

APPEALS STANDING COMMITTEE  
MINUTES

July 25, 2013

PRESENT: Councillor Brad Johns, Chair  
Councillor David Hendsbee  
Councillor Gloria McCluskey  
Councillor Bill Karsten  
Councillor Linda Mosher  
Councillor Matt Whitman, Vice Chair  
Councillor Steve Adams  
Councillor Steve Craig

REGRETS:

STAFF: Ms. Tanya Phillips, Manager of By-law Services  
Mr. Scott Hill, Regional Coordinator, By-law Services  
Ms. Laurie Lauder, Orders Assistant, By-law Services  
Mr. Randolph Kinghorne, Solicitor  
Mr. Quentin Hill, Legislative Assistant

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**1. CALL TO ORDER**

The Legislative Assistant called the meeting to order at 10:00 am in the Council Chamber, Halifax City Hall. In the absence of the Chair and Vice-Chair the Committee selected Councillor Adams to the Chair.

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

The Committee agreed to move item 5.1.3 and 5.1.4 to the end of the meeting.

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

**3. APPROVAL OF MINUTES – June 13, 2013**

**MOVED by Councillor McCluskey, seconded by Councillor Karsten that the minutes of June 13, 2013 be approved as presented. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES- NONE**

**5. DANGEROUS OR UNSIGHTLY PREMISES**

**5.1 Appeals**

**5.1.1 Case # 208919 26 McPherson Road, Fall River**

A report dated July 5, 2013 was before the Committee.

Mr. Robert Coolen, By-law Enforcement Officer, presented the report, including photographs of the property in question. He noted there was an accumulation of scattered debris and building material on the property. He advised that the property put up fencing and there was a reduced amount of debris but not enough to be considered compliant with the Order.

Mr. Coolen then answered questions of clarification from the Committee.

Mr. Darius Hume, 26 Macpherson Road, stated that he had a number of medical conditions that made cleaning up the property difficult. He indicated that he intended to clean the property but with his medical conditions and the recent weather was unable to do so in the two week period. Mr. Hume showed members of the Committee pictures of the property cleaned up. He stated that he had done everything on the Order but there were a few items that were valuable and he could not throw away.

Mr. Hume then responded to questions of clarification of the Committee.

**MOVED by Councillor McCluskey, seconded by Councillor Craig, to allow the appeal of Case 208919, 26 Macpherson Road, Fall River.**

Councillor Mosher stated that the property showed significant improvement from the pictures shown by Mr. Hume. She questioned if the By-law officer was satisfied that the look of the property had improved from the pictures provided by Mr. Hume.

Mr. Coolen stated that the pictures submitted by Mr. Hume indicated there was significant improvement to the property and looked like it was in compliance.

**MOTION PUT AND PASSED.**

**5.1.2 Case # 209102 10 Umlahs Drive, Halifax**

A report dated July 5, 2013 was before the Committee.

Mr. Robert Coolen, By-law Enforcement Officer, presented the report, including photographs of the property in question. He advised that a seven day notice was placed on the property to remove a derelict red Honda car. He stated he returned in the seven days and the property owner asked for an additional seven day extension to sell the car. Mr. Coolen stated that the car does not have valid registration or inspection and is inoperable in its current condition.

Mr. Coolen answered questions of clarification from the Committee.

Ms. Joy Woolfrey, 10 Umlahs Drive, stated that the car was considered a classic as it is over 25 years old. She stated that she had placed ads to try and sell the car and it appeared to generate some interest. She indicated that a couple potential buyers could not find a way to transport it. She stated that she wanted to see it reused or recycled.

Ms. Woolfrey answered questions of clarification from the Committee.

Councillor Adams advised that he had been to the site and there was a tarp covering the back of the car. He recommended that the case be adjourned to give the appellant time to find a buyer for the vehicle.

**MOVED by Councillor Karsten, seconded by Councillor McCluskey that the Appeals Standing Committee adjourn Case 209102 10 Umlahs Drive, Halifax for one month.**

Councillor Karsten advised that if the car was not sold, it could be sent to the junk yard where it would be stripped down and recycled if that was the appellant's major concern.

Councillor Mosher expressed concern about the vehicle as the rust from the vehicle could contaminate wells in the area.

**MOTION PUT AND PASSED.**

**5.1.3 Case # 210061 4080 Highway 7, Porter's Lake**

A report dated July 5, 2013 was before the Committee.

