

HALIFAX REGIONAL MUNICIPALITY

APPEALS COMMITTEE
MINUTES

June 14, 2012

PRESENT: Councillor Jim Smith, Vice Chair
Councillor Gloria McCluskey
Councillor Mary Wile
Councillor Bob Harvey
Councillor David Hendsbee
Councillor Dawn Sloane
Councillor Steve Adams

REGRETS: Councillor Brad Johns, Chair

STAFF: Ms. Tanya Phillips, Manager of By-law Services
Ms. Danielle Banks, Orders Assistant, By-law Services
Mr. Stephan Jedynak, Solicitor
Ms. Shawnee Gregory, Legislative Assistant

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1. CALL TO ORDER

The Vice Chair called the meeting to order at 10:06 a.m. in the Council Chamber, Halifax City Hall.

2. APPROVAL OF MINUTES – April 26, 2012

MOVED by Councillor McCluskey, seconded by Councillor Harvey that the minutes of April 26, 2012 be approved as presented. MOTION PUT AND PASSED.

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

Addition:

7.1 Petition

Deletion:

5.1.1 Case # 177730, 401 Old Sackville Rd., Lower Sackville

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

4. CONSIDERATION OF ADJOURNED BUSINESS - NONE

5. DANGEROUS OR UNSIGHTLY PREMISES

5.1 Appeals

5.1.1 Case # 177730, 401 Old Sackville Rd., Lower Sackville

This item was deleted under the Approval of the Order of Business.

5.2 Demolitions

5.2.1 Case # 184110, 30 Johnson Rd., North Preston

A report dated April 26, 2012 was before the Committee.

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

Ms. Karen Provo, property owner of 30 Johnson Road, indicated that she and her family had concerns as the property in question was theirs; however, the trailer had been put there by someone else. She stated that they were currently undergoing a property dispute against these individuals and would be going to court in September. Ms. Provo advised that they were upset when the trailer was put on the property several years ago

and tried to have it removed; noting it has since been boarded up by the people who put it there. In closing, she stated that it would be a financial burden for her family to remove the trailer.

A discussion ensued.

Mr. Stephan Jedynak, Solicitor, advised that any charges would be attached to the land and would remain with the land.

MOVED by Councillor Harvey, seconded by Councillor Hendsbee that the Appeals 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.

A discussion on the motion ensued.

MOTION PUT AND PASSED.

5.2.2 Case # 180523, 13146 Highway 224, Chaswood

A report dated April 17, 2012 was before the Committee.

Mr. Trevor Oliver, By-law Enforcement Officer, presented the report, including photographs of the property in question. He advised that he had contacted the property owner on multiple occasions to ask for a plan of action and that he has provided none to date.

There was no one present representing the property in question to speak to this matter.

MOVED by Councillor McCluskey, seconded by Councillor Wile that the Appeals 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.

5.2.3 Case # 180067, 5826 Fays Lane, Halifax

A report dated May 22, 2012 was before the Committee.

Correspondence was submitted by the following residents: Cheryl Bell, Phil & Ann Read, Merrell Moorhead & Lynn McCallum, Richard Rafuse, Peter & Avril Lewis, and Julia Brydon & Daniel French.

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

Ms. Tanya Phillips, Manager of By-law Services, reminded the Committee that while staff may have open case files on other properties owned by 3228365 Nova Scotia Limited, they were currently present to speak only to 5826 Fays Lane.

Mr. Peter Brauer, President of 3228365 Nova Scotia Limited, stated that he was the property owner of 5826 Fays Lane along with four other partners. He indicated that they bought the property in 2008 and had always wanted to keep it as an R1 development; noting they had bought the property at the beginning of the recession. He advised that four properties, including 5826 Fays Lane, which they bought in 2008 were unsightly and unsafe although they had tenants which his Corporation removed immediately. Mr. Brauer stated that it was his Corporation's intention to demolish the home on the property; however, they had a financial implication that effected timing. He advised that one partner would be leaving the group and until they finished that process by September 30, 2012 they could not do anything on the property. He apologised for the state of the four properties; noting they should have demolished them all in the first place. He stated that they have a developer and agreement to demolish in October as they were trying to accommodate this difficult situation. Mr. Brauer respectfully asked for four more months, until October 31, 2012 to finish dealing with this matter.

A discussion ensued.

