

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
December 15, 2005

PRESENT:

Councillor Harry McInroy
Councillor Gloria McCluskey
Councillor Mary Wile
Councillor Dawn Sloane, Vice Chair
Councillor Brad Johns
Councillor Robert Harvey, Chair

ABSENT
WITH REGRETS:

Councillor Jim Smith
Councillor Krista Snow
Councillor Len Goucher

STAFF:

Ms. Tanya Phillips, Manager, By-Law Services
Mr. Donn Fraser, Solicitor, Legal Services
Mr. Scott Hill, By-Law Enforcement Officer
Mr. Trevor Oliver, By-Law Enforcement Officer
Mr. Rob Coolen, By-Law Enforcement Officer
Mr. Jason Bell, Methods and Procedures Analyst, Community
Projects
Ms. Jennifer Weagle, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	3
2.	APPROVAL OF MINUTES - November 17, 2005	3
3.	APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS	3
4.	CONSIDERATION OF DEFERRED BUSINESS	3
4.1	APPEALS	3
4.1.1	Lands of Abdalla Es-Sayyed, 10 Donovan Street, Lakeside .	3
4.1.2	Lands of Marion Elizabeth Clyke, 5651 Bloomfield Street, Halifax	3
4.1.3	Lands of Halifax County Condominium Corporation No. 151, 45 Vimy Avenue, Halifax	3
4.2	DEMOLITIONS	4
4.2.1	Lands of the Estate of Charlotte Simmonds, 1242 Downey Road, Lot 60, North Preston	4
4.2.2	Lands of the Estate of Mary Ellen Knudsen, 436 Cobequid Road, Sackville	4
5.	APPEALS	4
5.1	Lands of Maria Rockwell, 255 Viewmount Drive, Head of St. Margaret's Bay	4
5.2	Lands of Enviroscope Limited, 2183 Gottingen Street, Halifax	5
5.3	Lands of Geraldine Mary Clorey, 1696 Shore Road, Eastern Passage ...	5
6.	DEMOLITIONS	5
6.1	Lands of Leon Myers & Donna Henley (Estate of William Myers), 13182 Highway 7, Ship Harbour	5
6.2	Lands of Leon Myers & Donna Henley (Estate of William Myers), 13156 Highway 7, Ship Harbour	6
6.3	Lands of Dainey M. and Shirley Johnson, 12391 Peggy's Cove Road, Glen Haven	6
6.4	Lands of John O'Hanley, 59 Frederick Avenue, Halifax	6
6.5	Lands of Francis Slaunwhite, 35 Back Lane, Terence Bay	7
7.	ADDITIONS	8
8.	NEXT SCHEDULED MEETING - January 19, 2006	8
9.	ELECTION OF CHAIR AND VICE-CHAIR	8
10.	ADJOURNMENT	8

1. CALL TO ORDER

The meeting was called to order at 10:04 a.m.

2. APPROVAL OF MINUTES - November 17, 2005

MOVED BY Councillor McCluskey, seconded by Councillor Johns, that the minutes of November 17, 2005 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

- Deletions:**
- Item 4.1.1 Lands of Abdalla Es-Sayyed, 10 Donovan Drive, Lakeside**
 - Item 4.1.3 Lands of Halifax County Condominium Corporation No. 151, 45 Vimy Avenue, Halifax**
 - Item 5.3 Lands of Geraldine Mary Clorey, 1696 Shore Road, Eastern Passage**

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

4. CONSIDERATION OF DEFERRED BUSINESS

4.1 APPEALS

- 4.1.1 Lands of Abdalla Es-Sayyed, 10 Donovan Street, Lakeside (deferred from October 20, 2005)**

This item was deleted during the approval of the agenda (see item 3).

- 4.1.2 Lands of Marion Elizabeth Clyke, 5651 Bloomfield Street, Halifax (deferred from October 20, 2005)**

- c An Appeal Report dated October 6, 2005 was before the Committee.**

Neither the Appellant, nor a representative of the Appellant were present.

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

4.1.3 Lands of Halifax County Condominium Corporation No. 151, 45 Vimy Avenue, Halifax (deferred from November 17, 2005)

This item was deleted during the approval of the agenda (see item 3).

