



**APPEALS STANDING COMMITTEE  
MINUTES  
July 10, 2014**

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

STAFF: Ms. Tanya Phillips, Manager, By-law Standards  
Ms. Karen MacDonald, Solicitor  
Ms. Krista Vining, Legislative Assistant

*The following does not represent a verbatim record of the proceedings of this meeting.*

*The agenda to the Appeals Standing Committee is available online:  
<http://www.halifax.ca/boardscom/SCappeals/index.php>*

*The meeting was called to order at 10:00 a.m., recessed at 11:11 a.m. and reconvened at 11:16 a.m. The Committee recessed to move into an In Camera session at 12:14 p.m. and reconvened at 12:44 p.m. The Committee adjourned at 12:47 p.m.*

**1. CALL TO ORDER**

The meeting was called to order at 10:00 a.m.

**2. APPROVAL OF MINUTES – June 12, 2014**

**MOVED by Councillor McCluskey, seconded by Councillor Craig that the June 12, 2014 minutes be approved as presented. MOTION PUT AND PASSED.**

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

**MOVED by Councillor Johns, seconded by Councillor Karsten that the agenda be approved as presented. MOTION PUT AND PASSED.**

- 4. BUSINESS ARISING OUT OF THE MINUTES – NONE**
- 5. MOTIONS OF RECONSIDERATION – NONE**
- 6. MOTIONS OF RESCISSION – NONE**
- 7. CONSIDERATION OF DEFERRED BUSINESS – NONE**

**8. CORRESPONDENCE, PETITIONS & DELEGATIONS**

- 8.1 Correspondence – None**
- 8.2 Petitions – None**
- 8.3 Presentations – None**

**9. REPORTS**

**9.1 STAFF - NONE**

**9.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS**

**9.2.1 Case #228500, 1255 Cooks Brook Road, Cooks Brook**

The following was before the Committee:

- A staff recommendation report dated June 30, 2014

The Chair asked if the appellant or a representative was present, which they were.

Mr. Trevor Oliver, Compliance Officer provided an overview of the June 30, 2014 staff report; presenting photographs of the property in question. Mr. Oliver responded to questions of clarification around the condition of the property and the chronology of case activities as identified in the report.

In response to a question raised around cost recovery, Ms. Karen MacDonald, Solicitor indicated that the value of the property as a vacant lot was unknown but that there would be a method to recover the cost of HRM undertaking the demolition.

Ms. Daine Dillman, Appellant confirmed that she was the representative on the property following her brother's passing November 14, 2010. She noted that the property was the estate's only asset and has been for sale for approximately two years. She recognized that the property should be cleaned up, but that there were no funds.

There being no questions of clarification for the appellant, it was **MOVED by Councillor Craig, seconded by Councillor Karsten that the Appeals Standing 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 buildings, 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 rights as set forth under Part XV of the Charter.**

Councillor Karsten provided clarification around the process. After the 30 day timeframe of the Demolition Order being posted on the property, the Municipality would undertake the demolition and the charges would be applied to the asset.

**MOTION PUT AND PASSED.**

**9.2.2 Case #229246, 2031 Lower Prospect Road, Lower Prospect**

The following was before the Committee:

- A staff recommendation report dated June 30, 2014

The Chair asked if the appellant or a representative was present, which they were not.

Mr. Robert Coolen, Compliance Officer provided an overview of the June 30, 2014 staff report; presenting photographs of the property in question. During the presentation Mr. Coolen noted that property owner Roger Theriault resides in Victoria, BC and his attendance was not anticipated but that he had been in contact with Mr. Theriault.

Mr. Coolen responded to a question around Mr. Theriault's arrangement to have friends carry out the demolition. He confirmed that Mr. Theriault does have someone to do the work but that it had not been completed to date. Mr. Coolen anticipated that once the Demolition Order was posted and Mr. Theriault received a copy the work would be completed.

**MOVED by Councillor Adams, seconded by Councillor Karsten that the Appeals Standing 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 buildings, 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 rights as set forth under Part XV of the Charter. MOTION PUT AND PASSED.**

**9.3 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS**

**9.3.1 Case #229818, 92 Crichton Avenue, Dartmouth**

The following was before the Committee:

- A staff recommendation report dated June 27, 2014

The Chair asked if the property owner was present and if they had any requests to bring forward at this time.

Mr. Richard Doucette, Appellant advised that he was a professional architect in Nova Scotia and homeowner of 92 Crichton Avenue, Dartmouth, where he resides. Mr. Doucette indicated that he and his family are in the midst of construction at this property, and that he had not had an opportunity to review

the June 27, 2014 staff report. He indicated that he had requested the report on May 29, 2014 and received it registered mail on July 8, 2014. Mr. Doucette stated that he had some questions and had requested additional information from HRM staff which he had not received or had an opportunity to review with his counsel. Mr. Doucette requested that his appeal be rescheduled.

