

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
July 21, 2005

PRESENT: Councillor Sloane, Vice Chair
Councillor Johns
Councillor Snow
Councillor Smith

ABSENT
WITH REGRETS: Deputy Mayor Goucher
Councillor Harvey, Chair
Councillor McCluskey
Councillor McInroy
Councillor Wile

STAFF: Ms. Tanya Phillips, Manager, By-Law Services
Ms. Andrea Falconer, Regional Co-ordinator, By-Law Services
Ms. Donna Keats, Municipal Solicitor
Mr. Cameron Brown, By-Law Enforcement Officer
Mr. David Henry, By-Law Enforcement Officer
Ms. Tamar Dorey, By-Law Enforcement Officer
Mr. Rob Coolen, By-Law Enforcement Officer
Ms. Chris Newson, Legislative Assistant
Ms. Jennifer Weagle, Legislative Assistant

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1. CALL TO ORDER

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

2. APPROVAL OF MINUTES - May 19, 2005 and June 16, 2005

MOVED BY Councillor Sloane, seconded by Councillor Smith that the minutes of May 19, 2005 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED BY Councillor Smith, seconded by Councillor Sloane that the minutes of June 16, 2005 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Deletion: Item 4.1 Consideration of Deferred Business - Demolition

Item 4.1.1 Lands of Ms. Vera Gertrude Tattrie, 42 Church Street, Wellington

Item 4.2 Consideration of Deferred Business - Appeals

Item 4.2.1 Lands of Mr. Wade Racine, 35 Old Lake Echo Road, Lake Echo

Item 5.5 Lands of Sackville Manor Limited, 61 Manor Drive, Lower Sackville

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

4. CONSIDERATION OF DEFERRED BUSINESS

Deleted during approval of the agenda. See item 3.

4.1 DEMOLITION

Deleted during approval of the agenda. See item 3.

4.1.1 Lands of Ms. Vera Gertrude Tattrie, 42 Church Street, Wellington

Deleted during approval of the agenda. See item 3.

4.2 APPEALS

4.2.1 Lands of Mr. Wade Racine, 35 Old Lake Echo Road, Lake Echo

Deleted during approval of the agenda. See item 3.

5. APPEALS

5.1 Lands of Ms. Judy Robertson, 6133 Shirley Street, Halifax

- ! An Appeal Report dated July 8, 2005 was before the Committee.
- ! A contract between Certa ProPainters and the Appellant dated May 11, 2005 was provided for the record.
- ! A contract between University Painters and the Appellant dated September 7, 2001 was provided for the record.

Mr. Cameron Brown, By-Law Enforcement Officer, presented a video of the property. Mr. Brown attended the property yesterday and noted that some concerns had been addressed.

Councillor Snow clarified with Mr. Brown that the original complaint was regarding garbage and debris on the property.

Ms. Judy Robertson, Appellant, advised that her tenants who were residing in the home had the responsibility to put out the garbage. They missed one garbage pick-up and moved out before the next pick up could occur. She had the garbage removed when she became aware of it.

Ms. Robertson recognized that the fascia needed painting and has a contract between herself and Certa ProPainters to paint the house. Ms. Robertson added she has been contacting Certa to commence painting. The house, which is 130 years old, was last painted in 2001. She does not feel that the entire house needs to be painted, just certain parts. Ms. Robertson has painted the stairs herself and does regular maintenance on the property.

MOVED BY Councillor Smith that the appeal be denied. No seconder. MOTION LOST.

MOVED BY Councillor Johns, seconded by Councillor Snow that the Committee deny the staff recommendation and support the request for the appeal.

Councillor Smith stated that he was unsure why the Committee would deny the recommendation since this matter has been ongoing since April. He remarked that if a home requires painting every year, it should be done every year and whether or not other properties in Ms. Robertson's neighbourhood are in similar condition is not in question as it is her property that is before the Committee. Councillor Smith remarked that the Committee has

been asking for pro-active enforcement and generally upholds staff Orders with staff working with the property owners to rectify the situation. He stated he would not support a negative motion.

Ms. Robertson clarified that the house was not painted in May or June due to poor weather.

Councillor John commented that the Committee has to look at each complaint independently and he is basing his opinion on this particular case, being that the owner is working to fix the issue. She has quotes and is planning to do the repairs, which are not major ones. He is not looking for the staff's pro-active manner to be stopped. If there is a future complaint regarding the lands, it will come back to the Committee.

