

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
March 25, 2004

PRESENT: Councillor Bruce Hetherington, Chair
Councillor David Hendsbee
Councillor Ron Cooper
Councillor Harry McInroy
Councillor Condo Sarto
Councillor Jerry Blumenthal
Councillor Robert Harvey

ABSENT
WITH REGRETS: Councillor Krista Snow
Councillor Dawn Sloane

STAFF: Mr. Barry Allen, Municipal Solicitor
Ms. Julia Horncastle, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 6:00 p.m.

2. APPROVAL OF MINUTES - January 15, 2004

MOVED by Councillor Blumenthal, seconded by Councillor Sarto, that the minutes of January 15, 2004, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

The following items were deferred to the April 22, 2004 meeting.

- 4.1 Lands of Richard Snook, 130 Tanner Frederick Road, Glen Haven
- 4.2 Lands of Gloria Flinn, 136 Tanner Frederick Road, Glen Haven
- 5.5 Lands of Julius Potyondy, 43 Brule Street, Dartmouth

The following appeal was withdrawn.

- 5.2 Lands of Marjorie MacLeod, 332 Beaverbank Road, Sackville

The following item was removed as the property was in compliance.

- 5.3 Lands of Floyd and Kathleen Blakeney, 27 Trinity Lane, Beaver Bank

MOVED by Councillor Cooper, seconded by Councillor Blumenthal, that the Order of Business, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. CONSIDERATION OF DEFERRED BUSINESS

4.1 Lands of Richard Snook, 130 Tanner Frederick Road, Glen Haven

This item was deferred to April 22, 2004 under the approval of the Order of Business.

4.2 Lands of Gloria Flinn, 136 Tanner Frederick Road, Glen Haven

This item was deferred to April 22, 2004 under the approval of the Order of Business.

4.3 Lands of Suzanne Irene Bagnell, 5 Louise Court, Dartmouth

- A report prepared for Ms. Kelly Hunt, Co-ordinator, Support Services, dated

December 12, 2003, on the above noted was before the committee.

As neither the property owner nor his representative was present, appeal was denied.

4.4 Lands of the Estate of Edward Gallagher, 15 Ketch Harbour West Road, Ketch Harbour

The Committee was advised that all issues relevant to Dangerous and Unsightly conditions had been addressed.

5. APPEALS

5.1 Lands of Steven and Joanne Karmas, 3646 Windsor St., Halifax

- A report prepared for Ms. Kelly Hunt, Co-ordinator, Support Services, dated January 22, 2004, on the above noted was before the committee.

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

Mr. Karmas, property owner, advised there are only a small number of bags of refuse on the property currently and they are around the back and cannot be viewed from the street, noting they are as a result of one tenant moving in and another moving out. He advised he is having new bins delivered.

MOVED by Councillor McInroy, seconded by Councillor Cooper, that the Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on January 12, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

5.2 Lands of Marjorie MacLeod, 332 Beaverbank Road, Sackville

The appeal was withdrawn by the property owner.

5.3 Lands of Floyd Blakeney and Kathleen Blakeney, 27 Trinity Lane, Beaver Bank

This item was removed under the approval of the Order of Business as the property was in compliance.

5.4 Lands of Sheila Lane, 12 Williams Lake Road, Halifax, NS

- A report prepared for Ms. Kelly Hunt, Co-ordinator, Support Services, dated January

29, 2004, on the above noted was before the committee.

Mr. William MacGillivray, By-Law Enforcement Officer, with the aid of a video, presented the staff report.

Mr. Edward Pyle, representing the property owner, advised he had had contracts to clean up properties after the hurricane and the property owner had given permission for him to have the wood placed on the property. He advised the wood would be cut into firewood and sold. He noted there are no longer any branches on the property. He stated they have been advised that any softwood cannot be removed from the property and has to be chipped and disposed of on site. He stated their goal is to have the property cleaned up by the end of May.

Councillor Hetherington indicated that the wood is being stored for a commercial use in a residential area.

MOVED by Councillor McInroy, seconded by Councillor Harvey, that the Committee grant a deferral to May 20, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

5.5 Lands of Julius Potyondy, 43 Brule Street, Dartmouth, NS

This item was deferred to April 22, 2004 under the approval of the Order of Business.

5.6 Lands of Bechora A. & Najat Toulany, 553 Herring Cove Rd., Halifax, NS

- A report prepared for Ms. Kelly Hunt, Co-ordinator, Support Services, dated February 17, 2004, on the above noted was before the committee.

Mr. Don Shea, By-Law Enforcement Officer, with the aid of a video, presented the staff report advising that the request before the committee was to secure the logs stored on the property to keep them from rolling.

In response to Councillor Cooper, Mr. Shea advised that Mr. Stephen Higgins, Development Officer has advised that the property is under a Development Agreement under which this use does not comply.

Councillor McInroy stated that if it is an illegal use then the stored logs should be moved off the property.