In response to a procedural question, Ms. Tanya Phillips, Manager of By-law Standards confirmed that the property owner was provided a copy of the June 27, 2014 staff report and all related information in regards to the Order to Remedy issued May 23, 2014 for Case 229818 by registered mail. Mr. Doucette reconfirmed he received the documentation by registered mail July 8, 2014. Mr. Doucette noted that the information he received did not include any of the photos being shown in staff's presentation. Ms. Phillips clarified that the photos being presented were current photos taken this week to provide the Committee with up to date information on the condition of the property. Ms. Phillips indicated that Mr. Doucette would have an opportunity to speak to the photographs. Mr. Doucette stated that he could not speak to the photos as he did not have an opportunity to review them before the meeting.

The Committee agree to proceed with the appeal hearing and not grant Mr. Doucette's request to reschedule. Prior to staff's presentation, Mr. Doucette sought clarification around appealing the Committee's decision. Ms. Karen MacDonald, Solicitor indicated that she could not provide Mr. Doucette with legal advice but recommended that after this matter had been heard and a decision made, should Mr. Doucette disagree, he could retain legal counsel who could provide him advice on appealing to a higher authority. Mr. Doucette expressed concern with being at a disadvantage with not receiving the June 27, 2014 staff report in a timely manner. He asked to be given the opportunity to be properly prepared to respond to questions regarding the case.

Councillor Johns spoke to the appeals process and the Committee hearing from both staff and the property owner and still retaining the option to grant the property owner an extension of time.

Councillor Karsten asked whether Mr. Doucette had legal counsel retained in regard to this case, to which Mr. Doucette confirmed he did not. Councillor Karsten referred to Appendix D of the June 27, 2014 staff report in which Mr. Doucette's request to appeal was carbon copied to '*my lawyer*'. As well, Councillor Karsten noted that one of Mr. Doucette's reasons for seeking an extension was to consult with his counsel. Mr. Doucette clarified that he stated that he had wanted to review the case with his counsel, but that counsel was not necessarily a practicing lawyer.

Councillor Mosher referenced the chronology of case activities outlined in the June 27, 2014 staff report, including the attachments, noting that Mr. Doucette would have been aware of this information and was provided a copy. She further highlighted the process with the Compliance Officer conducting site visits and taking updated photographs of the property as the appellant may have done some improvements in the interim and it was important that the Committee have this information. She commented that Mr. Doucette would also be aware of what his property looks like at this date.

Mr. Doucette expressed that he had questions related to the chronology outlined in the June 27, 2014 staff report. Councillor Whitman clarified that Mr. Doucette would have a chance to speak to this during his presentation.

Mr. Steven Berkman, Compliance Officer, By-law Standards provided an overview of the June 27, 2014 staff report; presenting photographs of the property in question.

The Chair asked if members of the Committee had any questions of clarification for staff.

In response to a question raised on the first complaint being made May 5, 2014, Mr. Berkman confirmed this date was correct for Case 229818 but that this was the sixth time By-law Standards had been to the property. Councillor McCluskey questioned why earlier complaints were not part of the record. Ms. Phillips referred to the background section of the June 27, 2014 staff report that outlined the chronology of the Order to Remedy issued May 23, 2014.

Mr. Berkman provided additional confirmation there was a valid building permit for renovations and additions to top part of the house. Councillor Craig asked if there was a timeframe in which the work was to be carried out on the permit. Mr. Berkman advised that permits are usually good for two years but that this was not Mr. Doucette's first permit for the property. The current permit was issued August 26, 2013 and would be in effect until August 26, 2015. Mr. Berkman provided additional confirmation on the permit being in progress.

Councillor Karsten asked how this matter was in violation of HRM's By-law where there was a building permit in place. Ms. Phillips clarified that there are two separate pieces of legislation. A building permit provides permission for the property owner to carry out a number of activities on their property. Part 15 of the HRM Charter requires the property owner to maintain their property so as not to be unsightly in relation to neighbouring properties. It was a determination of the Compliance Officer that the length of time and the current condition of this property was not in keeping with the neighbouring properties and was determined unsightly.

In response to a question raised around other permits issued, Mr. Beckman advised that the property owner had a permit in 2009 for an addition and renovation work. He confirmed that the 2009 permit was for work on the first and second storey of his home and the current permit expands on that work.

