



**APPEALS STANDING COMMITTEE
MINUTES
March 12, 2015**

PRESENT: Councillor Matt Whitman, Chair
Councillor Steve Adams, Vice Chair
Councillor Russell Walker
Councillor Gloria McCluskey
Councillor David Hendsbee
Councillor Brad Johns

STAFF: Ms. Tanya Phillips, Manager, By-law Standards
Ms. Karen MacDonald, Solicitor
Ms. Jennifer Weagle, Legislative Assistant
Mr. Mark Prosser, Compliance Officer, Municipal Compliance
Ms. Tamar Pryor-Brown, Compliance Officer, Municipal Compliance

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/appeals150212agenda.php>*

The meeting was called to order at 10:00 a.m., and adjourned at 11:34 p.m.

1. CALL TO ORDER

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

1.1 Appeals Standing Committee Membership

As per the direction of Regional Council of January 27, 2015, that the Appeals Standing Committee determine which six members will remain to constitute membership for this two year term, the following motion was approved:

MOVED by Councillor McCluskey, seconded by Councillor Adams, that the Appeals Standing Committee confirm the membership of the Committee for the following two year term to be made up of Councillors Whitman, Johns, Adams, Walker, McCluskey and Hendsbee. MOTION PUT AND PASSED.

2. APPROVAL OF MINUTES – February 12, 2015

MOVED by Councillor Walker, seconded by Councillor McCluskey, that the minutes of February 12, 2015 be approved as circulated. MOTION PUT AND PASSED.

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

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

4. BUSINESS ARISING OUT OF THE MINUTES

An Information Updated of Demolition Orders issued by the Appeals Standing Committee dated March 12, 2015 was circulated to members.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case #202675, 3 Mercury Avenue, Harrietsfield

The following information was before the Committee:

- A supplementary staff report dated February 23, 2015.
- Photos submitted by the property owner.

Mr. Mark Prosser, Compliance Officer, Municipal Compliance, indicated that this matter was last before the Appeals Standing Committee on January 8, 2015, and presented the supplementary report to the Committee, showing images of the property. Mr. Prosser indicated that there has been no change to the property since January and he has been unable to speak with the property owner since February, despite several attempts.

Responding to questions from Councillor McCluskey, Mr. Prosser advised that the property owner has access to heavy equipment, and clarified that the fence and small barn have been demolished as ordered, and the demolition materials were placed in the riding arena.

Mr. Roger Rehberg, property owner of 3 Mercury Drive, Harrietsfield, advised that he took down the small barn and the fence and kept the wood from the fence. He disputed the condition of the small barn, indicating that it was in fine shape and shouldn't have been demolished, although he complied with the order to satisfy the Committee, the Compliance Officer, and his neighbours. Mr. Rehberg indicated that he was only ordered 10 days ago to hire a structural engineer to assess the main building. He noted that he has a backhoe but couldn't leave it on the property with the weather. Mr. Rehberg commented that the exterior of the house is secure, and all lower level windows have been boarded. He indicated that the roof has been fixed and the column on the front of the house has also been secured, although there hasn't been much done inside because of difficulties accessing the house due to the weather. Mr. Rehberg indicated he has plans for the property and several hundred thousand dollars invested in the house, and he needs about a year to continue to make repairs and renovations.

Councillor Adams indicated that the motion passed by the Committee in January 2015 was very clear that the property owner was to commence with repairs and submit a renovation plan. Mr. Rehberg clarified that he needs to have the structural engineer assess the property before he can submit renovation plans.

MOVED by Councillor Johns, seconded by Councillor Adams, 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 Dwelling, 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.

Responding to questions from Councillor McCluskey, Mr. Rehberg advised that Grigg's Engineering in Enfield is the structural engineering firm has hired.

At the request of Councillor Adams, Mr. Prosser reviewed the chronology of contact with Mr. Rehberg, as set out in the supplementary report. Mr. Prosser clarified that the last time he attended the property was March 9, 2015. Mr. Rehberg indicated that he was last on the property on March 4 and March 10, 2015.

Ms. Tanya Phillips, Manager, By-law Standards, clarified that an Order to Comply dated February 20, 2015, issued by HRM Building Standards, was sent to Mr. Rehberg, which ordered him to provide a structural analysis report and sets out the requirements of this report. Mr. Michael Morgan, Building Official, Building Standards, the officer who issued the Order to Comply, clarified that the order was sent by registered mail to Mr. Rehberg and required that the structural analysis report be conducted by a professional engineer.

