourned to the next meeting.

**MOVED BY Councillor Johns, seconded by Councillor Nicoll, that Case 101806 be adjourned to the next meeting. MOTION PUT AND PASSED.**

**7. APPEALS - DERELICT BUILDINGS - D300 - NONE**

**8. DEMOLITIONS - DERELICT BUILDINGS - D300**

Councillor McCluskey retired from the meeting at 11:55 a.m.

**8.1 2395 Creighton Street, Halifax, Case 87968**

- A report dated June 9, 2009 was before the Committee.

Mr. Cameron Brown, Officer, By-law Services, provided an update and pictures of the property to the Committee.

Mr. Devanney, property owner, addressed the Committee advising of the following:

- he bought property because it was a price he could afford
- he did not get a mortgage for the work required
- he is doing work as cash permits
- he thought the outside of the building was fine and was continuing to work on the inside of the building
- he has done substantial work so far; worked on upstairs, new walls, and a new roof
- the building is sound
- he is committed to doing work, but it will take time
- he advised he will work on the exterior first

**MOVED BY Councillor Nicoll, seconded by Councillor Uteck that Case 87968 be adjourned for three months to enable the homeowner the ability to have exterior works completed.**

In response to a query by Councillor Dalrymple, Mr. Devanney advised that he has put approximately \$20,000 - \$25,000 of work on the building to this point.

**MOTION PUT AND PASSED.**

**8.2 2324 Creighton Street, Halifax, Case 87958**

This item was deleted from the agenda during the approval of the Order of Business.

**9. ADDITIONS - NONE**

**10. NEXT SCHEDULED MEETING**

The next meeting of the Dangerous or Unsightly Premises Committee is scheduled for 10:00 a.m. on Thursday, July 16<sup>th</sup> in Council Chambers, 3<sup>rd</sup> Floor, City Hall, 1841 Argyle Street, Halifax.

**11. ADJOURNMENT**

The meeting was adjourned at 12:02 p.m.

Melody Campbell  
Legislative Assistant