Councillor Adams questioned whether the building permit could be renewed in 2015 for another two years and again in perpetuity; to which Mr. Jim Donovan, Manager of Municipal Compliance responded yes. In follow up to this, Councillor Johns questioned whether the Committee had the ability to direct staff not to issue another building permit for this property. Mr. Donovan stated that HRM does not have the authority to deny the issuance of a permit if the proposal meets the requirements.

In response to a concern raised, Ms. Phillips provided further clarification as to why this matter was before the Appeals Standing Committee. She noted that the permits applied for was for exterior and interior work relative to the property; reiterating that Part 15 of the *Municipal Government Act* deals with the exterior of the property and ensuring property owners maintain the property so it is not unsightly in relation to neighbouring properties. Staff and the Committee under the HRM Charter are dealing with the exterior concern of the property that was not in keeping with community standards.

Councillor Hendsbee questioned the delay in the permit application process for this property. Mr. Donovan explained that he did not have the file with him and could not speak to the specifics. He pointed out that typically it would be a matter of not having sufficient information or another outstanding issue. Mr. Donovan did know of some outstanding technical issues with the property that the building official was managing through the permit process, but that this was not articulated in the June 27, 2014 staff report.

In response to a further question raised, Mr. Donovan provided confirmation that the building permit could be renewed even if there was no work being done on the property. In response to a question raised by Councillor Johns around adjourning the matter until July 2015, Ms. Phillips advised that staff's recommendation is to uphold the Order to Remedy issued May 23, 2014; however, the Committee has the options to defer the appeal, grant the appeal or uphold the Order to Remedy.

There being no further questions of clarification, the Chair called for the appellant to make his presentation.

Mr. Richard Doucette, Appellant, emphasised that he did not receive the information from HRM staff in a timely manner and had not seen the photos and other information presented by staff until today. Regarding the building permit, Mr. Doucette explained that the building permit issued was for the additional work to the first and second storey. Earlier permits were issued for other work on the first and second floor and work to add a sunroom on the back. He further clarified that the current permit was issued August 26, 2013, as dated on the permit, but he did not receive the permit until approximately September 14, 2013 because the building official was on vacation. Mr. Doucette was prepared to show the Committee this information he had in an email.

Mr. Doucette went on to state that the work for this phase started in September 2013 with the completion of the second floor addition. Between September and July the entire second floor was added, the roof was removed on the inside, approximately 20 windows were installed, the interior structural/foundation work was completed, along with many other elements. Mr. Doucette spoke to the past winter being among the worst winters in recent history. Further, that he had purchased approximately 80 bundles of shingles, confirming they are onsite, which were ready to be installed but did not see it being safe for the workers to be up on staging during that time of the year, so they concentrated on the interior work. Mr. Doucette confirmed that work was continuing on the project, with men hired to do the cladding, as well as engaging a structural engineer. He noted that for projects of this magnitude, when an individual submits for a building permit, they have to provide professional drawings, include a structural engineer in the project and get permits for plumbing and electrical. He confirmed that all these steps have been taken and documentation submitted to HRM describing the work that has to be done. He reiterated that significant progress had been made on the work since September 2013.

Mr. Doucette indicated that if he had an opportunity to provide information on an equal basis with staff he would show the Committee photos of the significant progress made in the last six to seven months. He referred to the neighbours who have concerns with the property. He and his family have lived in the neighbourhood for nine years; they like the neighbourhood and have good relationships with all of the neighbours. Their children have never caused any grief to anyone or been in trouble with the law. Three of his children are currently in post-secondary education and they are tax paying citizens. Mr. Doucette recognized that a project in the midst of renovation, construction and addition would for a period of time not have the same appearance as the neighbouring properties, but he also understood that all properties go through this exercise whether it was when the homes were built in the 1940's, 50's or 60's or when someone like himself chooses to expand on the property.. Mr. Doucette indicated that he was just as anxious as the neighbours and HRM staff to get this project completed and asked that he be given the opportunity to complete the work. He reiterated that he does have a valid permit for the property and has been communicating with HRM Building Official, Katherine Lewis regarding the progress being made on the project.

The Chair asked if members of the Committee had any questions of clarification for the appellant.

Councillor Johns questioned the timeframe for Mr. Doucette to complete the project, in particular the front and side portions of the exterior. Mr. Doucette indicated that they would be in good shape in October 2014 if not sooner.

