

HALIFAX REGIONAL MUNICIPALITY

APPEALS STANDING COMMITTEE  
MINUTES

January 20, 2011

PRESENT: Councillor Brad Johns, Chair  
Councillor Bob Harvey  
Councillor Dawn Sloane  
Councillor Mary Wile  
Councillor Gloria McCluskey

REGRETS: Deputy Mayor Jim Smith, Vice Chair  
Councillor David Hendsbee  
Councillor Steve Adams

STAFF: Ms. Tanya Phillips, Manager of By-law Services  
Ms. Danielle Banks, Orders Assistant, By-law Services  
Mr. Jeff Rogers, Regional Coordinator of By-law Enforcement  
Ms. Angela Jones-Rieksts, Solicitor  
Ms. Shawnee Gregory, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER.....	3
2.	APPROVAL OF MINUTES – November 18, 2010.....	3
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.....	3
4.	CONSIDERATION OF ADJOURNED BUSINESS - NONE.....	3
5.	DANGEROUS OR UNSIGHTLY PREMISES .....	3
5.1	Appeals.....	3
5.1.1	Case 152384 - 3695 Dutch Village Road, Halifax .....	3
5.1.2	Case 111043 - 80 Fairbanks Street, Dartmouth.....	4
5.2	Demolitions.....	4
5.2.1	Case 136750 - 290 Herring Cove Road, Halifax .....	4
5.2.2	Case 143680 - 1958 Prospect Road, Hatchet Lake.....	4
6.	BY-LAW M-100 - RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES - NONE.....	5
7.	BY-LAW A-100 - RESPECTING LICENSE & PERMIT APPEALS - NONE .....	5
8.	ADDED ITEMS.....	5
8.1	Proposed Meeting Schedule.....	5
9.	NEXT MEETING DATE – February 10, 2011.....	5
10.	ADJOURNMENT .....	5

**1. CALL TO ORDER**

The Chair called the meeting to order at 10:07 a.m. in the Council Chamber, City Hall.

**2. APPROVAL OF MINUTES – November 18, 2010**

**MOVED by Councillor McCluskey, seconded by Councillor Sloane that the minutes of November 18, 2010 be approved as presented. MOTION PUT AND PASSED.**

**3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Addition:

8.1 2011 Proposed Meeting Schedule

**MOVED by Councillor Sloane, seconded by Councillor McCluskey that the agenda be accepted as amended. MOTION PUT AND PASSED.**

The Chair provided clarification on process as verified by Ms. Angela Jones-Rieksts, Solicitor. He advised that, in cases where the appellant is not present, the Committee will still be provided with a staff presentation and will make a decision after the hearing.

**4. CONSIDERATION OF ADJOURNED BUSINESS - NONE**

**5. DANGEROUS OR UNSIGHTLY PREMISES**

**5.1 Appeals**

**5.1.1 Case 152384 - 3695 Dutch Village Road, Halifax**

A report dated January 11, 2011 was before the Standing Committee.

Mr. Robert Ryan, By-law Services Officer, presented the report, including photographs of the property in question.

**Mr. James Mitchell**, 3695 Dutch Village Road, advised that he owned the property in question and outlined his reasons for appealing the Order to Remedy Dangerous or Unsightly Conditions.

**MOVED by Councillor Sloane, seconded by Councillor McCluskey that the Appeals Standing Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on December 13, 2010. MOTION PUT AND PASSED.**

### **5.1.2 Case 111043 - 80 Fairbanks Street, Dartmouth**

A report dated January 11, 2011 was before the Standing Committee.

Ms. Theresa Hickey, By-law Services Officer, presented the report, including photographs of the property in question. She provided clarification regarding page 4 of the report, stating that the lower portion of the building had some structural work done; however, not the upper portion.

**Mr. Richard Bonner** advised that he was the property owner of 80 Fairbanks Street, Dartmouth, and outlined his reasons for appealing the Order to Remedy Dangerous or Unsightly Conditions. He also indicated that he was proceeding with a lawsuit against Maritime Demolition for not completing their structural work which was causing further delay of the roof repair.

**MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the Appeals Standing Committee adjourn the appeal of the Order to Remedy Dangerous or Unsightly Conditions issued on November 4, 2010 for 6 months. MOTION PUT AND PASSED.**

## **5.2 Demolitions**

### **5.2.1 Case 136750 - 290 Herring Cove Road, Halifax**

A report dated January 11, 2011 was before the Standing Committee.

Mr. Rob Coolen, By-law Services Officer, presented the report, including photographs of the property in question. He advised that the appellant was not present; however, the property owner of 290 Herring Cove Road was aware of the proceedings that day.

**MOVED by Councillor McCluskey, seconded by Councillor Sloane that the Appeals Standing Committee pass the following resolution:**

**The Committee finds the Property to be dangerous or unsightly as per section 3(q) of the Charter and as per section 356 of the Charter, Orders demolition of the Building, including but not limited to, the removal of all demolition debris, backfilling of any foundation or crawl space, and disconnecting any and all utility connections to the standard set by each respective utility service provider, so as to leave the Property in a neat, tidy, environmentally compliant and safe condition within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner. Otherwise, the Municipality will exercise its right as set forth under Part XV of the Charter. MOTION PUT AND PASSED.**

### **5.2.2 Case 143680 - 1958 Prospect Road, Hatchet Lake**

A report dated January 11, 2011 was before the Standing Committee.

Mr. Ryan presented the report, including photographs of the property in question.

**Mr. Dan McNeil**, property owner of 1958 Prospect Road, Hatchet Lake, presented his case for delaying until he was able to afford to pay for the demolition.

**MOVED by Councillor Harvey, seconded by Councillor Sloane that the Appeals Standing Committee pass the following resolution:**

**The Committee finds the Property to be dangerous or unsightly as per section 3(q) of the Charter and as per section 356 of the Charter, Orders demolition of the Building, including but not limited to, the removal of all demolition debris, backfilling of any foundation or crawl space, and disconnecting any and all utility connections to the standard set by each respective utility service provider, so as to leave the Property in a neat, tidy, environmentally compliant and safe condition within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner. Otherwise, the Municipality will exercise its right as set forth under Part XV of the Charter. MOTION PUT AND PASSED.**

- 6. BY-LAW M-100 - RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES - NONE**
- 7. BY-LAW A-100 - RESPECTING LICENSE & PERMIT APPEALS - NONE**
- 8. ADDED ITEMS**
- 8.1 Proposed Meeting Schedule**

The proposed 2011 Appeals Standing Committee Meeting Schedule was before the Committee.

The Committee accepted the 2011 meeting schedule as presented with the exception that the July 14 and August 11 dates be set tentatively.

- 9. NEXT MEETING DATE – February 10, 2011**
- 10. ADJOURNMENT**

The meeting was adjourned at 11:16 a.m.

Shawnee Gregory  
Legislative Assistant