4.2 DEMOLITIONS

4.2.1 Lands of the Estate of Charlotte Simmonds, 1242 Downey Road, Lot 60, North Preston (deferred from November 17, 2005)

C A Demolition Report dated November 7, 2005 was before the Committee.

Mr. Scott Hill, By-Law Enforcement Officer, provided an update of this matter. Mr. Hill advised that he inspected the property yesterday and there has been no demolition action. HRM has taken action to secure the property since the last meeting.

MOVED BY Councillor McInroy, seconded by Councillor McCluskey, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of a dilapidated and structurally unsound single family dwelling 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.

4.2.2 Lands of the Estate of Mary Ellen Knudsen, 436 Cobequid Road, Sackville (deferred from November 17, 2005)

C A Demolition Report dated November 7, 2005 was before the Committee.

Ms. Mary Lynn Hollier appeared before the Committee as a representative of the Estate of Mary Ellen Knudsen. Ms. Hollier advised the Committee that the Estate is awaiting a grant of administration and is not yet in a legal position to move forward with the demolition. There is a prospective purchaser for the property, whose intentions are to demolish the structure and rebuild.

Responding to questions from the Committee, Mr. Hill advised that the building is secure and is not an immediate danger to the public. Councillor Harvey indicated that he is familiar with the property and confirmed that it does not appear to be an immediate danger.

MOVED BY Councillor McCluskey, seconded by Councillor Wile, that this item be deferred to the January 19, 2005 meeting of the Dangerous and Unsightly Premises Committee. MOTION PUT AND PASSED UNANIMOUSLY.

5. APPEALS

5.1 Lands of Maria Rockwell, 255 Viewmount Drive, Head of St. Margaret's Bay

C An Appeal Report dated December 5, 2005 was before the Committee.

Neither the Appellant, nor a representative of the Appellant were present.

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

5.2 Lands of Enviroscope Limited, 2183 Gottingen Street, Halifax

C An Appeal Report dated December 5, 2005 was before the Committee.

Neither the Appellant, nor a representative of the Appellant were present.

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

5.3 Lands of Geraldine Mary Clorey, 1696 Shore Road, Eastern Passage

This item was deleted during the approval of the agenda (see Item 3).

6. DEMOLITIONS

6.1 Lands of Leon Myers & Donna Henley (Estate of William Myers), 13182 Highway 7, Ship Harbour

C A Demolition Report dated December 7, 2005 was before the Committee.

Mr. Trevor Oliver, By-Law Enforcement Officer presented a video of the property.

Neither the property owner, nor a representative of the property owner were present.

Responding to comments from the Committee, Ms. Tanya Phillips, Manager, By-Law Services, advised that By-Law Services acknowledges that weather this time of year can create a burden and By-Law staff would provide an extension if one was required due to weather.

Councillor Sloane arrived at 10:14 a.m.

Mr. Oliver advised that he is not concerned about trespassing or "squatting" in the structure due to the remote location of the property.

MOVED BY Councillor Sloane, seconded by Councillor Johns, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of a dilapidated and structurally unsound main dwelling 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 Leon Myers & Donna Henley (Estate of William Myers), 13156 Highway 7, Ship Harbour

C A Demolition Report dated December 7, 2005 was before the Committee.

Mr. Trevor Oliver presented a video of the property. Mr. Oliver advised that this property is across the street from the property just discussed in Item 6.1.

MOVED BY Councillor Johns, seconded by Councillor Sloane, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the three (3) dilapidated and structurally unsound accessory structures 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.

6.3 Lands of Dainey M. and Shirley Johnson, 12391 Peggy's Cove Road, Glen Haven

C A Demolition Report dated December 8, 2005 was before the Committee.

Mr. Trevor Oliver presented a video of the property.

MOVED BY Councillor McCluskey, seconded by Councillor Wile, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of a dilapidated and structurally unsound single family dwelling 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.

6.4 Lands of John O'Hanley, 59 Frederick Avenue, Halifax

C A Demolition Report dated December 8, 2005 was before the Committee.