Recognizing the permit application process, Councillor Karsten questioned how long prior to the issuance of the current building permit had the property lay dormant without any activity/renovations. Mr. Doucette advised that a Stop Work Order was issued on the property in March 2013. He explained that he had been carrying on with the work under the previous permit under a different building inspector. He explained to the previous building inspector that he wanted to do some more work, which they agreed and asked him to provide sketches to carry on with the work. When the second building official came on site around March 25, 2013, a Stop Work Order was issued as the official indicated work could not proceed because work had begun on the second floor addition but the first permit was for the work on the existing first and second floor. He stopped work at that time and engaged a structural engineer and submitted drawings in June 2013. He also met with Ms. Lewis and her manager to review the project and received the permit in September 2013. Councillor Karsten sought further clarification around Mr. Doucette working on his property without a building permit. Mr. Doucette reiterated that he had verbal conversations with a previous building inspector who provided him a different direction than the current inspector. When he was provided the direction by Ms. Lewis he immediately stopped working on the property.

Councillor Hendsbee asked about the timelines for getting the envelope of the building roof tight, secured and cladded, to which Mr. Doucette responded October 2014.

Councillor Craig questioned how long the weathered shingles had been on the building. Mr. Doucette indicated that they went on during the first permit around 2012.

Councillor McCluskey stated that she had received a number of calls from neighbouring residents and people who drive through the area; who were concerned that construction had been ongoing over the last five years. Councillor McCluskey pointed out that she had visited the site on many sunny days and how there had been no one working. She spoke to Mr. Doucette's comments around liking the neighbourhood and having good children, but that it was not helping the character of the neighbourhood when neighbours are not seeing progress. Councillor McCluskey sought clarification from the solicitor around the process for putting forward a motion. Ms. MacDonald advised that under Administrative Order One the motion is to be put in the positive to allow the property owner's appeal and then the Committee would debate and vote in favour or against.

**MOVED by Councillor McCluskey, seconded by Councillor Karsten that the Appeals Standing Committee allow the appeal of Case 229818, 92 Crichton Avenue, Dartmouth as required under Administrative Order One, Section 25 (8A).**

The Committee entered into discussion, with Councillor Mosher speaking against the motion. She expressed that this property has been in an unsightly state for approximately five years, which was insensitive to neighbouring properties.

Councillor Mosher pointed out that the property owner was aware of the state of his property and the process in order to make his appeal. She asked the Committee to vote against the motion.

Councillor Hendsbee asked if the appeal were to be denied whether there would be any liability issues with HRM hiring a contractor to complete the work. Ms. Phillips advised that the original Order to Remedy issued May 23, 2014 was for 14 days. If the Committee denies the appeal, the property owner would still have the opportunity to speak with the officer and would be given a reasonable timeframe to complete the work; with the expectation of 14 days to complete. If the work was not completed within the 14 days, HRM would obtain quotes and award the work to the lowest bidder. Ms. Phillips clarified that when a contractor does work for HRM, they are required to guarantee the work for a period of time. Therefore, HRM would have coverage for that period of time to address any liability concerns.

In response to a question of clarification around the option to defer the matter, both the Solicitor and Legislative Assistant advised that the Committee has the ability to put forward a motion of deferral at any time during the debate to give the property owner additional time. It was noted that a motion to defer would be dealt with prior to the original motion on the floor and if the motion to defer was defeated then the Committee would continue debate on the original motion.

**MOVED by Councillor Johns, seconded by Councillor Hendsbee that the Appeals Standing Committee defer the appeal of Case #229818, 92 Crichton Avenue, Dartmouth to the next meeting after December 1, 2014.**

The Committee entered into a discussion on the deferral with several members speaking against the motion to defer. Suggestions were made regarding extending the compliance date of the Order to Remedy from 14 days to 30 days or 60 days to give the property owner more time to comply with the Order, which many members indicated they could support.

**MOTION TO DEFER PUT AND DEFEATED.**

The original motion "that the Appeals Standing Committee allow the appeal of Case 229818, 92 Crichton Avenue, Dartmouth" continued on the floor for debate.

Ms. MacDonald, Solicitor, provided additional clarification around the process for putting forward a motion in the positive to allow the appeal, as outlined in Administrative Order One. She indicated that in the event the motion was defeated, the Committee has the ability, by way of motion, to instruct staff not to enforce the Order for a longer period of time than is identified in the current Order.

**MOTION PUT AND DEFEATED.**

The motion "to allow the appeal" having been defeated the Order to Remedy issued May 23, 2014 continues in effect.

**MOVED by Councillor McCluskey, seconded by Councillor Johns that the compliance date of the Order to Remedy issued May 23, 2014 be extended from fourteen (14) days to thirty (30) days from the date of the Committee's decision. MOTION PUT AND PASSED.**

The Committee recessed at 11:11 a.m. and reconvened at 11:16 a.m. without Councillor Mosher in attendance.

