

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
April 19, 2007

PRESENT:

Councillor Robert Harvey, Chair
Councillor Dawn Sloane, Vice Chair
Councillor Gary Martin
Councillor Gloria McCluskey
Councillor Becky Kent
Councillor Bill Karsten
Councillor Mary Wile
Councillor Brad Johns

REGRETS:

Councillor Krista Snow

STAFF:

Mr. Jeff Rogers, Regional Coordinator, By-Law Enforcement
Ms. Angela Jones-Rieksts, Solicitor, Legal Services
Mr. Trevor Oliver, By-Law Enforcement Officer
Mr. Scott Hill, By-Law Enforcement Officer
Ms. Theresa Hickey, By-Law Enforcement Officer
Ms. Lois Beaton McNamara, Methods and Procedures Analyst
Ms. Jennifer Weagle, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	3
2.	APPROVAL OF MINUTES - October 26, 2006	3
3.	APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS	3
4.	CONSIDERATION OF DEFERRED BUSINESS	3
4.1	APPEALS - None	3
4.2	DEMOLITIONS - None	3
5.	APPEALS	4
5.1	Lands of Sylvia Louise McLellan-Brooks, 2090 Sackville Drive, Sackville ..	4
6.	DEMOLITIONS	4
6.1	Lands of Daniel Joseph Francis, 669 Kinsac Road, Kinsac	4
6.2	Lands of Samira M. Meshal, 5687 Charles Street, Halifax	5
6.3	Lands of Kenneth W. Sibley and Rowena L. Sibley, 3993 Highway 357, Meaghers Grant	7
7.	ADDITIONS	9
7.1	Election of Chair and Vice-Chair	3 & 9
8.	NEXT SCHEDULED MEETING - May 17, 2007	9
8.1	Approval of 2007 Meeting Dates	9
9.	ADJOURNMENT	9

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.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Addition:

7.1 Election of Chair and Vice-Chair

The Committee agreed to hold the Election of Chair and Vice-chair as the first order of business.

The agenda was agreed upon as amended.

7.1 Election of Chair And Vice-Chair

At this time nominations were received for the position of Chair.

MOVED by Councillor Harvey, seconded by Councillor McCluskey, that Councillor Sloane be appointed as Chair of the Dangerous or Unsightly Premises Committee. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Sloane took her seat as Chair, and called for nominations for the position of Vice-Chair.

MOVED by Councillor Kent, seconded by Councillor Martin, that Councillor McCluskey be appointed as Vice-Chair of the Dangerous or Unsightly Premises Committee. MOTION PUT AND PASSED UNANIMOUSLY.

2. APPROVAL OF MINUTES - October 26, 2007

Councillor Martin noted that former Councillor Len Goucher was elected as MLA prior to the October 26, 2006 meeting, and was not in attendance at that meeting.

MOVED by Councillor McCluskey, seconded by Councillor Johns, that the minutes of October 26, 2006, 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

5.1 Lands of Sylvia Louise McLellan-Brooks, 2090 Sackville Drive, Sackville

C An appeal report on the above noted dated April 11, 2007, was before the Committee.

Ms. Theresa Hickey, By-Law Enforcement, with the aid of a video, presented the report, noting that the violation is a derelict vehicle with extensive body damage to the driver's side, making it inoperable. She advised that the vehicle was involved in an accident in late February 2007, and is still on the property.

The Chair noted that neither the property owner nor a representative are in attendance.

MOVED by Councillor Johns, seconded by Councillor McCluskey, that the appeal be refused. MOTION PUT AND PASSED.

Councillor Johns advised that he regularly receives calls about other issues on this property. He inquired of staff when these other matters would be remedied.

Mr. Jeff Rogers, Regional Coordinator, By-Law Enforcement, advised that there has been a debris case open on this property since late January 2007, which has been delayed due to the weather. He noted that the property owner has complied with approximately 30% of the issues to be remedied. Mr. Rogers advised that there is a contractor meeting scheduled in the coming weeks for HRM to undertake this work. Councillor Johns requested that he be kept up to date on the status of this property via email.

