



**APPEALS STANDING COMMITTEE
MINUTES
October 9, 2014**

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

REGRETS: Councillor Steve Craig, Vice Chair
Councillor Brad Johns

STAFF: Ms. Tanya Phillips, Manager, By-law Standards
Mr. Randolph Kinghorne, Solicitor
Mr. Quentin Hill, Legislative Assistant
Ms. Krista Vining, Legislative Assistant

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

*The agenda circulated to the Appeals Standing Committee is available online:
<http://www.halifax.ca/boardscom/SCappeals/Appeals141009.php>*

The meeting was called to order at 10:01 a.m., and adjourned at 11:36 a.m.

1. CALL TO ORDER

The meeting was called to order at 10:01 a.m.

2. APPROVAL OF MINUTES – September 11, 2014

MOVED by Councillor McCluskey, seconded by Councillor Adams that the September 11, 2014 minutes be approved, as presented. MOTION PUT AND PASSED.

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

Deletions:

9.1.1 Case#232797, 35 Back Lane, Terrence Bay (demolition completed)

MOVED by Councillor McCluskey, seconded by Councillor Mosher that the agenda be approved, as amended. 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 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

9.1.1 Case #232797, 35 Back Lane, Terrence Bay

The following was before the Committee:

- A staff recommendation report dated September 24, 2014

This matter was deleted from the agenda during the approval of the Order of Business.

9.1.2 Case #200025, 1039 Old Sackville Road, Middle Sackville

The following was before the Committee:

- A staff recommendation report dated September 29, 2014

The Chair confirmed that the appellant was present.

Ms. Theresa Hickey, Compliance Officer, By-law Standards provided an overview of the September 29, 2014 staff report; presenting photographs of the property in question.

The Chair asked if the Standing Committee had any questions of clarification for staff. Members had no questions at this time.

Mr. Daniel Nagle, Appellant indicated that he was reluctant to tear down the building but would do so in the next two weeks and had the necessary equipment to complete the demolition.

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

Councillor McCluskey asked Mr. Nagle why it had taken him so long to demolish the building. Mr. Nagle spoke to the building having been on the property before his home was built and agreed that it was old and beyond being maintainable. He further noted that he had applied for the necessary permits to demolish the building.

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey 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 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 complaint 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 Hendsbee commented on the style and design of the building being from either the late 1800's or early 1900's and suggested that it be photographed/documentated and the photos given to the local heritage group. Ms. Tanya Phillips, Manager, By-law Standards indicated that she would forward this suggestion to Community and Recreation Services staff to follow up with the property owner.

In response to a question raised, Ms. Phillips provided clarification around the process of HRM completing the demolition should the property owner not do so with the 30 day time period.

In regard to documenting the building for heritage purposes, Mr. Nagle confirmed that the building had been previously photographed and published in a Sackville community book.

MOTION PUT AND PASSED.

9.2 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

9.2.1 Case #233284, 13 Dover Court, Dartmouth

The following was before the Committee:

- A staff recommendation report dated September 29, 2014

The Chair confirmed that the appellant or representative was not present.

Mr. Steven Berkman, Compliance Officer, By-law Standards provided an overview of the September 29, 2014 staff report; presenting photographs of the property in question. It was noted that First National Financial GP Corporation has started the process to foreclose on the property.

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

In response to questions raised, Mr. Berkman clarified that as the matter was being brought forward to the Standing Committee for consideration, First National had started the process to foreclose on the property but that the property owner had filed an appeal and was still the official owner of the property. Ms. Tanya Phillips, Manager, By-law Standards spoke to a pending lien note being on the property and HRM's notification process should there be a change in ownership. Mr. Berkman added that he had contacted First National and received confirmation that the property would be cleaned up within two weeks of the bank taking ownership of the property.

MOVED by Councillor Adams, seconded by Councillor Mosher that the Appeals Standing Committee allow the appeal of Case #233284, 13 Dover Court, Dartmouth as required under Administrative Order One, Section 25 (8A).

Councillor Adams urged members to vote against the motion.

MOTION PUT AND DEFEATED.

9.2.2 Case #219601, 286 Cooks Brook Road, Elderbank

The following was before the Committee:

- A staff recommendation report dated September 30, 2014

The Chair confirmed that the appellant was present.

Mr. Trevor Oliver, Compliance Officer, By-law Standards provided an overview of the September 30, 2014 staff report; presenting photographs of the accessory building in question on the property. It was noted that the area is a farming community.

The Chair asked if the Standing Committee had any questions of clarification for staff. Members had no questions at this time.