Mr. Rehberg advised that when he received the Order 10 days ago, he contacted Grigg's Engineering but they were unable to attend the property before today. Mr. Rehberg submitted a letter from Grigg's Engineering and photos to circulate to the Committee. Mr. Rehberg questioned the contents of the January 9, 2015 letter sent to him by registered mail, earlier referenced by staff at this meeting, and whether he had received this letter. Staff showed a copy of the letter to Mr. Rehberg, who indicated he may or may not have received it.

At the request of the Committee, Ms. Phillips reviewed the process that would take place should the Committee approve the demolition order, noting that an inspection would be conducted and if significant work had not commenced, the demolition would take place within 30 days of the inspection and the property owner would be billed.

Mr. Rehberg commented that he had a bad tenant living in the house, and he needs more time to make the necessary repairs.

Councillor Johns expressed frustration with the difficulty for the Committee to apply consistent decisions when the direction of the Committee is not followed. He commented that he has seen worse states of structures before the Committee, and can see the potential in this house. He continued that he would not like to see the building demolished if there is a chance to fix it, and encouraged the Committee to consider a further extension.

In response to questions from Councillor McCluskey, Mr. Rehberg indicated that it would cost him approximately \$50,000 to bring the house up to standard, and he and his employees would do most of the work themselves.

Ms. Karen MacDonald, Solicitor, clarified that if the motion on the floor is approved, then the building would be demolished. If the motion on the floor is defeated, then the case will be closed. She suggested that if the Committee wished to consider a deferral, a motion to defer would need to be put forward, and debated.

Councillor Adams requested that the Legislative Assistant review the recording from the January 8, 2015 meeting to obtain the specific direction that was given to Mr. Rehberg at that time, specifically around page 7 of the January 8th minutes, in particular the paragraph that starts with "In regard to the photos presented by staff...".

Responding to questions from Councillor Adams regarding the origin of this matter coming to the attention of Municipal Compliance staff, Mr. Prosser indicated that Community Police Officers had complained about access to the building, and in particular about a bag of needles found on the property. He also advised that staff had been approached by neighbours with concerns about debris being dumped on the property.

Councillor Walker spoke in support of the motion to demolish the dwelling, citing the property owner's refusal to work with staff, previous opportunities, and lack of progress on renovations to the property.

MOVED by Councillor Johns, seconded by Councillor Hendsbee, that Case #202675, 3 Mercury Avenue, Harrietsfield, be deferred for four months to be considered at the July 9, 2015 meeting of the Appeals Standing Committee, with conditions that the property owner be directed to work with staff and during that time the property owner commence with the extensive renovations and repairs to the building and submit a renovation plan to the Committee, along with a signed letter by a certified structural engineer indicating that the building is structurally sound.

The Committee debated the motion to defer, reinforcing to Mr. Rehberg the importance of keeping in contact with staff, and that this will be his last opportunity to show the Committee progress on the renovations to the property.

Councillor Adams inquired of Mr. Rehberg what his plans would be if the case were deferred to July. Mr. Rehberg advised that he would have a structural engineer attend the property and complete a renovation plan. He advised he would replace the bad insulation, replace flooring, have an electrician install a new electrical panel, and install heat pumps and gyprock.

Mr. Sergio Grbac, Supervisor, Municipal Compliance, suggested that if the Committee wished staff could tie this case into approved inspections, so that an inspection and report would be prepared at various steps of construction (plumbing, electrical, framing, drywall, etc.). At the request of the Committee, Mr. Grbac gave his opinion that four months is an aggressive timeframe to get this property to the drywall stage.

Mr. Rehberg indicated he would rather have six months to complete the work, but will try his best.

MOTION TO DEFER LOST (3 in favour, 3 against).

With the agreement of the mover, Councillor Adams put forward an amendment to the main motion, that the time frame in the main motion be amended from 30 days to 120 days, as follows:

MOVED by Councillor Adams, seconded by Councillor Walker, 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 Dwelling, 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 ONE HUNDRED TWENTY (120) 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.

Ms. Phillips clarified that if the amended motion is passed, that this matter will not be coming before the Committee again and that in July staff will determine whether demolition is an appropriate course of action at that time. She indicated that staff will continue to provide the Committee with updates, as is the practice with all demolition orders.

MOTION PUT AND PASSED.

7.2 Case #243296, 80 Brunt Road, Harrietsfield

The following information was before the Committee:

- A supplementary staff report dated February 23, 2015.

