

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
June 8, 2006

PRESENT:

Councillor Krista Snow
Councillor Harry McInroy
Councillor Gloria McCluskey
Councillor Jim Smith
Councillor Dawn Sloane, Vice Chair
Councillor Robert Harvey, Chair
Councillor Len Goucher
Councillor Mary Wile

ABSENT
WITH REGRETS:

Councillor Brad Johns

STAFF:

Ms. Tanya Phillips, Manager, By-Law Services
Mr. Jeff Rogers, Regional Coordinator, By-Law Enforcement
Ms. Donna Keats, Solicitor, Legal Services
Mr. Cameron Brown, By-Law Enforcement Officer
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

The meeting was called to order at 10:07 a.m. in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES

MOVED BY Councillor McCluskey, seconded by Councillor Sloane, that the minutes of May 25, 2006, be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

It was requested that item 5.3 - Lands of Yousef Mahmoud Haj-issa, 720 Bedford Highway, Halifax - be moved to the first order of business.

Deletions:

5.4 Lands of Pamela Jane Sweet-Smith, 2511 Beech Street, Halifax
- Appeal withdrawn by Appellant

5.6 Lands of William Cole and Colleen Cole, 56 Duck Inn Lane, Porters Lake
- Appeal withdrawn by Appellant

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

4. CONSIDERATION OF DEFERRED BUSINESS - None

4.1 Appeals - None

4.2 Demolitions - None

5. APPEALS

5.3 Lands of Yousef Mahmoud Haj-issa, 720 Bedford Highway, Halifax

C An appeal report on the above noted dated May 26, 2006, was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the report, noting that the property requires exterior maintenance, including painting of siding, window frames, and stairs, along with the replacement of missing deck boards and exterior maintenance to the accessory building and fence. Mr. Cameron clarified at the request of the Committee that the property is habitable, however it is currently not inhabited.

Mr. Emad Al-Sharief, appeared before the Committee on behalf of the property owner. Mr. Al-Sharief advised that the missing deck boards were replaced last night and the grass has been mowed. Mr. Al-Sharief agreed that the building needs painting, but noted that highway is 150 feet away and the nearest house is 60 feet away with trees between.

The Chair advised that staff have agreed to extend the compliance deadline to July 2006.

Ms. Tanya Phillips, Manager, By-Law Services, added that staff agreed to extend the compliance deadline because of inclement weather to allow for the property to be painted. At the request of the Committee, Mr. Al-Sharief advised that the home was recently rented as a single family home, and the owner is considering redevelopment of the property to construct townhouses.

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

The Chair clarified that the property will be reinspected in early July for compliance.

5.1 Lands of Sulley Properties & Investments Ltd., 35 Montgomery Court, Halifax

C An appeal report on the above noted dated May 26, 2006, was before the Committee.

Mr. Trevor Oliver, By-Law Enforcement Officer, with the aid of a video, presented the report, noting that some lesser improvements were undertaken on the property, however these were not completed to staff's satisfaction. Mr. Oliver noted that the owner wishes to undertake extensive modifications to the building, and would rather wait to complete renovations than do the necessary touch up now. He indicated that he had advised the property owner that if appropriate documentation were provided, staff would work with the owner in this regard.

At the request of staff, Mr. Oliver advised that the foundation retaining wall has been repaired.

Ms. Phillips clarified that the Order to Remedy for this property had been carried forward from last year. She advised that staff would be willing to extend the compliance deadline because of inclement weather to allow for painting to be completed. Ms. Phillips indicated that the property would be reinspected in early July 2006.

Mr. Patrick Sulley, property owner addressed the Committee, noting the following:

- C He does not dispute that the building needs some maintenance,
- C When the order was received last year, his company was also in the middle of a corporate project and resources were allocated to that project,
- C He was instructed by Mr. Oliver that only maintenance eye level and down need be addressed,
- C The time frame of the order is an issue, as his company only has so much man power with other ongoing projects

- C He would like to replace the rotten wood on the balconies prior to painting,
- C He assured that any issues brought forward by Trevor will be addressed by the end of the summer, and requested that remaining issues be confirmed in writing.

Mr. Sulley distributed photos of the building and other surrounding properties to Committee members. He indicated that he has made a FOIPOP application to attempt to obtain the name of the complainant.

Councillor McInroy commented that this appeal deals only with the subject property, and not surrounding properties.