The vote on the motion resulted in a tie vote. MOTION DEFEATED

Councillor Smith requested that the homeowner work with staff and come back to the Committee by September.

Ms. Tanya Phillips, Manager, By-Law Services, clarified that the Appellant is not required to do a full residing of the house, the Committee is only asking for the outstanding issues as outlined in the Order to be resolved.

MOVED BY Councillor Smith, seconded by Councillor Johns that this matter be deferred to the August 18, 2005 meeting. MOTION PUT AND PASSED UNANIMOUSLY.

5.2 Lands of Mr. Roy C. Bonin, 2705 Highway 7, Lake Echo

! An Appeal Report dated July 12, 2005 was before the Committee.

Ms. Tamar Dorey, By-Law Enforcement Officer, presented a video of the property.

Ms. Dorey, responding to questions of the Committee, advised that there were initially five derelict vehicles on the property and two have since been removed. She also clarified that the vehicles, which belong to a variety of owners, were not safety inspected, that they were on the property for repairs, and that Planning and Development Services advised her that there has been no permit issued to Mr. Bonin for selling car parts or performing repairs.

Mr. Roy C. Bonin, Appellant, advised that 40-60% of the issues have been remedied since the video was taken. He added that approximately 80% of the vehicles belong to customers and are awaiting repairs and parts. Mr. Bonin stated he does not sell the parts, he only uses

the parts to repair the vehicles. When asked if he had a permit to operate a repair business, Mr. Bonin replied that he believes he does have a permit.

Tanya Phillips advised that she spoke with Mr. Sean Audas, Development Officer for Planning and Development Services, who confirmed that there were no permits issued to the property for the sale of car parts or repairs. Mr. Audas has had conversations with Mr. Bonin on the permitted land use. Ms. Phillips stated that there needs to be communication and clarification between Mr. Bonin and Planning and Development Services regarding the use of the property.

Councillor Johns requested clarification regarding zoning for the area and whether the surrounding properties are residential. Ms. Phillips clarified that the zoning for the area is R1 and the properties surrounding Mr. Bonin's property are residential.

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

5.3 Lands of Mr. Joseph Arab, 87 Rose Street, Dartmouth

! An Appeal Report dated July 12, 2005 was before the Committee.

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

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

5.4 Lands of Mr. Douglas Bruce Wilson, 1424 Pockwock Road, Upper Hammonds Plains

! An Appeal Report dated July 12, 2005 was before the Committee.

Mr. David Henry, By-Law Enforcement Officer, presented a video of the property.

Mr. Henry confirmed for Councillor Sloane that the road seen in the video was the main road.

Councillor Johns requested clarification on the reports as it appears that two reports were issued. Mr. Henry explained that derelict vehicles have a seven day remedy time frame and litter and debris has a fourteen day time frame.

Councillor Smith inquired whether there were still eight derelict vehicles remaining on the property. Mr. Henry indicated that the initial site investigation was performed by another officer, who reported the eight vehicles. Mr. Henry stated that there were at least two derelict

vehicles remaining on the property and there may be more under the various tarps on the property.

Mr. Wilson, Appellant, stated that the land is zoned as GU1, general uses with a forestry supplement. He operates a forestry business on the property. Mr. Wilson commented that a lot of the debris has been cleaned up and that there were not eight vehicles on the property. He further stated that the dump box indicated on the video is used with his logging truck and that the derelict dump truck on the property is being removed. There is one motor cycle on the property that he uses and the other is derelict and is being removed. Mr. Wilson indicated that he works and lives on the eastern shore six days a week and therefore only has one day per week to clean up the property. Mr. Wilson was before the Committee last month regarding the demolition of a garage, which has since been remedied. He added that some of the property shown in the video is not actually his property. Mr. Wilson is seeking an extension to resolve the issues.

Councillor Snow inquired as to whether the dump truck is licensed and registered. Mr. Wilson replied that it is not but it is being removed from the property. Councillor Snow further inquired what was under the tarps on the property to which Mr. Wilson replied that he did not believe he had to answer that question. Councillor Snow also inquired how Mr. Wilson would drive the van that he contends is in working order without a steering wheel and whether the van is registered and insured. Mr. Wilson replied that the van was neither registered nor insured and he could install a steering wheel in the van.

Councillor Smith asked where the oil tanks shown in the video came from. Mr. Wilson replied that one oil tank was new and it is now attached to his house. The other was issued by Irving Oil to refill his forestry equipment.

Mr. Henry clarified for Councillor Smith that a copy of the Nova Scotia Property On-Line print-out showing the property lines was included with the report.

