

DANGEROUS & UNSIGHTLY PREMISES  
MINUTES  
June 16, 2005

PRESENT: Councillor Harvey, Chair  
Councillor Johns  
Deputy Mayor Goucher  
Councillor McCluskey  
Councillor McInroy  
Councillor Sloane (10:29 am)  
Councillor Snow  
Councillor Wile

ABSENT: Councillor Smith (regrets)

STAFF: Ms. Tanya Phillips, By-Law Enforcement  
Ms. Andrea Falconer, By-Law Enforcement  
Mr. Cameron Brown, By-Law Enforcement Officer  
Mr. Keith Cahoon, By-Law Enforcement Officer  
Ms. Chris Newson, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order at 10:07 a.m.

**2. APPROVAL OF MINUTES - May 19, 2005**

**Deferred** as minutes were not available.

**3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS**

**Deletion:** Item 4.2 Lands of Scott D. Inness and Jo Ann C. Inness, 38 Murray Hill Drive, Dartmouth (Property is in compliance).  
Item 5.3 Lands of Tina Theresa Chediak, 25 Irving Street, Dartmouth (Property is in Compliance).

**MOVED BY Councillor McCluskey, seconded by Councillor Johns that the agenda be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

**4. CONSIDERATION OF DEFERRED BUSINESS**

4.1 Lands of Micheline Elise Fautley and Michael James O'Neill, 2350 Maynard Street, Halifax

- An Appeal Report dated October 11, 2004 was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, presented a verbal update indicating he had visited the property on June 15 and June 16 (today). He showed a video of the property. Mr. Brown reported repairs have been made to the front of the property but not to the back, therefore, he recommended the Committee refuse the appeal.

Ms. Fautley, Co-owner of the property at 2350 Maynard Street, commented that they have been working continuously on the property since they first purchased it as it was in poor condition at that time. The home is 130 years old. She indicated it is their intention to replace the shingles. Ms. Fautley added they have spent \$25,000 in repairs on the house and intend to continue as their finances permit. She commented they are committed to restoring the house to a reasonable condition. Ms. Fautley explained they hope to have the work done by this fall or spring of next year.

Deputy Mayor Goucher suggested an extension be given with a clear time line or HRM would do the renovations and the cost would be added to the tax bill for the property.

Ms. Tanya Phillips, Manager, By-Law Enforcement, explained that the complaint began with houses in that service area in 2003. There were complaints from the public to investigate violations. When By-Law views a property they must consider adjacent properties as well. The investigating By-Law Enforcement Officer reported the violation of this adjacent property.

Councillor Johns commented there is constant encouragement for people to come back to the core area and revitalise. The owners of this particular property have been revitalising the property and they have limited financial means for such a project, therefore, the Committee should be lenient on them. He asked if there is an opportunity for HRM to assist with the work and then bill the work back to the homeowner on their property tax over time.

Ms. Phillips explained HRM would obtain quotes for the work and would accept the lowest minimum bid to meet the legislated requirements. The work HRM might do would be of minimal cost to the property owner and may not meet the intentions of the owner. HRM deals only with the exterior appearance, this property has structural issues. The property owner would have to work out a payment plan with HRM's Finance Department.

Councillor Sloane arrived at 10:29 am.

Ms. Phillips explained the criteria indicated on the Order to Remedy is that the condition be remedied "...by *scraping and painting the exterior of the building*". Ms. Fautley advised she will commit to paint the property.

Councillor McInroy advised that in previous cases the repairs were done as inexpensively as possible for the property to be in compliance and not left for two to five years with the owners saying "We'll get to it." He added HRM has to deal with the appearance and not the quality and therefore he will not be supporting the extension for one year.

**MOVED BY Deputy Mayor Goucher, seconded by Councillor McCluskey that a one year extension to June 2006 be granted for the property located at 2350 Maynard Street, Halifax. MOTION PUT AND PASSED.**

4.2 Lands of Scott D. Inness and Jo Ann C. Inness, 38 Murray Hill Drive, Dartmouth

**Deleted** during approval of the agenda. See page 2.

## 5. APPEALS

5.1 Lands of Wade Racine, 35 Old Lake Echo Road, Lake Echo

- An Appeal Report dated June 6, 2005 was before the Committee.

Mr. Keith Cahoon, By-Law Enforcement Officer, advised the property owner, who lives out of province, has advised him that he has obtained some estimates for the costs to demolish the house on the property. There has been no final decision made on whether the building will be demolished or not. Mr. Cahoon last spoke to the property owner on May 9, 2005. He added the house is secure.

