



**APPEALS STANDING COMMITTEE
MINUTES
June 11, 2015**

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

REGRETS: Councillor Brad Johns

STAFF: Mr. Randolph Kinghorne, Senior Solicitor
Ms. Tanya Phillips, Manager, By-law Standards, Municipal Compliance
Ms. Jennifer Weagle, Legislative Assistant

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

The agenda for this meeting is available online:
<http://www.halifax.ca/boardscom/scappeals/ASC150611agenda.php>

The meeting was called to order at 10:02 a.m., and adjourned at 11:44 a.m.

1. CALL TO ORDER

The Chair called the meeting to order at 10:02 a.m.

2. APPROVAL OF MINUTES – NONE

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

An Information Update from Municipal Compliance staff dated June 11, 2015 regarding Demolition Orders issued by the Appeals Standing Committee on January 8 and February 12, 2015 was circulated to the Committee.

The Committee was advised by the Legislative Assistant that although item 9.1.4, Case #246185, 21 Colpitt Lake Road, Halifax was deemed in compliance by the Compliance Officer, the Appellant wished to address the Committee with concerns about how the case was handled and the Dangerous or Unsightly Premises By-law. Mr. Randolph Kinghorne, Senior Solicitor, advised that since the case is closed due to compliance, the only issue presently before the Committee is whether it should be removed from the agenda. The Chair suggested that any concerns relating to process should be addressed with staff outside of this meeting.

Deletions:

- 9.1.4 Case #246185, 21 Colpitt Lake Road, Halifax (property in compliance)
- 9.2.3 Case #244181, 16 Highland Crescent, Cole Harbour (property in compliance)

MOVED by Councillor Walker, seconded by Councillor McCluskey, that the agenda be approved as amended.

Two-third majority vote required.

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

Correspondence was received relating to agenda items 9.1.1 and 9.1.4.

8.2 Petitions - NONE

9. REPORTS

9.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

9.1.1 Case #245414, 1358 Shore Drive, Bedford

The following was before the Committee:

- A staff recommendation report dated May 27, 2015.
- Correspondence from Andre Veinotte, P. Eng, ABLE Engineering Services, to Mr. Cam Samson, dated June 10, 2015, submitted by Mr. Cam Samson.
- A rendering of the completed house by Geoff Keddy Architect and Associates Ltd., submitted by Mr. Cam Samson.
- Three photographs of the house under construction, submitted by Mr. Cam Samson.
- Correspondence and photograph from Eva and Dean McFadden.

Ms. Theresa Hickey, Compliance Officer, presented Case No. 245414, 1358 Shore Drive, Bedford, to the Committee.

Ms. Hickey responded to questions of clarification from the Committee, indicating that the building permit for the house is up to date and active.

Mr. Kinghorne reminded the Committee of a recent judicial review decision which concluded that when dealing with premises under construction, it should not be compared relative to other houses in the neighbourhood, but whether it is unsightly in terms of a construction site. He indicated that the standards are different, and ongoing work should be taken into account.

Responding to questions from the Committee, Ms. Hickey clarified that work done to the property since December 2014 is the addition of sheathing, the addition of a garage, and some windows installed.

Mr. Cam Sampson, Project Manager for 1358 Shore Drive, Bedford, representing the property owner, Mr. Khaled Gawdet, circulated photos of the house under construction and an architectural rendering of the completed house to members of the Committee. Mr. Sampson commented that this is not a typical house, indicating that it will be a 15,000 sq. ft. post and beam home with a pool and a 40 foot sunroom on the back. He noted that a time consuming part of the process was acquiring a piece of property and obtaining provincial approval for an engineered septic system. Mr. Sampson advised that this caused delays with the construction schedule, including delaying the pouring of the foundation until the septic system was completed, which was completed in late December 2014. He indicated that the decision was made at that time to wait until spring to get a significant part of the house completed. Mr. Sampson noted that the cladding is not completed because it is a stone façade, which is not something that can be done in the winter. He further noted that they looked at installing an alternative cladding product to satisfy the order, although it was an inferior product and they decided against it. Mr. Sampson indicated that trucks and heavy equipment would not have been able to drive on Shore Drive in March or April of this year because the road was very narrow because of snow banks. He advised that the natural cycle for this construction project is for the installation of the cladding to start soon. Mr. Sampson commented that it is not unreasonable to have a Tyvek exterior on a premises under construction for 60 or 90 days, and that new Tyvek will be installed before the cladding is installed. He noted that he has reacted quickly to issues brought to his attention throughout the construction of the house, and has been in constant communication and cooperation with staff. Mr. Sampson circulated a letter from Andre Veinotte, P. Eng., Able Engineering Services, regarding the sheathing and cladding of the house.