Mr. Tom Tapper, Appellant spoke to the chronology of events over the past year and his discussions with Mr. Oliver. Mr. Tapper indicated that a compliance officer, not Mr. Oliver, had gone to his property after noticing the front door was open while conducting a site inspection at a neighbouring property. The officer contacted Mr. Tapper regarding the break-in and informed him to fix the door and cut the grass. Mr. Tapper had asked the compliance officer if he had contacted police, which he had not. Mr. Tapper explained that he then contacted police to report the break-in. Mr. Tapper went on to clarify that the two cars in back of his property were not visible from the road and had been there since 1995. He explained that it took time to address the issue of removing the cars as the ground had been too wet and the challenges he had due to the location and being too busy to get someone to the property. In regard to the two fishing boats in the driveway, Mr. Tapper explained that one boat had been chopped up and he suspected that this was what drew the compliance officer to go to his property. Mr. Tapper spoke to his taxi licence having been revoked which was his main source of income and how he has been working part-time with his son on a food truck and did what he could afford to clean up his property. He agreed that the house needed to be scrapped and painted and that the shed in the back needed to be torn down. Mr. Tapper spoke to how the people hired to clean up his property had torn up the backyard. Mr. Tapper commented that his relationship with Mr. Oliver has gone downhill over the past year and how he was receiving calls from Mr. Oliver every week and a half. Recently, Mr. Oliver had contacted him to fix a broken window, which Mr. Tapper confirmed has been done but other maintenance issues at the cottage were taking longer to address. He explained that the cottage was located in the middle of farming county and how Mr. Oliver had shown him no compassion, provided short timelines and again had been calling him weekly over the past year. Mr. Tapper reiterated his financial challenges over the last five years and sought compassion as he had been unaware of certain HRM rules or the Charter. Mr. Tapper referenced Section 11(a) of By-law D-300 respecting Derelict Buildings: *buildings activity used for seasonal purposes shall not be subject to the provisions of this by-law; cottages and other recreational dwelling units and their accessory buildings.* Mr. Tapper again agreed that work on his property had to be done but questioned why the Order to Remedy was posted relative to By-law D-300.

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

At the request of Councillor McCluskey, Mr. Oliver reviewed the photos of the property in question.

Councillor McCluskey questioned how far neighbouring properties were from Mr. Tapper's property. Mr. Oliver advised that there were not a lot of homes close to the property in question but that there was a

house behind and to the right of Mr. Tapper's property approximately a minute's walk, as well as a home around the corner and up the road from Mr. Tapper's property.

In response to a question raised, Mr. Tapper responded that he used the cottage with his family and during hunting season. He further confirmed that when visiting the property a travel trailer was set up.

Councillor Hendsbee asked the applicant what would be the impact of demolishing the building. Mr. Tapper stated that it would be a significant loss. He noted that the property was given to him and his wife as a wedding present 35 years ago and that they had lived in the building for the first 15 years of their marriage. He wanted to do repairs and was looking to do so within the next few weeks depending on the Committee's decision and the weather. Mr. Randolph Kinghorne, Senior Solicitor reminded the Standing Committee that the appeal was to address the matters outlined in the Order to Remedy Dangerous or Unightly Premises issued August 5, 2014 and that demolition was not relevant to the appeal. Ms. Tanya Phillips, Manager of By-law Services read the matters to be remedied as outlined in the Order, Appendix D of the September 30, 2014 staff report.

Councillor Karsten entered the meeting at this time but was ineligible to vote.

In response to a question regarding painting, Ms. Phillips made reference to the time of the year and weather and how staff would be looking for Mr. Tapper to start the process of cleaning up the property should the Committee deny his appeal.

MOVED by Councillor Hendsbee, seconded by Councillor Adams that the Appeals Standing Committee allow the appeal of Case #219601, 286 Cooks Brook Road, Elderbank as required under Administrative Order One, Section 25 (8A).

In response to a follow up question around timing, Ms. Phillips advised that the August 5, 2014 Order specified 60 days for the property owner to complete the work. If the Standing Committee denied the appeal, staff would speak with Mr. Tapper on the timeline with an understanding and expectation of Mr. Tapper to be working at the property on the repairs during the fall and painting in the spring.

Councillor McCluskey questioned the compliance officer visiting the property in question as the process was complaint driven. Ms. Phillips indicated that the compliance officer had received a complaint at the nearby property and during that time observed Mr. Tapper's property and was required to issue action to remedy.

MOTION PUT AND PASSED.

9.3 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES APPEALS

9.3.1 Appeal of Ahror Mamadiev – Suspension of Taxi Driver License

The following was before the Standing Committee:

- A staff recommendation report dated September 16, 2014

The Chair confirmed that the appellant and his representative were present.

The Chair confirmed, through Mr. Mamadiev's representative, that Mr. Mamadiev was requesting that his appeal of the suspension of his taxi driver license be held In Camera due to the nature/sensitivity of the matter.

MOVED by Councillor Adams, seconded by Councillor Mosher to move in camera to address the appeal of Ahror Mamadiev – Suspension of Taxi Driver License. MOTION PUT AND PASSED.

The Standing Committee convened into in camera at 10:44 a.m. and reconvened at 11:33 a.m. without Councillor McCluskey in attendance.

10. MOTIONS

10.1 Councillor Hendsbee

This matter was brought forward as a Notice of Motion during the Appeals Standing Committee's September 11, 2014 meeting.

MOVED by Councillor Hendsbee, seconded by Councillor Karsten that the Appeals Standing Committee request a staff report outlining what authority or purpose the Municipality has to serve any Order to Remedy to Federal and/or Provincial properties.

Councillor Hendsbee provided an example of the Nova Scotia Department of Transportation having received an Order to Remedy Dangerous or Unightly Premises from HRM and the potential for damage to working relationships. He questioned what authority HRM has to serve Orders to Remedy to Federal and/or Provincial properties.

Councillor Mosher spoke in support of the motion and identifying the options for addressing matters such as graffiti on public buildings and enforcement.

MOTION PUT AND PASSED.

- 11. IN CAMERA – NONE**
- 12. ADDED ITEMS – NONE**
- 13. NOTICES OF MOTION – NONE**

- 14. DATE OF NEXT MEETING – November 13, 2014**

- 15. ADJOURNMENT**

The meeting was adjourned at 11:36 a.m.

Krista Vining
Legislative Assistant