

TABLE OF CONTENTS

1.	CALL TO ORDER	3
2.	APPROVAL OF MINUTES - July 12, 2004	3
3.	APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS	3
4.	CONSIDERATION OF DEFERRED BUSINESS	3
4.1	Lands of New Hope Baptist Church, 9 Woodside Avenue, Dartmouth, NS	3
4.2	Lands of Carolyn Myrtle Johnston, 45 A Kennedy Drive, Dartmouth, NS	3
4.3	Lands of Gerald Morris MacKenzie, 9567 St. Margaret's Bay Road, Queensland, NS	4
4.4	Lands of Stanley Duggan - 10 George Street, Dartmouth, NS	12
5.	APPEALS	4
5.1	Lands of Patrick David Wiggin and Jocelyn Mae Ryan-Wiggin, 2590 Robie Street, Halifax, NS	4
5.2	Lands of Michael M. Williams, 19 Albro Lake Road, Dartmouth, NS	5
5.3	Lands of Ursula Mary Thomas, 2560 Joseph Street, Halifax, NS	5
5.4	Lands of Edgemere Tower House Limited, 83 Tulip Street, Dartmouth, NS	7
5.5	Lands of Youssef Ghosn, George Ramia, Mark Ghosn, Ronald Ghosn, Augustus Ghosn, 6575 Bayne Street, Halifax, NS	7
5.6	Lands of Jason Keith Simpson, 20 Jubilee Lane, Sackville, NS	7
5.7	Lands of Green Thumb Landscaping, 5768 May Street, Halifax, NS	8
6.	DEMOLITIONS	8
6.1	Lands of Robert M. Redmond, 44 Russell Street, Dartmouth, NS	8
6.2	Lands of Brian Underhill and Mary Underhill, 1480 Cobequid Road, Waverley, NS	8
6.3	Lands of Eldridge Scarfe Lloy, 69 Chrichton Avenue, Dartmouth, NS	9
6.4	Lands of Paul A. Mugford, 2 Courtney Road, Dartmouth, NS	9
6.5	Lands of Kenneth N. David, 2 Pockwock Road, Hammonds Plains, NS	10
6.6	Lands of Eva Prevost, 464 Pockwock Road, Hammonds Plains, NS ...	11
6.7	Lands of Mae Oderkirk and Glenn Oderkirk, 239 Church Street, Wellington, NS	11
7.	NEXT MEETING	15
8.	ADJOURNMENT	15

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m.

2. APPROVAL OF MINUTES - July 12, 2004

MOVED by Councillor Hendsbee, seconded by Councillor Sloane, that the minutes of July 12, 2004 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Deletions

Items 4.1, 5.5 and 5.7 were deleted as the properties were in compliance.

It was agreed to move Item 4.4 to the end of the agenda.

4. CONSIDERATION OF DEFERRED BUSINESS

4.1 Lands of New Hope Baptist Church, 9 Woodside Avenue, Dartmouth, NS

This item was removed under the Approval of the Order of Business as the property was in compliance.

4.2 Lands of Carolyn Myrtle Johnston, 45 A Kennedy Drive, Dartmouth, NS

- A previously distributed report dated July 6, 2004 was before the Committee for consideration.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the report. Mr. Brown advised that the property owner had just submitted a letter from a contractor indicating that work will commence August 23, 2004 and it would take 3 weeks to complete.

Councillor Cooper entered the meeting at 6:03 pm.

Ms. Carolyn Johnston, property owner, addressed the Committee and responded to questions.

MOVED by Councillor Hendsbee, seconded by Councillor Sloane that the item be deferred to the next meeting scheduled for September 16, 2004 subsequent to

completion of the work contracted by the appellant. MOTION PUT AND PASSED UNANIMOUSLY.

4.3 Lands of Gerald Morris MacKenzie, 9567 St. Margaret's Bay Road, Queensland, NS

- A previously distributed report dated April 13, 2004 was before the Committee for consideration.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the report. Mr. Brown made reference to the Demolition Order that was signed in April 2004.

Mr. Gerald MacKenzie, property owner, addressed the Committee indicating the building will be torn down next week and the debris will be cleaned up as well, by August 28, 2004.

MOVED by Councillor Sarto, seconded by Councillor Sloane that the Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions dated March 30, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

5. APPEALS

5.1 Lands of Patrick David Wiggin and Jocelyn Mae Ryan-Wiggin, 2590 Robie Street, Halifax, NS

- A staff report prepared for Andre Noël, Regional Coordinator By-Law Enforcement, Community Projects, dated July 30, 2004, on the above noted item, was before the Committee.

Mr. Scott Saunders, By-Law Enforcement Officer, with the aid of a video, presented the report.