**9.3.2 Case #213814, 4124 Highway 7, Porters Lake**

The following was before the Committee:

- A staff recommendation report dated June 17, 2014
- Photographs and submission received from John Day

Mr. Trevor Oliver, Compliance Officer delivered an overview of the June 17, 2014 staff report in regard to an accumulation of debris; presenting photographs of the property in question. During the presentation Mr. Oliver noted for the Committee's information that there was also a land activity case for a possible construction business operating out of this property. The property owner had indicated that he was in the construction industry and HRM staff had asked the owner to disclose details about the possible construction related work that takes place on the property and apply for a permit.

Councillor McCluskey sought clarification around any waterways in proximity to the property. Mr. Oliver confirmed there was a stream that goes through the acreage of the property. He had contacted an environment inspector and sent photos regarding concerns he had with water flowing into the culverts and was advised that their department would review. In response to a further question raised, Mr. Oliver was unsure where the stream routed to, but indicated it was in the Porters Lake area and from the property online photos there were two streams that spread throughout various properties.

In response to questions raised by Councillors McCluskey and Councillor Hendsbee on what materials were visible from Highway 7, Mr. Oliver referred to the photograph of the front of the property. He spoke to the two vehicles shown in the photo that were not deemed derelict. He confirmed that the two vehicles were in fair condition but had been sitting for an extended period of time, and noted the property was large and the materials were located further back in the woods.

In response to a question around process, Ms. Tanya Phillips, Manger of By-law Standards advised that once HRM enters the property to conduct a site inspection, compliance officers are bound to address any violations that are dangerous and/or unsightly on the property. Ms. Phillips provided additional clarification that there were two Orders of Remedy issued on August 9, 2014 but that Case #213814 focuses on debris violations and Case #213815 deals with derelict vehicles; both of which are unsightly matters.

Councillor Mosher entered the meeting at this time but was ineligible to vote on this case.

Councillor Karsten asked if the land use issues were being dealt with, to which Ms. Phillips confirmed that there was an open and active investigation for the land use case.

The Chair called for the appellant to make their presentation at this time.

Mr. John Day, Appellant confirmed he was the property owner of 4124 Highway 7, Porters Lake where he resides with his family. Mr. Day presented photographs of the property taken on July 9, 2014 which were placed on Elmo for the Committee's information and are on file. He stated that the property was approximately 16 acres of densely treed land and was zoned Rural Enterprise which allows for among



other things outdoor storage. His property has visible signs posted throughout stating '*no trespassing*', '*private property*' and '*private drive*'. Mr. Day indicated that he uses his property for mechanical purposes such as fabrication, light welding, vehicle repair, water craft repair, etc. This work is only done on his own vehicles and machines and for family members. He noted that he tries to keep light parts and medals of different shapes and sizes onsite for fabrication and repair. Winter and summer wheels and tires are also stored onsite for the vehicles. Mr. Day stated that he was a private sector construction worker and works 10 to 14 hours a day, 5 days a week. He noted that all of the trucks and machines he owns were for personal use such as gathering/processing fire wood and recreational or private property use, and were not licensed for the road. Mr. Day added that in early spring of each year after the ice had melted they start a spring cleanup. On weekends they move all unwanted and non-necessary vehicles and materials as soon as the highway road closure has been removed.

Mr. Day spoke to the chronology of events and being issued a notice of being in violation on July 4, 2013. Since that time, he had spoken with the compliance officer and By-law Standards staff in attempt to find a solution. Mr. Day expressed that he had made an effort to explain to HRM staff that he was not in violation as the property was zoned Rural Enterprise and outdoor storage was permitted in enclosed areas such as trees or fencing. Mr. Day noted that he has continued to remove unwanted materials and vehicles but as he works in from daylight to dark he only had the weekends to rectify the situation. In late September he phoned By-law Standards seeking a detailed list of what needed to be removed and received a letter and photographs; Appendix G of the June 17, 2014 staff report. Mr. Day suggested that information provided seemed to be incomplete but that he continued to clean up the property. On October 7, 2013 he phoned the compliance officer to advise he was in compliance and a site inspection was conducted on October 10, 2013; the compliance officer having not been satisfied, Mr. Day asked for more time. On December 3, 2013 Mr. Day was advised he would have more time and he asked HRM staff for a detailed list of what was required to be removed. Mr. Day spoke to the harsh winter and how he had again asked the compliance officer for a detailed list of the items required for removal on May 14, 2014. The compliance officer advised Mr. Day that he was not required to provide a list of the items for removal. Mr. Day explained that after speaking with Councillor Hendsbee and receiving emails from HRM staff, Mr. Day sent an email to Ms. Phillips requesting the list of materials to be removed, which he has not received to date. Mr. Day submitted a copy of the email he sent to staff June 1, 2014 for the record. He further provided a drawing of the lay of the land and a log of the vehicles and materials he has removed from April 13, 2013 to July 5, 2014, which were placed on Elmo for the Committee's information and submitted for the record. Mr. Day closed by pointing out the materials on his property are not visible, suggesting that during a site inspection at a neighbouring property the compliance officer crossed over onto his property after noticing materials.