Mr. Sampson responded to questions from members of the Committee, advising that any sheathing that was wet was replaced, and that an engineer has reviewed the exterior on three different occasions. He noted that it is a complex construction project and they want to get it done right. Mr. Sampson also confirmed that contractors on site are bonded and certified, and work has been done to code in accordance with code, and there have been no deficiency issues.

Mr. Sampson clarified that there are up to six different trades working on site most days. He indicated that the exterior will take 90-100 days to finish, and they are within weeks of starting. He also confirmed that construction debris has been cleaned up on the site.

Mr. Sampson further clarified that there is no sewer service on that part of Shore Drive, although there is water service.

MOVED by Councillor Hendsbee, seconded by Councillor Adams, that the Appeals Standing Committee allow the appeal.

Members spoke in support of allowing the appeal, and asked the contractor to be sensitive to the neighbourhood during the remainder of construction.

MOTION PUT AND PASSED.

9.1.2 Case #246987, 255 Waverley Road, Dartmouth (Debris)

The following was before the Committee:

- A staff recommendation report dated May 27, 2015

Mr. Roger Brown, Compliance Officer, By-Law Standards, presented Case No. 246987, 255 Waverley Road, Dartmouth to the Committee. He noted that there are currently two dangerous or unsightly cases open pertaining to this property, and this first case relates to debris.

Mr. Brendan O'Halloran, Appellant and property owner of 255 Waverley Road, Dartmouth, addressed the Committee, advising that the Compliance Officer visited the property this past Tuesday to take the photos that were shown at this meeting, which was the day before compost and recyclables pick-up. He indicated that most of the debris noted was put out for pick up and has been removed from the property. Mr. O'Halloran advised that the tires were put on vehicles or stored in the garage, the patio stones have been laid and the remaining garbage waste will be put out for pick up next week. He further clarified that much of the materials referenced were in his back yard, and on the back deck, and were not visible from the road. Mr. O'Halloran commented that the photos shown by the Compliance Officer of neighbouring properties were not representative of the whole neighbourhood, noting that it is a mixed use neighbourhood with car garages and businesses.

At the request of the Committee, Mr. Brown confirmed that his photographs were taken on Tuesday of this week, and that he has seen improvement on the property. Mr. O'Halloran circulated photos of the property he had taken this morning.

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that the Appeals Standing Committee defer this matter for 30 days. MOTION PUT AND PASSED.

9.1.3 Case #247063, 255 Waverley Road, Dartmouth (Vehicle)

The following was before the Committee:

- A staff recommendation report dated May 27, 2015

Mr. Roger Brown, Compliance Officer, By-Law Standards, presented Case No. 247063, 255 Waverley Road, Dartmouth to the Committee. He noted that this is the second of two appeals of dangerous or unsightly orders against this property before the Committee today, this case relating to a derelict vehicle.

Responding to a question from the Chair, Mr. Kinghorne advised that if a derelict vehicle is covered, that remediates its unsightly appearance, but does not affect its derelict status.

Mr. Brendan O'Halloran, Appellant and property owner of 255 Waverley Road, Dartmouth, addressed the Committee, advising that he is seeking a deferral to either remove the vehicle from the property or get it out of its derelict state.

In response to questions from the Committee, Mr. Kinghorne advised that to get the vehicle out of its derelict state, it would need to be a licensed vehicle with a current motor vehicle inspection. Mr. Kinghorne advised that alternatively the vehicle could be moved inside the garage with the garage door closed. Mr. O'Halloran advised that he would be able to do so.

MOVED by Councillor Adams, seconded by Councillor Walker, that the Appeals Standing Committee defer this matter for 30 days. MOTION PUT AND PASSED.

9.1.4 Case #246185, 21 Colpitt Lake Road, Halifax

This item was deleted from the agenda, as the Compliance Officer deemed the property to be in compliance prior to this meeting. It was deleted from the agenda during the approval of the order of business. Refer to page 2.

9.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

9.2.1 Case #232674, 23 Howland Court, Lower Sackville

The following was before the Committee:

- A staff recommendation report dated May 25, 2015

Ms. Theresa Hickey, Compliance Officer, presented Case No. 232674, an application by staff for a demolition order for 23 Howland Court, Lower Sackville, to the Committee.

In response to questions from the Committee, Ms. Hickey indicated that there have been previous complaints and orders regarding long grass on the property, although the grass is currently cut and there is no debris in the yard. She noted that the asphalt roof shingles are curling.

Mr. Vartan Pour Nick, Appellant and property owner of 23 Howland Court, Lower Sackville, addressed the Committee advising that the damages to the property are the result of a house fire in 2011. He noted that the shingles are curled as a result of heat from the fire, that some of the curled shingles were removed from the roof, and he hasn't found any blown onto the property. Mr. Nick indicated that he has plans to renovate the house, and recently came into funds to complete the renovation. He advised that he has applied for a renovation permit, and the renovation will include new windows and roofing, with work planned to start July 1st.