Mr. David Wiggin, property owner, addressed the Committee indicating that work is currently underway and outlined what work had been done and what was left to do. He noted that he had a contractor lined up and most of the work will be completed by the end of next week. Discussion ensued with Mr. Wiggin responding to questions from the Committee.

MOVED by Councillor Hendsbee, seconded by Councillor Sloane that the item be deferred to the next meeting scheduled for September 16, 2004 subsequent to completion of the work by the property owner. MOTION PUT AND PASSED.

5.2 Lands of Michael M. Williams, 19 Albro Lake Road, Dartmouth, NS

- A staff report prepared for Andre Noël, Regional Coordinator By-Law Enforcement, Community Projects, dated July 30, 2004, on the above noted item, was before the Committee.

Mr. Scott Saunders, By-Law Enforcement Officer, with the aid of a video, presented the report.

Mr. Michael Williams, property owner, addressed the Committee apologizing for the state of repair of the property. He further noted that since purchasing the property in February 2003 his main concern was to maintain watertight integrity, electrical upgrading, roof maintenance and window maintenance. He continued outlining repairs he had completed and what repairs were forthcoming. Mr. Williams advised that his goal was to find long-term tenants for the two flats but first needed to build quality into the property before it can be leased. Discussion ensued with Mr. Williams responding to questions from the Committee.

MOVED by Councillor Hendsbee, seconded by Councillor Sloane that the item be deferred to the next meeting scheduled for September 16, 2004 subsequent to continuing the work in progress in regards to the doors, window sills, rotting shingles, scraping and priming.

During further discussion, Ms. Jones-Rieksts, Municipal Solicitor, referencing a confidential legal report dated July 15, 1999 regarding dangerous and unsightly premises, noted that when balancing the interests of the private property owner and the public:

“Because these are matters involving the balancing of individual property rights with public or community interests, these decisions are very important ones. As a general rule whenever the municipality is looking to place public or community interests over property rights it can do so ONLY in the clearest of cases. Therefore any doubts as to whether or not the requirements of the definition have been met must go in favour of the property owner’s rights prevailing.”

MOTION WAS PUT AND PASSED.

5.3 Lands of Ursula Mary Thomas, 2560 Joseph Street, Halifax, NS

- A staff report prepared for Andre Noël, Regional Coordinator By-Law Enforcement, Community Projects, dated July 30, 2004, on the above noted item, was before the Committee.

Mr. Keith Cahoon, By-Law Enforcement Officer, with the aid of a video, presented the report.

Ms. Ursula Thomas addressed the Committee and briefly outlined the repair work that was being done with the assistance of her family and noted the work should be completed in the near future. She stated that, however, she would like to leave the backyard as it is, in its natural state, to attract birds and insects as she collects insects for the museum.

Ms. Thomas indicated she had an agreement with a small local firm to complete the work on the exterior of the building and responding to a question from Councillor Hetherington, anticipated the fascia and painting would be completed by Christmas but didn't know for sure.

MOVED by Councillor Hendsbee, seconded by Councillor Sloane to uphold the order within 60 days rather than 30, as the work was in progress and three quarters of the work on the house has been done.

Ms. Tanya Phillips, Manager, By-Law Services, addressed the Committee noting that one of the challenges with the number of cases being dealt with in by-law enforcement is the exterior maintenance challenges. She advised that once October arrives and the work has been tendered out, the painting season is quite limited. She also noted that the Committee will be seeing a number of exterior maintenance cases over the next couple of months and, should the property owner be unable to get the work done for whatever reason, there are restrictions on bringing those properties into compliance.

Councillor Sloane asked if it was possible to split the motion into two Orders:

1. debris on property and grass
2. maintenance on the dwelling

to which the Committee agreed.

MOVED by Councillor Hendsbee, seconded by Councillor Sloane to defer the Order to Remedy the lack of exterior maintenance on the house to the next meeting scheduled for September 16, 2004. MOTION PUT AND PASSED.

During further discussion Ms. Thomas responded to questions from the Committee.

MOVED by Councillor Cooper, seconded by Councillor Sarto that the Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions due to overgrown grass and weeds, and debris including but not limited to a discarded bench and a plastic storage container dated July 12, 2004. MOTION PUT AND PASSED.

5.4 Lands of Edgemere Tower House Limited, 83 Tulip Street, Dartmouth

- A staff report prepared for Andre Noël, Regional Coordinator By-Law Enforcement, Community Projects, dated July 30, 2004, on the above noted item, was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the report.

Mr. Peter Scott, on behalf of Edgemere Tower House Limited, addressed the Committee and requested an extension of six weeks or 60 days as work was in progress and the large building was 80% complete. Mr. Scott further noted that the smaller building has asbestos and the owner requires time to deal with the problem.