The Chair asked if members of the Committee had any questions of clarification for the appellant.

In response to a question of clarification around Mr. Day's occupation, Mr. Day reiterated that he works for a private contractor and all the machines on his property were for personal use such as collecting fire wood on the property or working on the property.

As shown in one of the photos by Mr. Day, Councillor McCluskey sought clarification around the large waterway. Mr. Day confirmed that there was a large pond and a stream that runs into it. He indicated that the stream runs continuous until it reaches the sea. She asked if he was concerned with potential contamination, to which Mr. Day responded that he ensured that the materials are not kept near the water.

Councillor McCluskey sought further clarification around the log of materials and vehicles removed in 2013-2014 as provided by Mr. Day, which he confirmed were removed. He further confirmed that there were two antique vehicles, a 1968 Bel Air and a 1967 Chrysler New Yorker onsite.

Mr. Day further confirmed that he had been a stock-car driver in the past and that was the reason why some of the vehicles were onsite. He elaborated that he fixes up vehicles for his family members, and as his family changed vehicles he would remove the vehicle used for parts from the property. Mr. Day further confirmed that some of his children live in town and he stores their tires onsite.

Councillor Hendsbee asked Mr. Day to confirm the photograph presented by staff respecting the old green truck and associated apparatus used for collecting firewood. Mr. Day explained that the apparatus was an Oxford Mill which requires a large amount of power to run it. The green truck was the power plant for the mill. He recently covered the mill in order to protect it from vandalism. He noted that he has had an issue with vandalism and theft of stored vehicles and other components and had tried to put things out of sight from people who may venture onto the property. Mr. Day further added that the mill was not run on the property at this time as it is operated on another site and was strictly stored on his property.

**MOVED by Councillor Hendsbee, seconded by Councillor Craig that the Appeals Standing Committee allow the appeal of Case #213814, 4124 Highway 7, Porters Lake as required under Administrative Order One, Section 25 (8A).**

In response to a question around process, Ms. Phillip clarified that if the appeal was granted the case would be closed for the Order to Remedy issued August 9, 2013 respecting debris. In regards to the questions around the mill, Ms. Phillips reminded the Committee that the case before them was in regards to debris.

Councillor Karsten asked Mr. Oliver to remind the Committee of the main issues around debris. Mr. Oliver expressed that the materials were disorganized and were not stored in any tidy or strategic manner; items were rusted and stuffed into wooded areas. He confirmed that the debris included the mound of wire shown in one of the photographs he presented.

Councillor Karsten stated that the Committee recognized and understood that the property is located in a rural area but that there had to be a balance for how properties look, regardless of if they are in rural, suburban or urban areas. He commented that there were elements that staff have identified as unsightly that he agreed should be part of the spring clean-up and removed. He was uncomfortable with the appeal being granted and the case being closed and allowing the appellant to either leave the materials as is or to continue with the clean-up and asked Mr. Day to speak to this. Mr. Day stated that there are materials onsite, located where he has a building permit for the purpose of making a home for his daughter. Councillor Karsten reiterated that it was his view that the materials were debris and would not be supporting the motion.

Councillor Hendsbee stated that this property was zoned Rural Enterprise, approximately 16 acres between Lake Echo and Porters Lake, off Highway 7 and was not visible to people in a public area or streets. Mr. Day is a general contractor and mechanic and fixes/repairs things. Mr. Day has a variety of heavy equipment onsite that he uses for other purposes and is resourceful in reducing, reusing and recycling materials. Mr. Day also has a large amount of firewood and scrap wood onsite that he uses as a fuel source, and stock piles building materials and usable metal materials that can be reused for other construction sites. Councillor Hendsbee saw this matter as an issue of a person's property and questioned the degree of keeping it in an orderly fashion. He commented that this was rural living and supported the granting of the appeal.

Councillor McCluskey suggested that even in rural living, staff would not consider the condition of this property to be the standard within the community for how properties are kept, to which Ms. Phillip responded that the Councillor was correct. Councillor McCluskey was not in support of the motion, she recognized that Mr. Day was a busy man but expressed that he could not possibly be using all of the materials onsite.

**MOTION PUT AND DEFEATED.**

The motion "to allow the appeal" having been defeated the Order to Remedy issued August 9, 2013 continues in effect.