Mr. Scott Hill presented a video of the property. Responding to questions from the Committee, Mr. Hill advised that he has the understanding that the house is vacant, however, he cannot speak to the habitability of the house. He further clarified that the Order would only require the demolition of the porch and the deck, not the entire house.

Mr. Denis O'Hanley, son of John O'Hanley, deceased, appeared before the Committee. Mr. O'Hanley advised that he resided at 59 Frederick Avenue with his elderly mother until last year when they moved to a ground floor apartment for ease of his mother's mobility. Mr. O'Hanley advised that he checks on the home twice a day. Mr. O'Hanley's mother is now in the care of a nursing home. Mr. O'Hanley has intentions of selling the property, but is unsure of the steps to take to transfer title of the property.

Responding to questions from the Committee, Mr. O'Hanley advised that the property is not currently insured. He further advised that the porch has been separating from the house over the past 20 years. Mr. O'Hanley advised that he has removed the steps from the deck due to deterioration.

Councillor Sloane indicated her concern that the property is uninsured with inhabited homes nearby.

MOVED BY Councillor Sloane, seconded by Councillor McInroy, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the dilapidated and structurally unsound porch and deck on the east side of the main structure, removal of all demolition debris and backfilling any foundation or crawl space, and ensuring that all egresses to the structure are properly secured, 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*.

Responding to further questions from the Committee, Mr. O'Hanley advised that he does not have the financial ability to have the porch and deck removed. Councillor McInroy noted that if the Order to Remedy by Demolition is granted, HRM will move in to demolish the porch and deck after 30 days and the costs of the demolition will be placed as a lien against the house, which would not incur any immediate out of pocket expenses to Mr. O'Hanley. Councillor McCluskey suggested to Mr. O'Hanley that he attend the Assessment Office to obtain advice on having the property title changed.

MOTION PUT AND PASSED UNANIMOUSLY.

6.5 Lands of Francis Slaunwhite, 35 Back Lane, Terence Bay

C A Demolition Report dated December 5, 2005 was before the Committee.

Ms. Phillips advised the Committee that she had spoken with the property representative by telephone yesterday and they informed Ms. Phillips that they would be attending the meeting but would not be able to arrive until about 10:30 a.m.

The Chair called for a ten minute recess at 10:30 a.m. and the meeting reconvened at 10:40 a.m. with the property representative present.

Mr. Trevor Oliver, By-Law Enforcement Officer, presented a video of the property. Mr. Oliver indicated that there are two houses on the property and that this demolition recommendation is regarding the property shown in the video to be closest to the water.

Ms. Elsie Goodhew appeared before the Committee as a representative of the property. Ms. Goodhew clarified that the property is in the name of her great-grandfather, Francis Slaunwhite, and that Ms. Goodhew's mother lived in the house until about 1993 when she moved in with Ms. Goodhew, later passing away in 2002. The property has been vacant for the past 12 years.

Responding to questions from the Committee, Ms. Goodhew advised that she and her sister are the next of kin and that they plan to demolish the structure eventually, however her mother passed away without a will and they are unsure whether they have the legal authority to demolish.

Mr. Donn Fraser, Legal Council, further to a request from the Committee, clarified that in the absence of a will, the property would pass on intestacy to the next of kin. If the Demolition Order were granted, and the structure was not demolished within 30 days, HRM would undertake the demolition and a lien would be placed against the property, as opposed to the property owner, for the cost of the demolition.

Ms. Goodhew further advised that she and her sister have been paying the property taxes. **MOVED BY Councillor Johns, seconded by Councillor Wile, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of a dilapidated and structurally unsound house 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.**

7. **ADDITIONS** - none

8. **NEXT SCHEDULED MEETING**

The next meeting of the Dangerous & Unsightly Premises Committee is scheduled for Thursday, January 19, 2006, at 10:00 a.m. in Council Chambers.

9. ELECTION OF CHAIR AND VICE-CHAIR

Councillor Robert Harvey was re-elected Chair and Councillor Dawn Sloane was re-elected Vice-Chair of the Dangerous and Unsightly Premises Committee.

10. ADJOURNMENT

The meeting was adjourned at 10:56 a.m.

Jennifer Weagle
Legislative Assistant