MOVED by Councillor McCluskey, seconded by Councillor Harvey that the Appeals 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.

Councillor Hendsbee requested an amendment to the motion to allow the property owner 90 days. As there was no seconder for the amendment, the motion was lost.

MOTION PUT AND PASSED.

5.2.4 Case # 184083, Pettipas Lane, East Chezzetcook

This item was dealt with later in the meeting. Please see page 7.

5.2.5 Case # 186538, 79 Pleasant St., Dartmouth

A report dated May 22, 2012 was before the Committee.

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

Mr. Michael Morgan, Building Official, presented Building Inspector's report as included as Attachment C of the report dated May 22, 2012.

Mr. MS Stanley, property owner of 79 Pleasant Street, stated that while he did not like the situation, he did appreciate staff's manner as this takes place. He presented a number of mitigating circumstances for the Committee's consideration, including the fact that he was a senior, handicapped and on a limited income; however, as of the month prior he had secured funding for repairs. He advised that, on two occasions, his contractor has had to postpone his start date; noting they now had a start date but needed a solid spell of warm sunny weather to complete the outside work. He indicated that the scaffolding was up and Nova Scotia Power had removed the wires. Mr. Stanley stated that HRM staff's major concern seemed to be with regards to the time it has taken to commence and he was in total agreement. He indicated that it has been aggravating for him over the past six months with no car, wintertime, and the bus strike limiting his access. He advised that his was a solid nineteenth century home that has withstood time, Hurricane Juan, and a fire in the upstairs kitchen. In closing, Mr. Stanley asked for the time as he had the tools to finish the job.

A discussion ensued.

MOVED by Councillor McCluskey, seconded by Councillor Wile that the Appeals 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.

A discussion on the motion ensued.

MOTION PUT AND PASSED.

5.2.4 Case # 184083, Pettipas Lane, East Chezzetcook

A report dated May 22, 2012 was before the Committee.

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

Ms. Pamela Lawlor, property owner of the property on Pettipas Lane, advised that she was trying to clean up the site as Mr. Oliver had informed her of garbage being dumped there; noting she had removed debris and vandalized items as well as some items inside the building. She stated that she had not had much help and had medical problems; she has applied for disability but has not received it yet. Ms. Lawlor indicated that the property was over two kilometres from the nearest neighbour and that previously she did not have a car for approximately one year that would allow her to take care of the property. She stated that approximately one year prior she had a friend put up six no trespassing signs and pull trees across the driveway, however, this did not deter people as they kept tearing the signs down. Ms. Lawlor advised that she did not know why someone would remove the six blocks supporting the home but a friend said they would give her more; noting the report states that the structure is sound but requires extensive repair which she did not realize as she had not been at the property for some time. She stated that someone may even be interested in purchasing the property if she could fix up the building. She also expressed concern that items were being stolen and stated that she had been afraid to go to the camp for a while as the RCMP had found the body of a dog on the property. In closing, Ms. Lawlor requested more time to obtain funding to fix the camp up so it did not have to be demolished.

A discussion ensued.

MOVED by Councillor Hendsbee, seconded by Councillor Wile that the Appeals 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.

A discussion on the motion ensued.

Councillor McCluskey stated that, since the property was located on a back road, she would like to adjourn the case for two months in order to provide Ms. Lawlor with more time. She moved the following amendment:

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee that the Appeals Committee adjourn Case #184083 for two months. MOTION PUT AND PASSED.

6. BY-LAW M-100 - RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES – NONE

7. ADDED ITEMS

7.1 Petition

A petition containing 31 signatures was submitted by the Legislative Assistant on behalf of the neighbours on Tower Road who want four houses and an unfinished, unsafe foundation to be demolished.

Ms. Phillips advised that staff would take this information and reconcile it with the current documents they had on file.

MOVED by Councillor McCluskey, seconded by Councillor Wile that the Committee move In Camera to deal with the items listed below. MOTION PUT AND PASSED.

8. IN CAMERA

8.1 In Camera Minutes – April 26, 2012

This matter was dealt with In Camera.

8.2 Personnel Matter – Appeal of Refusal to Issue a Taxi Drivers License

This matter was dealt with In Camera.

9. NEXT MEETING DATE – July 12, 2012

10. ADJOURNMENT

The meeting was adjourned at 12:27 p.m.

Shawnee Gregory
Legislative Assistant