Mr. Robert Coolen, By-law Enforcement Officer, presented the report, including photographs of the property in question. He advised that the initial complaint came in regarding debris scattered over the property. Mr. Coolen advised that at the time there were a number of exterior issues with the building. He stated that there was a lot of scrap wood scattered over the property.

Mr. Coolen responded to questions of clarification from members of the Committee.

Ms. Gina Clairmont, 4080 Highway 7, stated that her house is a considerable distance from the main road. She noted that because of that distance, a number of the items listed on the order were not visible and others had been removed since the order was posted. She explained she is a widow and works 50-60 hours per week. Ms. Clairmont advised she does a lot of work on the property when she has time. She also stated that she had some siding issues and had a contractor come in and work on the home, subsequently some of the material that was left over was from that work.

Ms. Clairmont responded to questions of clarification from the Committee.

**MOVED by Councillor Hendsbee, seconded by Councillor Craig that the Appeals Standing Committee allow the appeal of Case 210061, 4080 Highway 7, Porter's Lake.**

Councillor Hendsbee stated that it looked like the appellant had done a lot of work cleaning up the property. He advised Ms. Clairmont that the Municipality provides garbage and recycling services and some of the material could be disposed of through those services.

Councillor Karsten stated that he could not support the motion. He stated that he could support an adjournment of the matter, but felt there was still more work to be done to bring the property up to compliance.

**MOTION DEFEATED.**

**MOVED by Councillor Karsten, seconded by Councillor Mosher that the Appeals Standing Committee adjourn Case 210061, 4080 Highway 7, Porter's Lake for one month.**

**5.1.4 Case # 210175 4080 Highway 7, Porter's Lake**

A report dated July 5, 2013 was before the Committee.

Mr. Robert Coolen, By-law Enforcement Officer, presented the report, including photographs of the property in question. He reported that the initial complaint was regarding scattered debris on the property. He advised that upon the site inspection of the property the officer noticed a number of exterior maintenance issues. He stated that the order posted was to address an insecure deck, which had poor stairs and no railing.

Ms. Gina Clairmont, 4080 Highway 7, stated that her house is a considerable distance from the main road and in order to see the deck you had to trespass on her property. She stated that there is no deterioration of the deck and she has hired a contractor to come do the work. She indicated that it will take a couple months before they would be able to come address the issue of the deck. She stated that she had blocked the deck off so that no one would be able to access the deck.

Ms. Clairmont responded to questions of clarification from the Committee.

A discussion ensued.

**MOVED by Councillor Hendsbee, seconded by Councillor that the Appeals Standing Committee adjourn the appeal of Case 210061, 4080 Highway 7, Porter's Lake for two months. MOTION PUT AND PASSED.**

#### **5.1.5 Case# 209580 42 Marvin St., Dartmouth**

A report dated July 5, 2013 was before the Committee.

Ms. Theresa Hickey, By-law Enforcement Officer, presented the report, including photographs of the property in question. She noted that a complaint came in regarding two derelict vehicles for the property that had been there for two years. She advised that one of the vehicles still remained on the property. She stated that she had spoken with the owner and he offered to place a car cover over the vehicle. Ms. Hickey explained that placing a car cover over the vehicle does not remedy the violation.

Ms. Hickey then responded to questions of clarification from the Committee.

Mr. Craig Boutlier provided a letter indicating he was representing his mother who was the property owner. Mr. Boutlier stated that he owned the vehicle in question. He stated that he has intentions to fix the vehicle up. He indicated he did not know why the vehicle cover was not sufficient to hide the vehicle.

Mr. Boutlier then responded to questions of clarification from members of the Committee.

**MOVED by Councillor McCluskey, seconded by Councillor Craig that the Appeals Standing Committee adjourn Case 209580, 42 Marvin Street Dartmouth for two months.**

A discussion ensued. **MOTION PUT AND PASSED.**

**5.2 Demolitions - NONE**

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

**7. ADDED ITEMS**

**8. IN CAMERA**

*The Committee may rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of dealing with the following;*

8.1 In Camera Minutes – June 13, 2013

**MOVED by Councillor Karsten, seconded by Councillor McCluskey approve the June 13, 2013 In Camera Minutes as circulated. MOTION PUT AND PASSED.**

**9. NEXT MEETING DATE – September 12, 2013**

**10. ADJOURNMENT**

The meeting was adjourned at 11:56 p.m.

Quentin Hill  
Legislative Assistant