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

5.5 Lands of Sackville Manor Limited, 61 Manor Drive, Lower Sackville

Deleted during approval of the agenda. See item 3.

5.6 Lands of Joseph W. and Elaine Robson, 21 Micmac Drive, Dartmouth

! An Appeal Report dated July 12, 2005 was before the Committee.

Ms. Tamar Dorey, By-Law Enforcement Officer, presented a video of the property.

Councillor Smith asked for clarification regarding the seven day Order issued on May 31, 2005 and the thirty day Order issued on June 1, 2005. Ms. Dorey indicated that both Orders had been appealed. She further indicated that the seven day Order was for assorted litter and debris on the property.

Mr. Joseph Robson, Appellant, informed the Committee that he had not remedied any of the issues in the Orders as he was told that he would be ticketed and taken to court. He wished for the matter to be heard in court.

Councillor Johns requested clarification as to whether the Committee is considered a form of "court". Ms. Phillips informed Councillor Johns that the Committee is a quasi-judicial body. Ms. Phillips advised the Committee that Mr. Robson was informed by staff that as a first or second time offender, the matter goes before the Committee. As a third time offender, the matter is referred to court. Mr. Robson is not a repeat offender.

Councillor Johns further requested clarification that if the Orders are upheld, and the Appellant does not remedy the situation, staff will go ahead and complete the work and bill it back to the home owner. Ms. Phillips clarified that this is the procedure.

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

5.7 Lands of Mr. Louis Toulany, 6308 Head of Chezzetcook

! An Appeal Report dated July 12, 2005 was before the Committee.

Ms. Tamar Dorey, By-Law Enforcement Officer, presented a video of the property.

Mr. Louis Toulany, Appellant, explained that he purchased the property in 1989. He ran it as a service station, auto repair shop, and take-out restaurant. In the early 90's the Province put in a highway from Dartmouth to Musquodobit Harbour. As a result of rerouted traffic, business diminished and Mr. Toulany closed the business. He kept the property vacant for a few years and in November he leased the property to new tenants who agreed they would purchase the property if they could make the business work. Mr. Toulany informed the Committee that the lot meets all legal zoning requirements. Mr. Toulany explained that he had received an Order in January or February for debris. He met with Ms. Dorey after receiving the Order and noted that this meeting was not mentioned in the report. This Order has since been remedied. Mr. Toulany noted that there are many properties in the area that are run down.

Councillor Snow indicated that in the video it did not appear that the debris had been remedied. Ms. Dorey clarified that Mr. Toulany had remedied the first order for debris. A second Order was issued for exterior maintenance issues and a third Order was issued for

further debris that was noticed by Ms. Dorey during the site inspection for the exterior maintenance issues.

MOVED BY Councillor Johns, seconded by Councillor Snow that the appeal be denied.

Councillor Smith added that he did not feel it would take much effort to clean up the property. He also indicated that although the Committee would take into consideration the business being shut down, they cannot allow property owners to leave the properties in a state of disrepair.

Ms. Phillips requested that Mr. Toulany be given a copy of the report which, in the discussion section, does indicate that the property owner met with Ms. Dorey.

MOTION PUT AND PASSED.

5.8 Lands of Captain Edward Roy Kiley, Purcell's Cove Road, Halifax

! An Appeal Report dated July 12, 2005 was before the Committee.

Mr. David Henry, By-Law Enforcement Officer, presented a video of the property. Mr. Henry indicated that there was no civic address assigned to this property that borders the marina on Purcell's Cove Road. Mr. Henry added that the debris is facing Purcell's Cove Road as you come down the hill from Halifax.

Captain Edward Roy Kiley, Appellant, explained that much of the debris was caused by the hurricane and he is working to get it cleaned up. Councillor Snow asked Captain Kiley whether he had made an insurance claim for the hurricane damage. Captain Kiley responded that he had received money from the Juan Relief Fund.

Captain Kiley informed the Committee that he operates a business on the property as a marina, boat storage and boat repairs. He indicated that business is about two months behind due to bad weather and further damage caused by spring gales therefore he requires more time to remedy the outstanding issues. Captain Kiley advised that he is trying to sell the property.

Councillor Smith inquired how much work Captain Kiley had completed to date and how much more time he will require to remedy the situation. Captain Kiley responded that he has had three or four truck loads taken away so far. He is doing repairs on some of the boats and waiting for parts. He indicated that he hopes to be done by mid-August.