Councillor Sarto noted that the use is in violation of the land use and it is also a hazard.

Councillor Harvey noted that the committee has the authority to address the dangerous

situation.

Mr. Edward Pyle, representing the owner, advised there are thirty truck loads of wood stored on the property and, as in the previous situation, the softwood has to be processed and disposed of on site. He advised the wood piles are blocked at the bottom to keep them from rolling.

Councillor Harvey stated that the property owner should ensure that the site is safe and Councillor McInroy stated that an investigation of the site should be undertaken to ensure that reasonable care has been taken.

MOVED by Councillor McInroy, seconded by Councillor Sarto, that the Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on February 9, 2004. MOTION PUT AND PASSED.

Councillor Blumenthal voted against the motion.

6. DEMOLITIONS

6.1 Estate of Clarence Anderson c/o Ruth Anderson, 1119 Pockwock Road, Hammonds Plains

- A report prepared for Ms. Kelly Hunt, Co-ordinator, Support Services, dated February 4, 2004, on the above noted was before the committee.

In response to Councillor Cooper regarding the roof structures, Mr. Bradshaw advised that Building Inspector has indicated that the cost of repair would be more than the cost of the demolition.

Mr. Wesley Anderson advised that their intention was to take down the old buildings. He noted that HFC has a lien against the property.

Councillor Hetherington clarified that HFC would be given the option to tear the house down and if they do not, then HRM would demolish the house and place a lien against the property or alternatively the family could tear the house down.

MOVED by Councillor Hendsbee, seconded by Councillor Blumenthal, that the Committee issue an Order requiring the demolition of one (1) vacant single family dwelling and three (3) out buildings presently an allurement to public trespass and in a ruinous and structurally deteriorated state 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. **MOTION PUT AND PASSED UNANIMOUSLY.**

6.2 Lands of David Richard and Bonnie Darlene Bake, 12520 #224 Highway, Middle Musquodoboit, NS

- A report prepared for Ms. Kelly Hunt, Co-ordinator, Support Services, dated March 10, 2004, on the above noted was before the committee.

Mr. William MacGillivray, By-Law Enforcement Officer, with the aid of a video, presented the staff report.

Mr. Brooke Taylor, representing the property owner, addressed the committee stating the property owner would like an opportunity to work with HRM and the community in addressing the situation and was asking for consideration of sixty days instead of the recommended thirty.

MOVED by Councillor Hendsbee, seconded by Councillor Cooper, that the Committee issue an Order requiring the structure to be removed or demolished 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. MOTION PUT AND PASSED UNANIMOUSLY.

A signed copy of the Order was given to Mr. Taylor.

6.3 Lands of James and Grace Scott, 2148 Lower Prospect Road

- A report prepared from Mr. Ed Thornhill, Manager - Permits and Inspections, dated March 18, 2004, on the above noted was before the committee.

Mr. Ed Thornhill, Manager, Permits and Inspections, with the aid of a video, presented the staff report.

In response to Councillor McInroy, Mr. Thornhill advised the property was brought to the attention of HRM in 2002 but was built in stages some since and some prior to amalgamation. On further question, Mr. Thornhill advised the only permit was for a one storey addition to the original cottage which was issued by the former Halifax County.

Mrs. Grace Scott, property owner, advised an eviction notice had been posted on her home and her children had been taken into care by community services. She advised she was in possession of a building permit issued by Mr. Donahoe in March, 2003. She advised that the structural engineer stated that there were a number of items to be addressed within a number

of years, noting that her husband has not been able to work on the home due to an injury. She clarified that the home was two and a half storeys not five as indicated. She advised they prefer the home stained rather than painted. She advised that even though the home is not finished inside or out, it was assessed by the Province. She stated she was requesting the committee not proceed with the demolition order.

Mr. Scott, property owner advised they have a list of items to be remedied as recommended by the structural engineering firm of BMR.

In response to Councillor Hendsbee, Mr. Thornhill advised that the building is not structurally sound and there is a vacate order in effect as it is not safe.

MOVED by Councillor McInroy, seconded by Councillor Harvey, that the Committee issue an Order requiring the demolition of the three storey dwelling and removal of all demolition debris from the property 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.

In response to Councillor Cooper, Mr. Thornhill advised there is no indication that the building was professionally designed and it does not meet the National Building Code standards for construction.

On further question, Mr. Thornhill advised the building is incomplete and has been for a number of years. He advised no work has been done over the past year and there is no evidence to show the building is going to be completed.

In response to Councillor Sarto, Mr. Thornhill advised that since the permit was issued, three windows have been installed, the deck off the master bedroom has been removed, a small deck on the second floor has been removed but there has been no building materials such as framing, dry walling or insulation on site. Mr. Thornhill stated staff had been advised the work would be done in a year.

MOTION PUT AND PASSED UNANIMOUSLY.

7. NEXT MEETING

The next meeting is scheduled for April 22, 2004.

8. ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

Julia Horncastle
Legislative Assistant