Ms. Gloria Racine, speaking on behalf of her sons Gerry and Wade Racine who are co-owners of the property, read from a letter indicating a contractor (Kingsway Construction) has been consulted and work is to begin this year which will take two weeks to complete. The Contractor may be met at the property on or after June 20, 2005.

**MOVED BY Councillor McCluskey, seconded by Councillor Sloane that a one month extension to July 2005 be granted. MOTION PUT AND PASSED UNANIMOUSLY.**

5.2 Land of Sandy & Loyal Gallichon, 36B Kennedy Drive, Dartmouth

- An Appeal Report dated June 6, 2005 was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, presented a video of the property. He added that the property owner had indicated that he would like to complete the work but due to financial concerns he is unable to do so at this time.

Mr. Sandy Gallichon, Appellant, advised that one side of the property has been completed and the windows, siding, doors and insulation have been purchased. He responded to the Committee regarding a time line for completion indicating that he could have the work completed before winter.

**MOVED BY Councillor Johns, seconded by Councillor Sloane that an extension to October 20, 2005 be granted. MOTION PUT AND PASSED UNANIMOUSLY.**

5.3 Lands of Tina Theresa Chediac, 25 Irving Street, Dartmouth

**Deleted** during approval of the agenda. See page 3.

5.4 Lands of Ralph & Fernie Cairns, 226 Riverside Drive, Lower Sackville

- An Appeal Report dated June 6, 2005 was before the Committee.

Neither Appellant nor a Representative for the Appellant were in attendance.

**MOVED BY Councillor Sloane, seconded by Councillor Snow that the appeal be denied. MOTION PUT AND PASSED UNANIMOUSLY.**

**6. DEMOLITIONS**

6.1 Lands of Earl Grey, 341 Pockwock Road, Hammonds Plains

- A Demolition Report dated June 6, 2005 was before the Committee.

Mr. Keith Cahoon, By-Law Enforcement Officer, presented a video of the property. He advised there is concern for public safety as the building is open to the elements and could fall. An Order to Appear was given to the property owner.

Ms. Tanya Phillips, responding to questions of the Committee, advised that for demolitions a seven (7) day Notice to Appear is given to the owners and there is no appeal option at this point.

Mr. Earl Grey, property owner, presented a letter and photographs for the record which were circulated to the Committee at this time. He commented that the building looks bad but it is only used for storage of a car and carpets for his apartments. He had a tractor on site to remove bushes from around the structure. Mr. Grey added he would like to continue to use the shed for storage. He has walked on the roof and it is solid. The door opening of the shed had been secured with plywood. The plywood was recently removed in order to access the carpets. He referred to his pictures showing that other roofs in the area are not straight either. The rafters are good in his shed. He requested a two week extension to remove the shingles and have a closer look at the roof and to determine if the building is worth saving. If he discovers that the building is not worth saving, he will take the building down.

**MOVED BY Councillor Snow, seconded by Councillor McCluskey that an extension to October 20, 2005 be granted. Further, that by October 20, 2005 Mr. Grey is to have repaired the building or demolished it.**

Ms. Tanya Phillips expressed concern for the public safety as the building could fall. She advised that if the order is signed today, the property owner has 30 days to comply.

Upon hearing the explanation from staff, **Councillor Snow withdrew her motion in agreement with Councillor McCluskey.**

Deputy Mayor Goucher commented that the statement from the Engineering Department regarding the stability of the building indicates the roof is not safe and the walls are not sound. The building is deemed to be dangerous to the public. The Order to Remedy does give thirty

(30) days for the property to come into conformance.

**MOVED BY Councillor McInroy, seconded by Councillor Johns that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of a dilapidated and structurally unsound accessory building and 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/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.**

6.2 Lands of Douglas Bruce Wilson, 1424 Pockwock Road, Upper Hammonds

- A Demolition Report dated June 6, 2005 was before the Committee.

Mr. Keith Cahoon, By-Law Enforcement Officer, presented a video of the property.

Mr. Douglas Wilson, property owner, advised he began repairs to the building which turned into structural repairs and are quite extensive. A provincial culvert caused water damage rendering the building unsafe to repair. He indicated he has requested the province view the damage to his driveway and property. He made his complaint to the province in February/March 2005 stating his driveway was being destroyed and his garage was flooded. The structure of the building was undermined at that time. Mr. Wilson commented that the destruction of this building would destroy his evidence against the province of Nova Scotia.

Councillor Snow requested that Mr. Wilson be given a copy of By-Law Enforcement's video to assist him in his case against the province.

