



**APPEALS STANDING COMMITTEE
MINUTES
September 10, 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, supporting documents, and information items circulated to the Committee are available online: <http://www.halifax.ca/boardscom/SCappeals/150910asc-agenda.php>

The meeting was called to order at 10:00 a.m., and adjourned at 10:50 a.m.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – June 11 & August 5, 2015

MOVED by Councillor McCluskey, seconded by Councillor Adams,

THAT the minutes of the June 11 and August 5, 2015, Appeals Standing Committee meetings be approved as circulated.

MOTION PUT AND PASSED.

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

An Information Update from Municipal Compliance staff dated September 10, 2015 regarding Demolition Orders issued by the Appeals Standing Committee on March 12, and August 5, 2015 was circulated to the Committee.

MOVED by Councillor Walker, seconded by Councillor McCluskey,

THAT the agenda be approved as circulated.

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

9. REPORTS

9.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

9.1.1 Case #255322, 1937 Hammonds Plains Road, Hammonds Plains

The following was before the Committee:

- A staff recommendation report dated August 14, 2015

Mr. Trevor Oliver, Compliance Officer, presented Case #255322, 1937 Hammonds Plains Road, Hammonds Plains.

At the request of the Committee, Mr. Oliver confirmed that there are four derelict vehicles on the property.

Mr. Thomas Moore, Appellant and property owner, 1937 Hammonds Plains Road, Hammonds Plains, addressed the Committee, advising that he has been back to work for several weeks after being laid off for over a year, and is beginning to recover from that financially. Mr. Moore discussed the value of the vehicles on the property, noting that he has been unable financially to do any work on the vehicles or inspect and register them while being off work. He advised of a domestic situation whereas he is not permitted on the property until his former spouse moves out on September 15th, which has his work to comply with the orders.

Responding to questions from the Committee, Mr. Moore indicated that he expects to be allowed back on property on September 17, 2015. He clarified that he has carried out work toward compliance of the other Order against the property, and has obtained a grant from Social Services to carry out renovations to the house, which takes precedence over the vehicles.

Responding to questions from the Committee, Mr. Oliver clarified that the first site inspection was on June 15, 2015, and the second was on July 13, 2015. He further clarified that there have been six other cases regarding this property, and the owner reached compliance for all of them. Mr. Oliver noted that there are other cases open for this property, regarding debris and exterior maintenance violations, and he has been working with the property owner toward compliance of these orders.

Ms. Tanya Phillips, Manager, By-law Standards, noted that Mr. Moore has appealing the case regarding derelict vehicles, if the appeal were denied today, Mr. Moore would have the time frame set out in the order, being 14 days, to comply with the Order, although the Committee may choose to alter the time frame.

At the request of the Committee, Mr. Moore indicated that he works full time and is carrying out work to the house, and needs to build a garage to fix the vehicles in, so time and money are factors in how quickly he can complete all the work. He advised that he can cover the vehicles, but will not be able to get them in working order before next summer.

MOVED by Councillor McCluskey, seconded by Councillor Walker:

THAT the Appeals Standing Committee allow the appeal.

In response to questions from the Committee, Mr. Moore commented on a probate matter that he is awaiting resolution of. Mr. Randolph Kinghorne, Senior Solicitor, indicated that estate matters can take months and years to resolve.

At the request of the Committee, Ms. Phillips discussed options for the Appellant, noting that Mr. Moore could place all of the vehicles in one central location, in a neat and tidy fashion, and cover them with a temporary structure. Mr. Moore agreed to this temporary solution.

MOVED by Councillor Adams, seconded by Councillor Walker,

THAT the Appeals Standing Committee defer Case #255322 to the first meeting after November 1, 2015.

MOTION TO DEFER PUT AND PASSED.

9.1.2 Case #255556, 119 Montague Road, Lake Loon

The following was before the Committee:

- A staff recommendation report dated August 17, 2015
- Photographs circulated from the Appellant

Mr. Sylvain Nicolas, Compliance Officer, presented Case #255556, 119 Montague Road, Lake Loon.

Responding to questions from the Committee, Mr. Nicolas advised that the photos shown in the staff presentation were taken on September 8, 2015, and that the wrong date was on one of the photos.

Mr. James Creelman, Appellant and property owner of 119 Montague Road, Lake Loon, addressed the Committee, noting that the purpose of his appeal was to buy time to get the work done, noting that he had started the clean-up prior to receiving the order. He indicated that much of what was shown in the photos in the staff presentation was the property in various stages of clean up, and that they believe the property is now in a state of compliance.

Mr. Creelman submitted photos of the property taken that morning for circulation to the Committee. These photos are on file.

Mr. Creelman noted a miscommunication with the Compliance Officer. He indicated that he had requested Mr. Nicolas to attend the property for a re-inspection, which appointment Mr. Nicolas understood to be set for Tuesday, and which Mr. Creelman understood to be set for Wednesday, so when Mr. Nicolas attended the property, Mr. Creelman still had work to do. Mr. Creelman accepted responsibility for the state that the property got into, and advised that he worked hard to remedy the situation. He advised that he is self employed in snow removal and landscape maintenance, and finds it difficult sometimes to keep on top of equipment repairs. Mr. Creelman noted recent health issues that also contributed to the state of the property. He suggested that the current process for a complaint driven dangerous or unsightly process creates a system that promotes a "tattle tale mentality", which allows abuse of the system. Mr. Creelman noted some minor issues with the chronology in the staff report, clarifying that he only had one derelict vehicle on the property, not multiple.

Responding to questions from the Committee, Mr. Creelman noted most of the materials have either been removed from the property or stored in the shed, and there is nothing left in the car port. Mr. Nicolas advised that the property was last inspected on Tuesday. Mr. Creelman indicated that he worked into the night on Tuesday night in anticipation for Mr. Nicolas' site inspection on what he thought was going to be Wednesday.

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey:

THAT the Appeals Standing Committee allow the appeal.

Councillor Hendsbee confirmed that when he drove by the property the day before it was his opinion that the front yard and driveway area had been cleaned up.

MOVED by Councillor Walker, seconded by Councillor Hendsbee,

THAT the motion be amended to read "That the Appeals Standing Committee allow the appeal *pending final inspection by staff.*"

Mr. Kinghorne suggested instead that the Committee defer this matter for one month, which will allow Compliance staff to reinspect the property, and if the property is in compliance, close the case.

MOVED by Councillor Walker, seconded by Councillor Adams,

THAT the Appeals Standing Committee defer Case #255556 for one month.

MOTION TO DEFER PUT AND PASSED.

9.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS - NONE

9.3 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES APPEALS - NONE

10. MOTIONS - None

11. IN CAMERA

11.1 Approval of In Camera Minutes – August 5, 2015

MOVED by Councillor Hendsbee, seconded by Councillor Walker,

THAT the In Camera minutes of August 5, 2015 be approved as circulated.

MOTION PUT AND PASSED.

The In Camera minutes were approved during the public session.

MOVED by Councillor Adams, seconded by Councillor Walker,

THAT the Appeals Standing Committee move In Camera to address the following item.

MOTION PUT AND PASSED.

11.2 Legal Advice

11.2.1 Taxi License Appeals

This matter was addressed In Camera.

12. ADDED ITEMS - None

13. NOTICES OF MOTION - None

**14. DATE OF NEXT MEETING – October 8, 2015, 10:00 a.m., Council Chamber, City Hall,
1841 Argyle Street, Halifax**

15. ADJOURNMENT

The meeting was adjourned at 10:50 a.m.

Jennifer Weagle
Legislative Assistant