

HALIFAX REGIONAL MUNICIPALITY

APPEALS STANDING COMMITTEE
MINUTES

June 9, 2011

PRESENT: Councillor Brad Johns, Chair
Deputy Mayor Jim Smith, Vice Chair
Councillor Mary Wile
Councillor Steve Adams
Councillor Bob Harvey
Councillor Dawn Sloane
Councillor David Hendsbee

REGRETS: Councillor Gloria McCluskey

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

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1. CALL TO ORDER

The Chair called the meeting to order at 11:12 a.m. in the Council Chamber, City Hall.

2. APPROVAL OF MINUTES – May 12, 2011

MOVED by Councillor Sloane, seconded by Councillor Wile that the minutes of May 12, 2011 be approved as presented. MOTION PUT AND PASSED.

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

Deletion:

5.1.1 Case 161549 – 1460 Edward Street, Halifax

Addition:

7.1 PERSONNEL MATTER – By-law A-100 – Respecting Licence & Permit Appeals (Ratification of In Camera Item)

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

4. CONSIDERATION OF ADJOURNED BUSINESS

4.1 Demolitions

4.1.1 Case 161432 - 782 East Chezzetcook Road, East Chezzetcook

A report dated June 3, 2011 was before the Standing Committee.

Mr. Scott Hill, By-law Enforcement Officer, and Mr. Mike Morgan, Building Official, presented the report, including new photographs of the property in question taken since the May 12, 2011 Appeals Standing Committee meeting.

At the Chair's request, Mr. Hill also provided an update on progress at the property since the May 12, 2011 meeting; advising that as of May 19, 2011, footings had been cleared off and one cribbing in the right hand corner of the property had been removed in order for additional footings to be cleared off. He stated that staff were told that Captain Concrete and the property owner had not signed a contract as was indicated to be the case at the May 12, 2011 meeting.

Ms. Francesca Rogier, property owner of 782 East Chezzetcook Road, presented her case against the demolition of her home; advising that since May 12, 2011 she had been steadily working to get this project underway and work was ongoing to prepare for excavating and for the concrete slab to be poured. She stated that by May 22, 2011 the

contractor had provided her with an actual price; however, after that, he did not come through with finalizing the contract. Ms. Rogier provided a blueprint of how the house would be supported and indicated that the issues the Committee heard the building inspector raise were only temporary conditions. Ms. Rogier advised that she had a building permit until 2012 and had signed a contract and made a deposit with Permady who would supply concrete and gravel as well as an additional contract with Iron Maiden; noting that concrete work could commence on June 13, 2011.

A discussion ensued.

Ms. Tanya Philips, Manager of By-law Services, stated that staff were unaware of the new contracts. She advised that the demolition case could be closed as soon as the foundation was poured.

Mr. Bill Plaskett, Heritage Planner, provided clarification that there was a section in the Heritage Property Act which states that, when there is a building code issue, the Building Code Act prevails over the Heritage Act and needs to be addressed prior to moving on with any heritage questions.

Ms. Phillips clarified that if the demolition order was approved by the Committee, the owner would then have 30 days to become compliant and, if not, the demolition process would begin.

MOVED by Councillor Sloane, seconded by Councillor Hendsbee that the Appeals Standing Committee adjourn Case 161432 for one month to July 2011.

Discussion on the motion ensued.

Councillor Adams advised that he would not support the motion as the staff recommendation had a built-in remedy for everyone.

Ms. Angela Jones-Rieksts, Solicitor, clarified that the Committee could be held liable by granting an extension.

MOTION DEFEATED.

MOVED by Councillor Adams, seconded by Councillor Wile 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. DANGEROUS OR UNSIGHTLY PREMISES

5.1 Appeals

5.1.1 Case 161549 – 1460 Edward Street, Halifax

This item was deleted under the Approval of the Order of Business as the owner has complied with their Order.

5.2 Demolitions

5.2.1 Case 149951 – 69 Conrod Road, Grand Desert

A report dated June 3, 2011 was before the Standing Committee.

Councillor Adams and Sloane left the meeting at 12:02 p.m.

Mr. Trevor Oliver, By-law Enforcement Officer, presented the report, including photographs of the property in question.

Ms. Lisa MacInnis indicated that she was the daughter of the property owner of 69 Conrod Road, Grand Desert, and would be speaking on her behalf. Ms. MacInnis presented her case against the demolition of the home which she was a resident of at the time of the fire that caused the damage. She advised that the family was hoping to obtain advice on whether or not the home could be repaired as a renovation rather than being torn down; noting that they had been cleaning the debris from the home as a starting point; however, having to pay someone to do this work for them or to tear down the house was not a financially viable option for them at this time.

A discussion ensued.

Councillor Hendsbee moved a motion to adjourn the case for one month to allow the property owner to obtain an assessment regarding whether the building could be salvaged and that HRM erect a safety fence to be charged against property.

Ms. Phillips advised that staff have already assessed the property and concluded that a fence was not necessary; however, that they would reassess the site.

As there was no seconder for the motion, the motion was lost.

MOVED by Councillor Harvey, seconded by Councillor Wile 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.

Discussion on the motion ensued.

Ms. Phillips advised that she would make procurement staff aware of the Committee's concern that all wood and material in good condition be salvaged by the contractor for potential re-use by the property owner.

MOTION PUT AND PASSED.

- 6. BY-LAW M-100 - RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES - NONE**
- 7. ADDED ITEMS**
- 7.1 PERSONNEL MATTER – By-law A-100 – Respecting Licence & Permit Appeals (Ratification of In Camera Item)**

MOVED by Councillor Wile, seconded by Deputy Mayor Smith, that the Appeals Standing Committee ratify their In Camera decision regarding By-law A-100 – Respecting Licence & Permit Appeals. MOTION PUT AND PASSED .

- 8. NEXT MEETING DATE – July 14, 2011**
- 9. ADJOURNMENT**

The meeting was adjourned at 12:38 p.m.

Shawnee Gregory
Legislative Assistant