Councillor Wile arrived at 10:13 a.m.

6. DEMOLITIONS

6.1 Lands of Daniel Joseph Francis, 669 Kinsac Road, Kinsac

C A Demolition Report for the above noted property, dated April 11, 2007, was before the Committee.

The Chair noted that neither the property owner nor a representative are in attendance.

Mr. Trevor Oliver, By-Law Enforcement Officer, with the aid of a video, presented the report, noting that staff are recommending the demolition of this structurally compromised accessory building and removal of all demolition debris. Mr. Oliver noted the following:

- C The building is weathered, the cladding is rotted and has holes, and there are structural issues with the roof;
- C The building is in plain view from the road;
- C There are holes near the foundation, but the building is secured from public access for the most part.

MOVED BY Councillor Johns, seconded by Councillor Karsten, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the structurally compromised 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 Samira M. Meshal, 5687 Charles Street

- C A Demolition Report for the above noted property, dated April 11, 2006, was before the Committee.

Mr. Trevor Oliver, By-Law Enforcement Officer, with the aid of a video, presented the report, noting that staff are recommending the demolition of the structurally compromised accessory building and the removal of demolition debris. Mr. Oliver noted the following:

- C The night before inspection there was a fire in the building;
- C The structure is damaged, there are holes in the roof and along the foundation, rot, damage from vandalism and graffiti, and debris around the property;
- C The area is densely populated;
- C The Building Official's report indicates that it would not be cost effective to refurbish the building.

Mr. Oliver clarified at the request of Councillors that there are two buildings on the lot.

Mr. Rod Mallay, the builder hired by the property owner to re-develop the property, addressed the Committee, noting the following:

- C Both buildings on the property will eventually be demolished;
- C The property owner has a development permit to proceed with the construction of a three storey building on the lot, with the bottom floor for commercial uses and the top two floors for residential uses;
- C The property owner wishes to use the accessory building as a project office/storage facility for building materials during construction of the new building.

Mr. Mallay responding to questions of Council, clarified the following:

- C In the interest of green technology and sustainability, the property owner wishes to demolish the buildings piece by piece to re-use the building materials;
- C Construction has not yet started due to winter frost, but they are anticipated to start within the next few weeks;
- C The accessory building will be set back ten feet from its current location during construction of the new building;
- C After construction of the new building, the accessory structure will be demolished and the space will be used for parking.

At the request of members, Mr. Oliver advised that as per the building official's report, the accessory building requires extensive repairs and that it would be cost prohibitive to refurbish the existing structure.

Mr. Mallay indicated that repairs to the structure could be completed within 30 days. Mr. Rogers indicated that this time frame would be satisfactory with staff.

MOVED BY Councillor McCluskey, seconded by Councillor Martin, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the structurally compromised 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

Ms. Angela Jones-Rieksts, Solicitor, clarified that the motion is for the full demolition of the accessory building, and the motion would have to be amended to indicate the partial demolition of the structurally compromised portion of the structure, and the repair of the other portion of the building to be used for storage.

Members discussed the options before them.

MOVED by Councillor Wile, seconded by Councillor Kent, that the Dangerous and Unsightly Premises Committee issue an Order requiring the partial demolition of the accessory and the removal of all demolition debris and backfilling of 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.

Staff clarified that the Committee has the power to make a variation on the order for the partial demolition of the structure. Staff further clarified that the original motion would have to be defeated before the second motion could be voted on.

The original motion for full demolition of the accessory structure was voted on at this time. The vote was tied, and therefore **MOTION DEFEATED.**

Staff clarified that as per Administrative Order One, section 74(b), the Chair “shall vote on all questions submitted, and in case of an equal division, the question shall be negated”.

The motion for partial demolition of the accessory building was voted on at this time. The vote was tied, and therefore **MOTION DEFEATED.**

MOVED by Councillor Kent, seconded by Councillor Wile, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the structurally compromised section of the accessory building and by repairing the remaining section of the accessory building to a secure and usable condition, so as not to be in violation of Part 15 of the Act Respecting Municipal Government, and the removal of all demolition debris and backfilling of any foundation or crawl space, where demolition has been undertaken, leaving the property in a neat and tidy fashion.