Councillor Karsten exited the meeting at this time.

**9.3.3 Case #213815, 4124 Highway 7, Porters Lake**

The following was before the Committee:

- A staff recommendation report dated June 17, 2014

Mr. Trevor Oliver, Compliance Officer delivered an overview of the June 17, 2014 staff report in regard to derelict vehicles; presenting photographs of the property in question.

The Chair asked if members had any questions of clarification from staff, of which there were none.

The Chair called for the appellant to make his presentation.

Mr. John Day, Appellant indicated that the vehicles in question were all part of collecting wood and are not used on a day-to-day or week-to-week basis, and would rust while sitting outside. The international vehicles has an engine on the back, which is a power plant related to the mill. He noted that the snowmobiles work and are stored outside.

The Chair asked if the Committee had any questions of clarification for the appellant.

In response to questions raised, Mr. Day clarified that the vehicles were not required to be licensed or inspected under the Nova Scotia Law while being used on private property. He clarified that he could take the vehicles to another private property at the land owner's request. In regards to the truck with the missing door, Mr. Day reiterated that there was an engine on the back that was used as a power plant to run the mill.

**MOVED by Councillor Hendsbee, seconded by Councillor Whitman that the Appeals Standing Committee allow the appeal of Case #213815, 4124 Highway 7, Porters Lake as required under Administrative Order One, Section 25 (8A).**

Councillor Hendsbee spoke to the vehicles being used onsite to harvest firewood and which could be taken to another site for the same use. He indicated that even though the snowmobiles may look derelict they are functional and are used for personal use on the property. The Councillor commented that the vehicles are not in sight of any other property or seen from Highway 7. Councillor Hendsbee indicated that Mr. Day should have the right to keep the vehicles onsite.

Councillor McCluskey did not support the motion, expressing concern with the waterway on the property and the possibility of contamination from the derelict vehicles and looking at the standards within the community for maintaining properties.

Mr. Day clarified that the vehicles were kept well away from any waterways so there was no concern by the Department of Environment. He added that environment staff conducted a site inspection and were satisfied. Mr. Oliver confirmed that he had contacted an inspector with Environment Canada and sent them a few photographs of the materials/vehicles and explained his concerns with the stream and was advised that the inspector would look into the matter. Mr. Oliver confirmed that he was still awaiting the results from the environment inspector's review.

In response to a question raised around community standards, Mr. Day expressed that his lawn was maintain the same as his neighbours but that neighbours with smaller lots would not have the same uses for their property as he does such as cutting and processing fire wood, and storing the wood under tarps to keep it dry.

**MOTION PUT AND DEFEATED.**

The motion "to allow the appeal" having been defeated the Order to Remedy issued August 9, 2013 continues in effect.

In response to a question raised, Ms. Karen MacDonald, Solicitor provided clarification around Administrative Order One and the motion being put in the affirmative; confirming that if the vote was tied, the motion would be lost/defeated.

Councillor Hendsbee questioned the process around Mr. Day keeping some of the vehicles that were identified as apparatuses to operate the mill. Ms. Phillips advised that the vehicles identified as derelict are to be removed from the property but suggested that Mr. Day could speak with the compliance officer following the meeting.

#### **9.4 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES APPEALS**

##### **9.4.1 Appeal of Mr. Clarence Findlay – Revocation of Driver License**

The following was before the Committee:

- A staff recommendation report dated June 6, 2014
- A submission from Clarence Findlay

The Chair asked if the appellant was present, which they were.

The Chair advised that Mr. Clarence Findlay, Appellant had submitted a request to have his appeal of the revocation of his vehicle for hire driver licence #R124 be held In Camera; as outlined in his submission received by the Clerk's Office July 9, 2014, to which the Committee agreed.

The Committee further agreed to address Item 9.4.2 Appeal of Ms. Cynthia Conrod – Refusal of Applicant prior to moving into In Camera.

The appeal of Mr. Clarence Findlay was later ratified during the regular session, see page 11.

##### **9.4.2 Appeal of Ms. Cynthia Conrod – Refusal of Application**

The following was before the Committee:

- A staff recommendation report dated June 9, 2014

The Chair confirmed that the appellant was present.

Mr. Kevin Hindle, Supervisor Regional Licensing provided an overview of June 9, 2014 staff report.

The Chair asked if there were any questions of clarification for staff, of which there were none.

The Chair called for the appellant to present their appeal.