MOVED BY Councillor Sloane, seconded by Councillor Goucher, that the appeal be denied.

At the request of the Committee, Mr. Oliver advised that the decks have not been painted.

MOTION PUT AND PASSED UNANIMOUSLY.

The Chair clarified that the property will be reinspected in early July for compliance.

5.2 Lands of Edge Properties Inc., 3564 Robie Street, Halifax

- C An appeal report on the above noted dated May 26, 2006, was before the Committee.

Mr. Trevor Oliver, By-Law Enforcement Officer, with the aid of a video, presented the report, noting the following:

- C The original order stems from a complaint against an adjacent property in September 2005,
- C The initial site visit revealed many exterior maintenance repairs needing to be done, and the property was identified as a public safety issue because of hazardous debris in the yard,
- C Some improvements have been made to the property, however outstanding issues include paint touch-ups, repairs to cement steps, painting of foundation wall and window sills, door trims and doorway,
- C He has not been able to come to an agreement with the property owner.

Ms. Phillips advised that there are open and active case files on several other properties in the area. She noted that if property owners will not work with staff, the work will be sent for tender to have the property remedied and billed to the owner. She further noted that if property owners are willing to work with staff, and intend to have the work completed within a reasonable time frame, an extension can be allowed.

At the request of the Committee, Mr. Oliver clarified that most Orders to Remedy are complaint driven, however, he is instructed to check adjacent properties when he investigates a complaint.

Ms. Judy Walsh, property owner, addressed the Committee, noting the following:

- C She has undertaken extensive renovations to the property since she purchased it less than two years ago,
- C She has been replacing the windows floor by floor, and has a quote from a contractor to replace the remaining windows,
- C She stopped working with Mr. Oliver because of concerns she has with his professionalism,
- C She has been working diligently to improve her property, and the property was only identified because of complaints against "slum lords" on either side of her property,
- C The metal pipe on the property has been on the property since before she purchased it, and was hidden behind a 6 foot garbage bin.

Ms. Walsh distributed photos to the Committee of the building at the time of purchase two years ago and today.

At the request of the Committee, Ms. Phillips indicated that she has offered to have the supervisor involved with this case, to help with communication between the officer and the property owner. She advised that Mr. Oliver would remain the lead investigative officer on this case for continuity. Ms. Phillips further advised that the property owner was advised that due to inclement weather, the property will not be reinspected until mid-July 2006, to allow for the property to be remedied.

At the request of the Committee, Ms. Walsh indicated that she undertakes to complete work on the property, including replacing the remaining windows, within this fiscal year.

MOVED BY Councillor McInroy, seconded by Councillor McCluskey, that the appeal be denied.

At the request of the Committee, Ms. Phillips advised that when a property owner is working toward compliance, staff list the minimum compliance requirements. If the property owner wishes to undertake other repairs not ordered by staff, consideration will be given to the amount of work to be done when determining time lines. She indicated that as long as work is ongoing and communication is maintained, staff will work with the property owner.

MOTION PUT AND PASSED UNANIMOUSLY.

5.3 Lands of Yousef Mahmoud Haj-issa, 720 Bedford Highway, Halifax

This item was dealt with earlier in the meeting.

5.4 Lands of Pamela Jane Sweet Smith, 2511 Beech Street, Halifax

This item was deleted from the agenda. See Item 3.

5.5 Lands of Jane Reno and Gerald Reno, 6328 Jubilee Road, Halifax

C An appeal report on the above noted dated May 31, 2006, was before the Committee.

Mr. Trevor Oliver, By-Law Enforcement Officer, with the aid of a video, presented the report, noting the following:

- C The original complaint against this rental property stems from September 2005,
- C Many maintenance issues were addressed on the property recently,
- C He has had difficulty working with the property owners, who were slow in remedying issues identified and reluctant to take direction from the officer,
- C HRM removed solid waste from the property,
- C The property owners painted over the rotten fence when it was ordered to be repaired, scraped and painted,
- C Issues remaining to be remedied include repairs to the deck lattice, scraping and painting of the front steps and deck, replacement of the cracked glass in the accessory building, and touch up paint on the accessory building.
- C Rocks were placed against the accessory building to conceal work that needed to be done, which is not an acceptable remedy to staff.

At the request of the Committee, Ms. Phillips advised that the property owners have two choices with regard to the broken window in the accessory structure, which is to either repair or replace the window.