MOVED BY Councillor Smith, seconded by Councillor Snow that an extension to the end of August be granted. MOTION PUT AND PASSED UNANIMOUSLY.

5.9 Lands of Captain Edward Roy Kiley, 521 Purcells Cove Road, Halifax

! An Appeal Report dated July 4, 2005 was before the Committee.

Mr. David Henry, By-Law Enforcement Officer, presented a video of the property. Mr. Henry indicated that the seven day Order issued to Captain Kiley on June 3, 2005 regarding the removal of a derelict vehicle has been remedied. The other Order issued on June 7, 2005 remains outstanding.

Captain Edward Roy Kiley, Appellant, advised that he sometimes has seventy boats in the yard during the winter. He requests that the boat owners remove their debris but they do not. He is not sure why the property was split into the two parcels.

Councillor Smith remarked that the Committee had given leeway to the Appellant on the other property and asked Captain Kiley how much time he would require to have this property remedied. Captain Kiley responded that he would require until the end of August.

Councillor Snow inquired whether the Appellant could build a fence around the property. Ms. Phillips responded that once a civic violation has been observed by the By-Law Department, they have an obligation for it to be removed or repaired. Screening or tarping a violation is not a remedy.

MOVED BY Councillor Smith, seconded by Councillor Snow that a 30 day extension be granted. MOTION PUT AND PASSED UNANIMOUSLY.

5.10 Lands of Dr. J. S. Goomar, 207 Main Street, Dartmouth

! An Appeal Report dated July 12, 2005 was before the Committee.

! Dr. Goomar submitted his written comments for the record.

Mr. Rob Coolen, By-Law Enforcement Officer, presented a video of the property. Mr. Coolen explained that the property is a vacant lot that is overgrown with no access to the property. It is situated in a residential area of high pedestrian traffic surrounded by commercial properties. The initial complaint was made on April 20, 2005. The materials of the original complaint cannot be seen since the grass has grown and covered most of the debris.

Mr. Coolen clarified for Councillor Snow that the initial complaint was regarding litter and a

section of fence.

Ms. Phillips responded to Councillor Snow that tall grass was listed in the original Order. Mr. Coolen further responded that the grass was abutting the sidewalk and neighbouring properties. The video was shown again at this time to review the grass.

Dr. J.S. Goomar, Appellant, explained that he had previously owned and sold the neighbouring property, civic 203 Main Street, and when he received the Order he thought it was for the property he had sold. He was not aware that vacant lots were assigned civic numbers. Dr. Goomar indicated that the litter and debris is coming from 203 Main Street, where the owners operate a business and the workers are littering his property. Dr. Goomar further indicated that 203 Main Street is zoned as residential but it is being used as a business. He is making a formal complaint today.

Councillor Johns responded to Dr. Goomar that if he was not aware of which property the complaint pertained to due to the civic numbers, the PID number and tax account number were also provided on the Order, along with the civic address. He also asked Dr. Goomar to clarify whether he is the owner of the lot in question. Dr. Goomar responded that he assumed the neighbouring property to 203 Main Street would be assigned a civic number of 205 Main Street, not 207. He agreed that yes, he does own the lot.

Councillor Snow indicated that on April 25, 2005, the date of the Inspection Report, the lot would not have been as green and the litter would have been obvious and visible.

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

A short recess was requested at 12:04 p.m. Meeting resumed at 12:07 p.m.

5.11 Lands of Mr. Kenneth J. Dacey, 144 Pleasant Street, Dartmouth

- An Appeal Report dated July 4, 2005 was before the Committee.

Ms. Tamar Dorey, By-Law Enforcement Officer, presented a video of the property.

Mr. Kenneth Dacey, Appellant, explained that the home was built in 1854 by Premiere James Johnston. Mr. Dacey is an architect. He has made many repairs and upgrades to the property as indicated in Mr. Dacey's appeal letter dated June 15, 2005. Mr. Dacey indicated his intent to have the property designated as a heritage building, which would waive the HST on the remaining repairs and renovations to the property. The heritage designation would also provide him with a 20% grant for restoration.

Councillor Sloane advised that she is a member of HRM's Heritage Advisory Committee. Ms. Phillips clarified that she has spoken to Dorothy Amey of Planning and Development Services and there is no record of Mr. Dacey's application with HRM. Mr. Dacey replied that he was applying Federally and Provincially. Councillor Sloane informed Mr. Dacey that he could also be eligible for funding through an HRM heritage designation.