Ms. Cynthia Conrod, Appellant stated that she was before the Committee to show that she had changed and was looking to obtain an HRM vehicle for hire license. She recognized that she previously had a bad driver's abstract with many speeding and parking tickets. Ms. Conrod explained that she had gone through a hard number of years that led to high stress, which she had never previously experienced. This affected her health and not paying attention to important things; not focusing in many areas of her life, including her driving habits. She noted that her finances have decreased due to the real estate market being where it was since 2007. Since this time she had changed many things in her life, one being her health. Ms. Conrod spoke to her daily walks at Shubenacadie Park and Rainbow Haven to keep her stress down and being taken off blood pressure pills. Ms. Conrod had also started thinking of new carrier choices such as driving a limo, which she has looked into over the past two years and recognized the problems she had caused through her speeding and parking tickets. She spoke to the large amount of money she had spent paying these tickets and her driver's abstract affecting her car insurance rates. Ms. Conrod indicated that she had worked to pay everything off and had taken her Class 4, along with a beginner's driver course again with her 16 year old daughter. Ms. Conrod realized that she does not want

her daughter to go through what she has gone through and has been teaching her about the driving rules, which has helped her recognize that she had not been paying attention to the speed limits.

Ms. Conrod spoke to her love of driving and being a people person and meeting new people, and showing them around this beautiful city through this career. She stated that through perseverance, determination and a positive attitude things have turned around for her. Ms. Conrod highlighted that she was a single mom of two kids and how her daughter had graduated high school and now attends Dalhousie. Ms. Conrod was looking at this career to help pay her daughter's way through university. Ms. Conrod also spoke to her involvement with her church over the past three years and volunteering for Habitat for Humanity and the Abilities Foundation through her current job. Ms. Conrod expressed that she was not a reckless driver even though her record shows many tickets. She spoke to the various tickets she had received on Highway 103, Highway 7, Truro and on the way to the bridge; pointing out the speed reduces on Highway 7 to 80 kilometres per hour, and near the bridge the speed reduces quickly from 80 to 50 kilometres per hour. She wanted the Committee to know that she was not a reckless driver and had been speeding but had not exceeded the limit by a great deal. Ms. Conrod thanked the Committee for a chance to appeal, reiterating her comments around how she has changed and asked the Committee for their support and to have a chance to prove that she could drive and not receive tickets.

The Chair asked if members of the Committee had any questions for the appellant, of which there were none.

Councillor McCluskey asked a question of staff around the timeframe of Ms. Conrod's application being reconsidered until such time she was able to produce a clean driver's abstract, free of violations and suspensions. Mr. Hindle suggested that if Ms. Conrod was able to produce a driver's abstract clear of violations for a 12 month period, staff would then be able to reassess an adequate application. In response to Ms. Conrod's request to the Committee to prove herself, Councillor McCluskey suggested that the 12 month period recommended by staff would provide her this opportunity. In follow up to this, Mr. Hindle suggested that the 12 month period could be from the date her last driver's abstract was reviewed.

**MOVED by Councillor McCluskey, seconded by Councillor Craig that the Appeals Standing Committee allow appeal of Cynthia Conrod and overturn the decision of the Licencing Authority to refuse her application to obtain an HRM vehicle for hire driver license. MOTION PUT AND DEFEATED.**

The motion "to allow the appeal" having been defeated the decision of the Licensing Authority dated May 12, 2014 continues in effect.

**MOVED by Councillor Craig, seconded by Councillor McCluskey that the Appeals Standing Committee direct staff to review Ms. Cynthia Conrod's application to obtain an HRM vehicle for hire driver license following a twelve (12) month period from the date of the Committee's decision. MOTION PUT AND PASSED.**

The evaluation is to determine a clean driver's abstract for a 12 month period.

The Committee recessed at 12:14 p.m. and moved into In Camera.

The Committee reconvened its regular session at 12:44 p.m. without Councillors Johns, Karsten or McCluskey in attendance.

#### **9.4.1 Appeal of Mr. Clarence Findlay – Revocation of Driver License**

This matter was addressed during the In Camera session and was before the Committee for ratification.

**MOVED by Councillor Hendsbee, seconded by Councillor Craig that the Appeals Standing Committee allow the appeal of Clarence Findlay and overturn the decision of the Licensing Authority to revoke his vehicle for hire driver license #R124. MOTION PUT AND PASSED.**

**10. MOTIONS – NONE**

**11. IN CAMERA – NONE**

**12. ADDED ITEMS – NONE**

**13. NOTICES OF MOTION – NONE**

**14. DATE OF NEXT MEETINGS – August 14 and September 11, 2014**

The Committee agreed to cancel their August 14, 2014 meeting.

**15. ADJOURNMENT**

The meeting was adjourned at 12:47 p.m.

Krista Vining  
Legislative Assistant