Councillor Harvey commented that the property owner has thirty (30) days to get the attention of the province. He suggested the property owner contact his MLA to view the property. Mr. Wilson responded he has tried since February to get the province's attention. Mr. Wilson responded to Councillor McCluskey that it is the province and not HRM who is responsible for the culvert.

Councillor McInroy commented that this situation may include Small Claims Court. He added that with the copy of the By-Law Enforcement Officer's video and Mr. Wilson's own photographs, he will have permanent evidence of the damage.

Mr. Wilson furthered advised that he is being requested to clean up the property but he requires the building for doing repairs as he has a Forestry business. The Committee commented that Mr. Wilson could demolish the building himself and build a new building. Mr.

Wilson responded that thirty (30) days is not enough time for him to dismantle the building as the weather has not been good for outdoor work.

**MOVED BY Councillor Snow, seconded by Councillor Johns that the motion be amended from thirty (30) days to sixty (60) days.**

Ms. Phillips advised that the Building Official indicated there is concern for public safety as the building could fall. The roof is open to the elements which could lead to further deterioration.

Without a vote being taken on the motion on the floor, the following motion was made: **MOVED BY Councillor Snow, seconded by Councillor Johns that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of a dilapidated and structurally unsound accessory building and 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/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part IV of the *Act Respecting Municipal Government*. MOTION PUT AND PASSED UNANIMOUSLY.**

6.3 Lands of Charles H. Orr and Rena G. Orr, 649 Kinsac Road, Kinsac

- A Demolition Report dated June 6, 2005 was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, presented the video.

In response to Councillor Snow, Mr. Brown indicated that the condition of the remainder of the yard involves debris, construction material, chicken/duck pens, rabbit coops and a pen for the goat. The goat pen has been repaired. In one pen there is a pool of stagnant water. There are tarps on the pens for the animals and the pens need to be secured a little more. He added the property needs to be cleaned up and the conditions of the pens improved. Mr. Brown advised the owner has done a lot of work and there have been improvements.

Councillor Johns indicated there have been previous complaints against this property. He further indicated that the zoning for this area would permit agricultural use. Mr. Brown advised the livestock issue has been forwarded to the Planning and Development office in regards to the zoning issue as it is uncertain if livestock is permitted under the current zoning.

Councillor Sloane commented that chipboard, used on top portion of the pens, is not a suitable material to be open to the elements. Further, the glues etc. may be unhealthy for the animals.

Councillor McCluskey left the meeting at 11:36 am.

The property owner requested permission to keep the second building in place until the first building is replaced.

**MOVED BY Deputy Mayor Goucher, seconded by Councillor Johns that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of two structurally compromised accessory structures and the removal of all demolition debris, leaving the property in a neat and tidy fashion 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.**

6.4 Lands of Vera Gertrude Tattie, 42 Church Street, Wellington

- A Demolition Report dated June 6, 2005 was before the Committee.

**MOVED BY Councillor Snow, seconded by Councillor Sloane that this matter be deferred for one month to July 21, 2005 to permit By-Law Enforcement to conduct a site visit.**

Councillor Snow indicated that the property is now in compliance as roof trusses have been installed as well as siding and new window boxes and flowers.

**MOTION PUT AND PASSED UNANIMOUSLY.**

## **7. NEXT SCHEDULED MEETING**

Following a brief discussion on Councillor's availability for the July 21, 2005 meeting, the Committee made the following motion: **MOVED BY Councillor Snow, seconded by Councillor McInroy that the requirement for quorum for the Dangerous and Unsightly Premises Committee be reduced to three (3).**

Councillor Sloane commented that four would be a better number for quorum. She explained that with only three required for quorum, one member would be acting as Chair which would leave only two members to pass and vote on the motions. The Committee agreed to **amend the motion to four (4) for the quorum requirement.**

The amended motion now reads as: **MOVED BY Councillor Snow, seconded by Councillor McInroy that the requirement for quorum for the Dangerous and Unsightly Premises Committee be reduced to four (4).**

The Committee requested this motion go forward to Regional Council for approval before the summer break to ensure the new quorum requirements will be in effect for July 21, 2005.

**AMENDED MOTION PUT AND PASSED UNANIMOUSLY.**

The next meeting is scheduled for Thursday, July 21, 2005 at 10:00 a.m. in Council Chambers, 3<sup>rd</sup> Floor, City Hall.

Deputy Mayor Goucher gave regrets for the July 21, 2005 meeting as he will be out of the country. Councillor Harvey also indicated that he may be away at that time.

**8. ADJOURNMENT**

The meeting was adjourned at 12.12 p.m.

Chris Newson  
Legislative Assistant