Responding to questions from the Committee, Mr. Nick clarified that he purchased the property in 2008. He further clarified that the delay in carrying out renovations after the fire was because the insurance money would not cover code upgrades required and he needed to find the funds to make up the difference. Mr. Nick advised that the house is a bungalow with a finished accessory unit, which was used as an in-law suite.

Mr. Adam Sadler, Assistant Building Official, advised that the renovation permit was approved yesterday. He clarified at the request of the Committee that the building is not structurally compromised and can be repaired.

In response to further questions from the Committee, Ms. Tanya Phillips, Manager, By-law Standards, indicated that a plan for the renovation will have to be put in place, which will ensure that the property is kept neat and tidy.

MOVED by Councillor Walker, 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.

MOTION DEFEATED.

Councillor Adams took the Chair, and Councillor Whitman excused himself from the meeting.

9.2.2 Case #244458, 11810 Peggys Cove Rd, French Village

The following was before the Committee:

- A staff recommendation report dated May 27, 2015
- Correspondence from Lydia Burcell, property owner, dated June 10, 2015
- Correspondence from Andre Veinotte, P. Eng., Able Engineering Services, dated June 10, 2015

Mr. Mark Prosser, Compliance Officer, presented Case No. 244458, an application by staff for a demolition order for 11810 Peggys Cove Rd, French Village.

Mr. Adam Sadler, Assistant Building Official, advised that he has attended the property three times, two of which the building was unsecured. He noted that the building is upward of 150 years old, and the floor system is overspanned, there is no foundation, and according to current building codes, would not be permitted to have a second storey. Mr. Sadler advised that roof shingles were recently replaced, and he was advised by the property owner that combustible materials were removed from the interior.

Responding to questions from the Committee, Mr. Sadler confirmed that the building is currently secured and the building is not tilting or collapsing.

Correspondence was before the Committee from Lydia Burchell, property owner, dated June 10, 2015, authorizing Ted Burchell and Pam Smith Jones to act as her representatives with regard to this matter.

Mr. Ted Burchell, authorized representative of the property owner, advised that the intended use for the building will be a boat house. Mr. Burchell reviewed recent work done on the property, including clean-up of debris on-site completed in December 2014, another structure on the property was demolished May 2015, and the inside of the building was cleared and glass replaced. He indicated that they are asking for a 120 day extension and they will erect a fence with a lock to bar access to the building.

Mr. Burchell submitted correspondence from Andre Veinotte, P. Eng., Able Engineering Services, dated June 10, 2015, for circulation to the Committee, which concluded that the structure is in good shape considering its age and lack of care.

Responding to questions from the Committee, Mr. Burchell advised that they plan to reconfigure the wharf structure, and left the corner of the wharf as a reference to its location. He indicated that the contractor has checked into requirements for the wharf, which dates back to pre-confederation. He clarified that the building is intended to store boating materials and supplies, not boats.

MOVED by Councillor McCluskey, seconded by Councillor Walker, that the Appeals Standing Committee approve that this matter be deferred for 120 days. MOTION PUT AND PASSED.

9.2.3 Case #244181, 16 Highland Crescent, Cole Harbour

This property was deemed in compliance and this item was deleted from the agenda during the approval of the order of business. Refer to page 2.

Councillor Whitman resumed the Chair, and Councillor Adams returned to his seat with the Committee.

9.2.4 Case #252003, 9534 Highway 224, Greenwood

The following was before the Committee:

- A staff recommendation report dated May 26, 2015
- Authorization signed by Robert Cecil Leslie, property owner, to allow Najat Chediack to act as his representative with regard to this matter.

Mr. Robert Ryan, Compliance Officer, presented Case No. 252003, an application by staff for an order to demolish 9534 Highway 224, Greenwood, to the Committee.

Ms. Najat Chediack, authorized representative of Mr. Robert Cecil Leslie, property owner, advised that she became involved in the property two years ago, and that she provides rent to the property owner to keep a trailer on the property.

Responding to questions from the Committee, Ms. Chediack advised that she is asking for a 90 day deferral, because there are limited resources locally to carry out the work. She clarified that the trailer has no motor parts, it is used for storage, and she has a permit for the trailer.

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey, that the Appeals Standing Committee approve that this matter be deferred for 90 days. MOTION PUT AND PASSED.

9.3 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES APPEALS - NONE

10. MOTIONS - NONE

11. IN CAMERA - NONE

12. ADDED ITEMS - NONE

13. NOTICES OF MOTION - NONE

14. DATE OF NEXT MEETING – June 11, 2015, 10:00 a.m., Council Chamber, City Hall, 1841 Argyle Street, Halifax

15. ADJOURNMENT

The meeting was adjourned at 11:44 a.m.

Jennifer Weagle
Legislative Assistant