At the request of the Committee, Mr. Oliver advised that the property has been deemed a repeat offender because of several solid waste orders against the property.

Mr. Chris Reno, property owner, addressed the Committee, noting the following:

- C He has owned the property for the past twelve years, and rents the two flats in the building only to mature, responsible tenants,
- C The house and accessory building were painted four years ago,
- C Construction materials were stored behind the garage, out of sight, and were not dangerous or unsightly, however, they paid to have the materials removed as per the order, within the time frame provided,
- C The cracked window is behind a six foot fence and has been cracked since the property was purchased twelve years ago,
- C All painting required has been completed,

- C The appeal report indicates there were two occurrences of solid waste being removed from the property by HRM. He was unaware of what the garbage was, unaware of the inspections, and unaware of the orders to remove the solid waste,
- C He believes the issues ordered to be remedied by Mr. Oliver are overzealous and constitute harassment.

Mr. Reno distributed photos of the property to the Committee, which were taken yesterday.

Responding to questions of the Committee, Mr. Reno advised the following:

- C He has not received a bill for the removal of the solid waste from the property,
- C He attends the property, which is within a few blocks of his own home, at least weekly,
- C The tenants are provided with proper containers, and the tenants are responsible for putting the garbage out for pick up,
- C He is willing to repair the deck lattice and paint the front porch and stairs, however, he feels it is unreasonable to have to paint the entire house and garage,
- C The rocks described by Mr. Oliver against the accessory building were there since the house was purchased,

Ms. Phillips indicated that the wording of the order originates from the exterior maintenance category in the legislation. She advised she will work with staff to clarify the wording of the orders.

Councillor Sue Uteck clarified to Ms. Donna Keates, Solicitor, that she is in attendance today as area Councillor for this property, to discuss with the Committee several outstanding issues with the area. The Chair advised that the Committee could vote with a 2/3 majority to accept comments from Councillor Uteck on this matter specifically.

A vote was taken, with two in favour of hearing from Councillor Uteck, and six against.

MOVED BY Councillor Snow, seconded by Councillor Goucher, that the appeal be granted. MOTION DEFEATED.

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

Councillor Goucher left the meeting at this time.

5.6 Lands of William Cole and Colleen Cole, 56 Duck Inn Lane, Porters Lake

This item was deleted from the agenda. See Item 3.

6. DEMOLITIONS

6.1 Lands of Kenneth Francis and Pearl M. MacKenzie, 194 Rocky Lake Drive, Bedford

C A Demolition Report for the above noted property, dated May 26, 2006, was before the Committee.

Ms. Theresa Hickey, By-Law Enforcement Officer, with the aid of a video, presented the report, noting the following:

- C That the staff recommendation is for the demolition of an unoccupied dwelling,
- C The property is located at Rocky Lake Drive in Bedford, at the entrance to the property of C.P. Allen High School,
- C The roof is collapsing, there is a cracked window, and there are holes in the stone foundation,
- C She has been working with the property owner, who does not dispute that the property needs to be demolished, but needs more time to complete the demolition and remove demolition debris.

At the request of the Committee, Ms. Hickey clarified that the property owner does have the right to operate a salvage yard from the property.

Mr. Ken MacKenzie, property owner, addressed the Committee, indicating that he is in agreement that the property does need to be demolished, however, he requires more time to do so. Mr. MacKenzie requested that the deadline for compliance be extended to 60 days, as opposed to 30. He indicated that he has items stored in the building that will have to be relocated.

MOVED BY Councillor Snow, seconded by Councillor Sloane, 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 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 UNANIMOUSLY.

7. ADDITIONS

Councillor Sloane indicated she has been receiving calls regarding Mitchell's Enviro Treasures on Gottingen Street in Halifax and requested an update. Ms. Phillips indicated she would contact the Councillor shortly with an update on this property.

Ms. Phillips introduced Mr. Jeff Rogers, the new Regional Coordinator of By-Law Services, who will be working with the Committee in Ms. Phillip's place while she is on leave.

8. NEXT SCHEDULED MEETING

The next meeting of the Dangerous & Unsightly Premises Committee is scheduled for Thursday, July 6, 2006, at 10:00 a.m. in Council Chambers.

9. ADJOURNMENT

The meeting was adjourned at 11:49 a.m.

Jennifer Weagle
Legislative Assistant