MOVED by Councillor Harvey, seconded by Councillor Sloane that the item be deferred to the meeting scheduled for October 14, 2004. MOTION PUT AND PASSED.

5.5 Lands of Youssef Ghosn, George Ramia, Mark Ghosn, Ronald Ghosn, Augustus Ghosn, 6575 Bayne Street, Halifax, NS

This item was removed under the Approval of the Order of Business as the property was in compliance.

5.6 Lands of Jason Keith Simpson, 20 Jubilee Lane, Sackville, NS

- A staff report prepared for Andre Noël, Regional Coordinator By-Law Enforcement, Community Projects, dated July 30, 2004, on the above noted item, was before the Committee.

Mr. Keith Cahoon, By-Law Enforcement Officer, with the aid of a video, presented the staff report.

Mr. Jason Simpson, property owner, addressed the Committee outlining how the lumber was piled and noted that it was impossible to climb. He further noted the wood was drying and requested enough time to allow him to build a fence. He submitted photographs showing how the lumber was piled behind the shed. Discussion ensued with Mr. Simpson responding to questions from the Committee.

MOVED by Councillor Harvey, seconded by Councillor Hendsbee that the appeal be upheld. MOTION PUT AND PASSED UNANIMOUSLY.

5.7 Lands of Green Thumb Landscaping, 5768 May Street, Halifax, NS

This item was removed under the Approval of the Order of Business as the property was in compliance.

6. DEMOLITIONS

6.1 Lands of Robert M. Redmond, 44 Russell Street, Dartmouth, NS

- A staff report prepared for Andre Noël, Regional Coordinator By-Law Enforcement, Community Projects, dated August 1, 2004, on the above noted item, was before the Committee.

Councillor Hetherington noted that the solicitor for the appellant had advised that a contract was in place for the demolition of the property but that they would require more than 30 days to remove the debris.

Mr. Keith Cahoon, By-Law Enforcement Officer, with the aid of a video, presented the staff report.

During discussion the Committee agreed to amend staff's recommendation to allow for sixty (60) days after service upon the owner/occupant.

MOVED by Councillor Sloane, seconded by Councillor Sarto, that the Committee issue an Order requiring the demolition of the garage in the rear yard and the removal of all demolition debris, leaving the property in a neat and tidy fashion within sixty (60) days after service upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the Municipal Government Act. MOTION PUT AND PASSED UNANIMOUSLY.

6.2 Lands of Brian Underhill and Mary Underhill, 1480 Cobequid Road, Waverley, NS

- A staff report prepared for Andre Noël, Regional Coordinator By-Law Enforcement, Community Projects, dated August 3, 2004, on the above noted item, was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the staff report.

Ms. Jennifer Bridgman, property owner, addressed the Committee and advised that she had only owned the property for 8 hours. She noted the debris was due to moving in and would be cleaned up as soon as possible. Ms. Bridgman further noted that the building in question

had been padlocked and requested the item be deferred so that she could continue to make repairs to the main dwelling before dealing with the building in question.

Subsequent to discussion during which Ms. Bridgman responded to questions from the Committee, Ms. Bridgman then requested an extension to allow her time to obtain a quotation to either salvage the building or demolish it.

MOVED by Councillor Hendsbee, seconded by Councillor Sloane that the item be deferred to the next meeting scheduled for September 16, 2004 to allow the property owner time to obtain services to assess the integrity of the building. MOTION PUT AND PASSED UNANIMOUSLY.

6.3 Lands of Eldridge Scarfe Lloy, 69 Chrichton Avenue, Dartmouth, NS

- A staff report prepared for Andre Noël, Regional Coordinator By-Law Enforcement, Community Projects, dated August 1, 2004, on the above noted item, was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the staff report. Mr. Brown noted that since receiving the Demolition Order Mr. Lloy had obtained a demolition permit and the demolition will be completed by the end of the week.

MOVED by Councillor Cooper, seconded by Councillor Sarto that the Committee issue an Order requiring the demolition of a dilapidated accessory building, the removal of all demolition debris and backfilling any foundation or crawl space, leaving the property in a neat and tidy fashion within thirty (30) days after service upon the owner. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the Municipal Government Act. MOTION PUT AND PASSED UNANIMOUSLY.

6.4 Lands of Paul A. Mugford, 2 Courtney Road, Dartmouth, NS

- A staff report prepared for Andre Noël, Regional Coordinator By-Law Enforcement, Community Projects, dated August 3, 2004, on the above noted item, was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the staff report.

Mr. Paul Mugford addressed the Committee and advised that he had been waiting to receive documentation of an inspection from an HRM Building Inspector. He noted the shed was on

a cement slab, is not leaning, is watertight, and the interior was not wet. He further noted the back and side of the building had been vandalized and he had purchased paint to repair the damage. Mr. Mugford noted that he was receiving conflicting information and to date had not received any inspection report.

