

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
March 23, 2006

PRESENT: Councillor Dawn Sloane, Vice Chair
Councillor Krista Snow
Councillor Gloria McCluskey
Councillor Jim Smith
Councillor Brad Johns

ABSENT: Councillor Harry McInroy
Councillor Mary Wile
Councillor Robert Harvey, Chair
Councillor Len Goucher

STAFF: Ms. Tanya Phillips, Manager, By-Law Services
Ms. Donna Keats, Solicitor, Legal Services
Mr. Theresa Hickey, By-Law Enforcement Officer
Mr. Trevor Oliver, By-Law Enforcement Officer
Mr. Jason Bell, Methods and Procedures Analyst, Community
Projects
Ms. Jennifer Weagle, Legislative Assistant

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1. CALL TO ORDER

Councillor Dawn Sloane, Vice Chair, called the meeting to order at 10:05 a.m. in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES

MOVED BY Councillor McCluskey, seconded by Councillor Johns, that the minutes of February 16, 2006, be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

**Deletion: Item 6.2 Lands of Hilda Slaunwhite and Keith William Slaunwhite, 20
Terence Bay Wharf Road, Terence Bay
- property in compliance**

The agenda was agreed upon as amended.

4. CONSIDERATION OF DEFERRED BUSINESS - None

4.1 Appeals - None

4.2 Demolitions - None

5. APPEALS

5.1 Lands of Ronald Pettipas and Donna Pettipas, 21 Back Lane, Terence Bay

C An appeal report on the above noted dated February 10, 2006, was before the Committee.

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

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

6. DEMOLITIONS

6.1 Lands of Edward Pettipas, 13 Back Road, Terence Bay

C A Demolition Report for the above noted property, dated March 10, 2006, was before the Committee.

Mr. Trevor Oliver, By-Law Enforcement Officer, with the aid of a video, presented the report, noting that the staff recommendation is for the demolition of a dilapidated and structurally unsound house and accessory building. Mr. Oliver further noted that the property was last inspected yesterday, and Mr. Harry Pettipas, son of Edward Pettipas, deceased, is actively working to bring the property in compliance.

Mr. Harry Pettipas addressed the Committee, advising that the property has suffered from vandalism and damage from Hurricane Juan. Mr. Pettipas further advised that if the building is demolished, due to current lot size regulations, he will not be able to build a new house on the lot, which is 82 feet by 135 feet. Mr. Pettipas also advised that he has health problems which slows work progress.

Responding to questions of the Committee, Mr. Pettipas further advised that:

- C The property has been vacant since 1984,
- C The property does not have running water nor a septic system,
- C Title to the property is still in his deceased father's name, however, he has been paying taxes on the property for the past twenty years,
- C He plans to demolish the shed this coming weekend and had planned in the near future to remove and replace the collapsing wall of the house, and re-shingle and paint the house,
- C There were problems with occurrences of break and enter and vandalism to the house, however, he is diligent in securing the house. He was instructed by the RCMP to put up signs and has not seen evidence of any break and enters recently.

The Committee requested clarification from Ms. Donna Keates, Solicitor, Legal Services, regarding whether an occupancy permit could be granted for a property without septic or water and if the building is demolished, whether Mr. Pettipas will be permitted to rebuild on the property keeping within current lot size regulations. Ms. Keates telephoned Planning and Development Services to clarify the answer, however, staff could not be reached.

Mr. Pettipas circulated a plot plan for the review of Committee members.

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 house and 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*.

Councillor Johns indicated concern for public safety, noting that the Inspection Report comments that the buildings are structurally unsound and are not habitable, nor are they useable for storage.

Councillor Johns, with the agreement of the seconder, amended his motion as follows:

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 house and 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 sixty (60) 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 .

Ms. Phillips commented that if the demolition of the structures is ordered, By-Law Enforcement staff and Planning and Development staff will work with the property owner to remedy the condition of the property to the satisfaction of all parties.

MOTION PUT AND PASSED.

6.2 Lands of Hilda Slaunwhite and Keith William Slaunwhite, 20 Terence Bay Wharf Road, Terence Bay

C A Demolition Report for the above noted property, dated February 22, 2006, was before the Committee.

This property is in compliance and this item was deleted during the approval of the agenda. See Item 3.

6.3 Lands of Paula Janet DeCoste, 2865 Sackville Drive, Upper Sackville

C A Demolition Report for the above noted property, dated March 7, 2006, was before the Committee.

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

Ms. Theresa Hickey, By-Law Enforcement Officer, with the aid of a video, presented the report, noting that the staff recommendation is for the demolition of a dilapidated and structurally unsound accessory building.

Ms. Hickey noted that one side of the garage is rotten and is causing the garage door to buckle, allowing access to the structure. She further noted that there are holes in the walls along the bottom of the garage, granting access to rodents and there is also a broken window in the back of the structure. The Demolition and Building Inspector's Reports provide further details.

Photographs of the structure were circulated to Committee members for their review.

Councillor Johns advised the Committee that the property owner uses the structure as a billboard to write messages to the RCMP, neighbours, and Councillor Johns himself, among others.

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

6.4 Lands of Wilma Jean Sellars, 564 West Lawrencetown Road, Lawrencetown

C A Demolition Report for the above noted property, dated March 2, 2006, was before the Committee.

Mr. Trevor Oliver, By-Law Enforcement Officer, with the aid of a video, presented the report, noting that the staff recommendation is for the demolition of a dilapidated accessory building. Mr. Oliver clarified that the structure is a large barn that has become deteriorated.

At the request of Committee members, Mr. Oliver clarified that on January 5, 2006 he was asked to leave the property by the daughter of the property owner and that the building inspector was also asked to leave the property. Mr. Oliver noted that subsequent visits to the property were accompanied by local RCMP.

Mr. Gordon Sellars addressed the Committee, advising that the property belongs to his mother. Mr. Sellars noted that it is a large piece of property and was formerly a working farm until portions of the property were sold. He advised that he has arranged for an engineer to inspect the barn this coming weekend for a second opinion on its structural integrity and to obtain a cost estimate on repairing the structure. Mr. Sellars commented that he had tried to meet with Mr. Oliver but was unable to arrange a convenient time for both parties prior to the Committee meeting today. He further advised that his two sisters live in the house on the property.

Councillor McCluskey indicated that if the matter were deferred for one month it would allow time for Mr. Sellars to have the barn inspected and obtain a cost estimate on repairing the barn to determine whether repairs could be undertaken.

Ms. Phillips commented that any work undertaken on the barn will have to meet the specifications of the National Building Code. She further noted that when the Building Official last inspected the property in January 2006 he recommended that the structure be remedied or demolished within 120 days due to unfavourable weather conditions in the winter months.

MOVED BY Councillor McCluskey, seconded by Councillor Snow, that this matter be deferred to the next meeting of the Dangerous and Unsightly Premises Committee. MOTION PUT AND PASSED.

Committee members asked Mr. Sellers to request his sisters to be more cooperative with staff.

7. ADDITIONS

Councillor Sloane updated the Committee on demolitions from within her district, noting that the two Prevost properties on Gerrish Street have been demolished and the debris is being cleaned up. She further noted that the dilapidated building on the corner of Creighton and Gerrish Streets has also been demolished, however, the developer now must obtain a new permit to construct the proposed residential building as previous permit was for renovations.

8. NEXT SCHEDULED MEETING

The next meeting of the Dangerous & Unsightly Premises Committee is scheduled for Thursday, April 20, 2006, at 10:00 a.m. in Council Chambers.

9. ADJOURNMENT

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

Jennifer Weagle
Legislative Assistant