It was clarified that staff would reinspect the property in 30 days to ensure that the property had been remedied.

MOVED by Councillor Martin, seconded by Councillor Wile, that the motion be amended to add that when the accessory structure is repaired, that it be made presentable for the community while used as storage.

AMENDED MOTION PUT AND PASSED.

6.3 Lands of Lands of Kenneth W. Sibley and Rowena L. Sibley, 3993 Highway 357, Meaghers Grant

C A Demolition Report for the above noted property, dated April 11, 2007, was before the Committee.

Mr. Scott Hill, By-Law Enforcement Officer, with the aid of a video, presented the report, noting that staff are recommending the demolition of the white house with collapsed rear foundation wall and fallen metal support beam and the removal of all demolition debris. Mr. Hill noted that the floor of the house has collapsed in the centre, exposing access to the structure.

At the request of members, Mr. Hill clarified there is also a debris case ongoing for this property. He also clarified that the primary residence is closer to the road; however, the structurally unsound building can also be seen from the road;

Mr. Kenneth Sibley, property owner, addressed members, noting the following:

- C His intention is to repair the structure, put in a new foundation, clean up the debris on the property, and repair shingles and paint the structure;
- C The main structure of the building is solid, and it is one of the few older buildings left in the community;
- C He requires a few weeks to get started on the work.

Responding to questions from members, Mr. Sibley clarified the following:

- C The floor of the house collapsed because the support beam that runs the full length of the house dropped into the basement;
- C He plans to jack up the support beam and put in timbers to secure the beam;
- C He uses the basement for storage and has a work shop upstairs;
- C The building is 300 feet from the road;
- C He was delayed from commencing work due to the winter weather and frost.

At the request of the Applicant, the Committee agreed to recess for a few minutes.

The meeting recessed at 11:06 a.m., reconvening at 11:08 a.m.

MOVED BY Councillor McCluskey, seconded by Councillor , that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the white house with a collapsed rear foundation wall and fallen metal support beam 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*.

At the request of the Committee, staff clarified that the Committee could defer this matter to review the condition of the property again at a future meeting.

MOTION DEFEATED.

MOVED by Councillor McCluskey, seconded by Councillor Martin, to defer this matter for 30 (thirty) days.

Councillor Harvey indicated that this is a large project, and suggested amending the motion to defer for sixty days to the June meeting.

With the agreement of the mover and the seconder, the motion was amended as follows:

MOVED by Councillor McCluskey, seconded by Councillor Martin, to defer this matter for 60 (sixty) days.

Members commented that the property owner will require permits from Planning and Development to undertake this work. Staff advised that they would work with the property owner to assist with obtaining the required permits.

At the request of the Committee, Ms. Sibley assured members that he would have the debris cleaned up within the sixty days.

At the request of the Committee, Ms. Jones-Rieksts clarified that if the work is not completed within the sixty day extension, the Committee could then order the structure demolished.

MOTION PUT AND PASSED UNANIMOUSLY.

7. ADDITIONS

7.1 Election of Chair and Vice Chair

This item was dealt with at the start of the meeting, see page 3.

8. NEXT SCHEDULED MEETING

The next meeting of the Dangerous or Unsightly Premises Committee is scheduled for 10:00 a.m. on Thursday, May 17, 2007 in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

8.1 Approval of 2007 Meeting Dates

MOVED by Councillor Johns, seconded by Councillor Karsten, that the Dangerous or Unsightly Premises Committee approve the 2007 meeting schedule as follows:

**May 17
June 21
September 20
October 18
November 15**

MOTION PUT AND PASSED UNANIMOUSLY.

It was noted that all meetings will be held in the Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax, at 10:00 a.m.

9. ADJOURNMENT

The meeting was adjourned at 11:19 a.m.

Jennifer Weagle
Legislative Assistant