Mr. Dacey requested time to have the home designated as a heritage property and after that he will proceed with the rest of the renovations and repairs. He has some price estimates for restoring the exterior of the home, which include \$20,000 for the chimney and \$12,000 for roof repairs. He is estimating exterior repairs and renovations of \$80,000.

Mr. Dacey responded to Councillor Smith indicating he had purchased the property in 1974.

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

6. DEMOLITIONS

6.1 Lands of Mr. Ervin Graham Prevost, 5564 Gerrish Street, Halifax

- A Demolition Report dated July 4, 2005 was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, advised that the Building Official, Bob Slaunwhite, was present to comment on the inspection of the property. Mr. Brown presented a video of the property.

Mr. Bob Slaunwhite, Building Official, provided a written report dated May 18, 2005. Mr. Slaunwhite revisited the property and was walked through the interior of the building with the owner. The original report recommended a thirty day time frame to either remedy or demolish the building. Mr. Slaunwhite stated that the property owner requested, and Mr. Slaunwhite is recommending, a ninety day extension as the owner is trying to sell the property to a neighbour, who will tear down the premises and build a parking lot.

Councillor Snow asked if the building is salvageable. Mr. Slaunwhite replied that it is not. Councillor Snow inquired whether the building would be safe if children were to enter. Mr. Slaunwhite replied that it would not be but the building is currently boarded up.

Ms. Phillips added that the owner will have thirty days to demolish the building if the Order to Demolish is approved today. Councillor Snow inquired whether thirty days was the fastest the demolition could be done. Ms. Phillips replied yes, but if there is an immediate danger, HRM could go in and deal with that, but there is not an immediate danger of collapse in this situation.

Mr. Keith Prevost, appearing on behalf of his brother, Ervin Prevost, Appellant, commented that he believes part of the building is structurally sound. The floors were torn out and the doors are barricaded and padlocked. Mr. Prevost questioned why a few weeks ago his brother was being asked to make repairs but he is now being asked to demolish the building. If Mr. Prevost knew it was to be demolished he would have brought in an engineer. Mr. Prevost contends that only one side of the building needs repairs. The property is assessed at \$98,300 and if the building is demolished the property value would be less. The building is supported by steel posts and has not blown down during the hurricanes over the years. Mr. Prevost stated that his brother will be eighty in October and his physical and mental abilities are diminishing.

Ms. Phillips advised Mr. Prevost that if he could have a certified member of the industry complete an inspection of the property and prepare an inspection report stating that it is safe and secure within the next thirty days, an appeal will be considered by the Committee. If the Committee finds today that the building is not safe and approve the Demolition Order, the building will be demolished in thirty days. The owner could demolish the building himself. A copy of the Building Official's report is to be given to Mr. Prevost.

Mr. Prevost advised the Committee that he will have an inspection report completed by an independent party.

MOVED BY Councillor Johns, seconded by Councillor Snow 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.

6.2 Lands of Mr. Gary Michael Field, 31 Joyce Avenue, Halifax

- A Demolition Report dated July 12, 2005 was before the Committee.

Mr. David Henry presented a faxed letter to the Committee from Mr. Gary Michael Field, Appellant, who was absent due to a previously scheduled medical appointment.

Councillor Sloane read the letter into the record.

MOVED BY Councillor Johns, seconded by Councillor Snow 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. MOTION PUT AND PASSED UNANIMOUSLY.

7. NEXT SCHEDULED MEETING - August 18, 2005

Councillor Smith gave regrets for the August 18, 2005 meeting.

7.1 COMMITTEE BUSINESS

7.1.1 Dangerous and Unsightly Premises Committee 2005 Meeting Schedule

Due to a Council Priority Setting session scheduled for September 15, 2005, the next meeting of the Dangerous and Unsightly Premises Committee is to be determined at a later date.

Upon further discussion with the Committee members, it was determined that the September meeting would be held on Wednesday, September 14th at 10:00 am in Council Chambers.

7.1.2 Quorum for Dangerous and Unsightly Premises Committee

Ms. Chris Newson, Legislative Assistant, provided clarification on the issue of quorum for this Committee indicating that according to Administrative Order Number One (1), the quorum for a Committee with an uneven numbered membership is a majority of the members. This Committee has nine members therefore quorum was fine. This Committee requested an amendment to their Administrative Order Thirty (30) to reduce quorum to four. That amendment was passed by Regional Council on June 21, 2005.

8. ADJOURNMENT

The meeting was adjourned at 12:46 p.m.

Jennifer Weagle
Legislative Assistant