Mr. Mark Prosser, Compliance Officer, Municipal Compliance, indicated that this matter was last before the Appeals Standing Committee on January 8, 2015, and presented the supplementary report to the Committee. Mr. Prosser clarified that this case pertains to the riding arena on the property. He noted that a site inspection was conducted on Monday, and there has been no change to the property since January. He advised that his phone calls have not been returned by the property owner. Mr. Prosser showed photos of the property, explaining that parts of the smaller demolished barn can be seen inside the riding arena, and the walls are now starting to collapse. He indicated that the windows have been boarded up.

Responding to questions from Councillor McCluskey, Mr. Adam Sadler, Building Official, advised that the building continues to deteriorate, although repair is still an option at this point. He clarified that it is a large structure, and although the walls and roof trusses are fine, the corrugated metal and plastic roof needs to be replaced.

Responding to further questions from the Committee, Mr. Prosser advised that no renovations have been started on the arena and a renovation plan has not been submitted. He confirmed that access to the building has been secured.

Mr. Roger Rehberg, property owner, indicated that there has been too much ice and snow to undertake work on the arena, although he does plan to make repairs to the building.

Responding to questions from Councillor Adams, Mr. Rehberg indicated his plans for the building include fixing the windows, replacing rotten fascia boards and plastic panels on the roof. He clarified that the car has been removed from the building.

Councillor Johns cautioned against the Committee setting unrealistic expectations. Mr. Rehberg confirmed that he will be concentrating his time over the next few months on the main house addressed earlier in this meeting. Councillor Johns noted that given the current work load before the property owner, the time of the year, and the fact that the building is secure and structurally sound, he would be in favour of a further deferral of this matter.

MOVED by Councillor Johns, seconded by Councillor Hendsbee, that Case #245613, 80 Brunt Road, Harrietsfield, be deferred for four months to be considered at the July 9, 2015 meeting of the Appeals Standing Committee, with conditions that the property owner be directed to ensure the building is secure and debris is cleaned up inside the structure and from the property.

Responding to questions from the Committee, Mr. Sadler indicated that work that needs to be completed to the building includes repairs and replacement of cladding and roof sheathing materials, to prevent weather, people, and animals from accessing the building. He also noted that a rough plumbing inspection and framing inspection will be required.

Responding to questions from Councillor McCluskey, Mr. Rehberg indicated that he does not plan to keep the plumbing in the building. Mr. Sandler confirmed that since it is not a habitable building, it does not require heating or plumbing services.

MOTION TO DEFER PUT AND PASSED.

The Committee encouraged the property owner to keep in communication with staff and ensure progress is made by July.

7.3 Case #232580, 1306 West Jeddore Road, West Jeddore

The following information was before the Committee:

- A supplementary staff report dated February 24, 2015.

Ms. Tamar Pryor-Brown, Compliance Officer, Municipal Compliance, indicated that this matter was last before the Appeals Standing Committee on January 8, 2015, and presented the supplementary report to the Committee, showing images of the property. Ms. Pryor-Brown reviewed the history of previous Dangerous & Unsightly orders on this property. She indicated that this case relates to an accessory structure on the property, noting that the roof is covered with a tarp, and there is severe deterioration on one side of the structure. Mr. Pryor-Brown remarked that there has been no progress on the structure since the last site inspection.

Councillor Hendsbee commented that it has been a harsh winter, with significant snow and ice, and recommended a deferral to allow the property owner to complete the work in the spring.

Mr. Finlay McInnis, property owner, advised that he spent the last week chopping ice away from building materials he intends to use to repair the structure. He noted that he is seeking an extension to complete the repairs.

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey, that Case 232580, 1306 West Jeddore Road, West Jeddore, be deferred for four months to be considered at the July 9, 2015 meeting of the Appeals Standing Committee, with conditions that the property owner be directed to complete the necessary repairs to the accessory building to bring it into compliance.

Councillor Johns spoke in support deferral. He inquired whether staff thought the proposed extension to be a realistic time frame. Ms. Pryor-Brown indicated that a previous case on this property was given a one year extension, and ended up going two years with no progress. Responding to questions from the Committee, Ms. Pryor-Brown clarified that the original violation was complaint generated.

MOTION TO DEFER PUT AND PASSED.

8. CORRESPONDENCE, PETITIONS & DELEGATIONS

8.1 Correspondence – None

8.2 Petitions – None

8.3 Presentations – None

9. REPORTS
- 9.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS - NONE
- 9.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS - NONE
10. MOTIONS – NONE
11. IN CAMERA – NONE
12. ADDED ITEMS – NONE
13. NOTICES OF MOTION – NONE
14. DATE OF NEXT MEETING – April 9, 2015, 10:00 a.m., Council Chambers, City Hall
15. ADJOURNMENT

The meeting was adjourned at 11:34 p.m.

Jennifer Weagle
Legislative Assistant