Discussion ensued with Mr. Mugford responding to questions from the Committee.

MOVED by Councillor Hendsbee, seconded by Councillor Sloane to defer this item to the next meeting scheduled for September 16, 2004 to allow the owner time to repair the building. MOTION PUT AND PASSED UNANIMOUSLY.

In response to a request from the Committee to allow staff entry to the building, Mr. Mugford agreed and asked that HRM staff notify him prior to their visit.

6.5 Lands of Kenneth N. David, 2 Pockwock Road, Hammonds Plains, NS

- A staff report prepared for Andre Noël, Regional Coordinator By-Law Enforcement, Community Projects, dated August 3, 2004, on the above noted item, was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the staff report. Mr. Brown noted that the property owner had been in contact with the By-Law Office and had expressed interest in the demolition of the property.

MOVED by Councillor Harvey, seconded by Councillor Sloane that the Committee issue an Order requiring the demolition of two dilapidated buildings, removal of all demolition debris, and backfilling any crawl space or foundation, leaving the property in a neat and tidy fashion within thirty (30) days after service upon the owner. Otherwise, the Municipality will exercise its rights as set forth under the Part XV of the Municipal Government Act. MOTION PUT AND PASSED UNANIMOUSLY.

6.6 Lands of Eva Prevost, 464 Pockwock Road, Hammonds Plains, NS

- A staff report prepared for Andre Noël, Regional Coordinator By-Law Enforcement, Community Projects, dated August 3, 2004, on the above noted item, was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the staff report.

MOVED by Councillor Sloane, seconded by Councillor Sarto that the Committee issue an Order requiring the demolition of four dilapidated and structurally unsound buildings, removing the debris and backfilling any crawlspace or foundation, leaving the property in a neat and tidy fashion within thirty (30) days after service upon the owner. Otherwise, the Municipality will exercise its rights as set forth under the Part XV of the Municipal Government Act. MOTION PUT AND PASSED UNANIMOUSLY.

6.7 Lands of Mae Oderkirk and Glenn Oderkirk, 239 Church Street, Wellington, NS

- A staff report prepared for Andre Noël, Regional Coordinator By-Law Enforcement, Community Projects, dated August 3, 2004, on the above noted item, was before the Committee.

Before presenting the staff report, Mr. Keith Cahoon noted that Mr. Glenn Oderkirk advised him on Tuesday, August 17, 2004, that the building in question was not on his property, however, all HRM records indicate that it is the property of Mr. Oderkirk.

Mr. Keith Cahoon, By-Law Enforcement Officer, with the aid of a video, presented the staff report.

Mr. Glenn Oderkirk addressed the Committee noting that to the best of his knowledge he did not own the property in question. He submitted a letter indicating that through his own research he obtained documents from the Registry of Deeds on Terminal Road proving he was not the owner. Mr. Oderkirk requested time to do a title search, as his solicitor was on vacation, and noted that, if the property was indeed his, he had the equipment to demolish the building.

MOVED by Councillor Sloane, seconded by Councillor Hendsbee to defer this item to the next meeting scheduled for September 16, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

4.4 Lands of Stanley Duggan - 10 George Street, Dartmouth, NS

- A supplemental staff report prepared for Mr. Gary McCurdy, Divisional Chief, Fire Prevention, dated July 23, 2004, on the above noted item, was before the Committee.

Mr. Wayne Chapdelaine, Fire Prevention Officer, with the aid of a video, presented the staff report. He submitted a copy of a letter faxed from the solicitor for the Public Trustee, dated August 19, 2004 which indicated that Mr. Duggan was making application with the Supreme

Court of Nova Scotia to have himself declared competent. Mr. Chapdelaine further advised that Mr. Duggan had indicated he did not object to the demolition.

Mr. Chapdelaine advised that Halifax Regional Fire Services had constructed a fence around the property. He further advised that a stipulation of the Public Trustee's office was to allow Mr. Duggan to remove personal belongings prior to the demolition. Mr. Chapdelaine ensured that Mr. Duggan's belongings would be removed and taken to a location of Mr. Duggan's choosing.

MOVED by Councillor Hendsbee, seconded by Councillor Sloane that the Committee issue an Order requiring that the structure situated at 10 George Street, Dartmouth, be demolished within thirty (30) days after service upon the owner/occupant. Otherwise the Municipality will exercise its rights as set forth under Part XV of the Act Respecting Municipal Government. MOTION PUT AND PASSED UNANIMOUSLY.

7. NEXT MEETING

The next meeting is scheduled for Thursday, September 16, 2004, 2004 at 6:00 p.m.

8. ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Millie Hull
Legislative Assistant