

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
June 21, 2007

PRESENT: Councillor Dawn Sloane, Chair
Councillor Krista Snow
Councillor Becky Kent
Councillor Bill Karsten
Councillor Mary Wile
Councillor Robert Harvey

REGRETS: Councillor Gloria McCluskey, Vice Chair
Councillor Brad Johns
Councillor Gary Martin

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

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1. CALL TO ORDER

The meeting was called to order at 10:04 a.m. in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES - April 19, 2007

MOVED by Councillor Harvey, seconded by Councillor Wile, that the minutes of April 19, 2007, be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Deletions:

- 5.2 Lands of Darryl David D'Arcy, 57 Brookhill Drive, Grand Lake (Case# 60289)
- 5.3 Lands of Darryl David D'Arcy, 57 Brookhill Drive, Grand Lake (Case# 61027)
- 5.4 Lands of Darryl David D'Arcy and Robert Louis Perkins, 4 Kelly Road, Wellington (Case# 61482)
- 5.5 Lands of Darryl David D'Arcy and Robert Louis Perkins, 4 Kelly Road, Wellington (Case# 57171)

These four cases are owner compliant.

The agenda was agreed upon as amended.

4. CONSIDERATION OF DEFERRED BUSINESS - None

4.1 Appeals - None

4.2 Demolitions

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

- c A demolition report dated June 13, 2007 on the above noted was before the Committee.

Mr. Scott Hill, By-Law Enforcement, with the aid of a video, presented the report, noting that staff are recommending the demolition of the white house with a collapsed rear foundation wall and fallen metal support beam and removal of all demolition debris. Mr. Hill updated that Mr. Sibley had advised him that he would be out of town during today's meeting, and was unable to have someone appear on his behalf. He noted that Mr. Sibley has a permit to burn wood, and has removed the metal from the property.

Mr. Hill responded to questions of clarification from the Committee.

MOVED by Councillor Wile, seconded by Councillor Harvey, that the Dangerous or Unsightly Premises Advisory Committee issue an Order requiring the demolition of the white house with collapsed rear foundation wall and fallen metal support beam and the removal of all demolition debris, 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.

5. APPEALS

5.1 Lands of Joseph Arab, 3251 Agricola Street, Halifax

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

Ms. Tamar Dorey, By-Law Enforcement, with the aid of a video, presented the report, noting that the violation is a deteriorated deck structure, discarded carpeting, and partially buried assorted debris. She advised that this matter is an open case with the Department of Environment and Labour.

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

Staff responded to questions of clarification from the Committee at this time.

At the request of the Committee, Mr. Jeff Rogers, Regional Coordinator, By-Law Enforcement, clarified that much of the debris on this property is buried, which is why this case has also been referred to the Department of Environment. He noted that the Department of Environment has jurisdiction to deal with buried debris and HRM does not. Mr. Rogers advised that staff will work with the Department of Environment to ensure that the entire property is cleaned up.

MOVED by Councillor Kent, seconded by Councillor Wile, that the appeal be refused. MOTION PUT AND PASSED.

5.2 Lands of Darryl David D'Arcy, 57 Brookhill Drive, Grand Lake (Case# 60289)

This matter was deleted from the agenda earlier in the meeting. See Item 3.

5.3 Lands of Darryl David D'Arcy, 57 Brookhill Drive, Grand Lake (Case# 61027)

This matter was deleted from the agenda earlier in the meeting. See Item 3.

5.4 Lands of Darryl David D'Arcy and Robert Louis Perkins, 4 Kelly Road, Wellington (Case# 61482)

This matter was deleted from the agenda earlier in the meeting. See Item 3.

5.5 Lands of Darryl David D'Arcy and Robert Louis Perkins, 4 Kelly Road, Wellington (Case# 57171)

This matter was deleted from the agenda earlier in the meeting. See Item 3.

6. DEMOLITIONS - None

Councillor Snow arrived at 10:27 a.m.

7. ADDITIONS

Councillor Snow indicated that she does not believe Items 5.4 and 5.5 should not be deemed as in compliance, as this resident is a repeat offender and many community residents have been making complaints about his properties. She indicated that she attended the property this morning and the derelict vehicles are still on the property and they are not tarped. Councillor Snow indicated that staff and herself have considerable information on violations and complaints against this resident.

Mr. Jeff Rogers, Regional Coordinator, By-Law Enforcement, advised that when the Officer attended the property to videotape for this meeting, all of the violations were removed, addressed, or tarped over. He clarified that staff do not have the legal authority to look under tarps.

Ms. Angela Jones-Rieksts, Solicitor, Legal Services, advised that the Municipal Government Act (MGA) does not address the issue of repeat offenders. She commented that the only remedy is for staff to investigate each complaint on a case by case basis. Ms. Jones-Rieksts clarified that the process for making an amendment to the MGA would be to seek approval from the Province, and HRM cannot make any further requests for amendments until the spring of 2008.

At the request of the Committee, Mr. Rogers advised that By-Law Enforcement staff have, as a part of their policy and powers, the ability to issue summary offense tickets. He commented that it is not policy for staff to issue summary offense tickets for cases that comply; however, this is an exceptional case and the resident has been informed that he will be receiving tickets if the violations continue.

The Committee discussed options to deal with repeat offenders of dangerous or unsightly conditions, noting the following:

- C Cases such as this are an abuse of resources, staff, the Municipality and its laws;
- C Staff could start a process now to deal with repeat offender amendments to the MGA, to be brought forward in the spring of 2008;

- C Staff and Committee members could meet with MLAs to get their support for passing these repeat offender amendments to the MGA;
- C All districts of HRM have examples of repeat offender cases.

At the request of the Committee, Mr. Rogers advised that if By-Law staff were to attend this property tomorrow, and the violations were no longer in compliance, a summary offense ticket could be issued against the property owner.

Ms. Jones-Rieksts advised that a recommendation would have to be made from this Committee to Regional Council for Council to request amendments to the MGA. She indicated that by-law staff could work with legal staff to develop a recommendation to Council on this matter, for the Committee's consideration. Ms. Jones-Rieksts indicated that she will look at other options that could be a faster approach to dealing with repeat offenders.

8. NEXT SCHEDULED MEETING

The next meeting of the Dangerous or Unsightly Premises Committee is scheduled for 10:00 a.m. on Thursday, September 20, 2007 in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

9. ADJOURNMENT

The meeting was adjourned at 10:46 a.m.

Jennifer Weagle
Legislative Assistant