

**DANGEROUS & UNSIGHTLY PREMISES
MINUTES**

August 28, 2008

PRESENT: Councillor Dawn Sloane, Chair
Councillor Krista Snow
Councillor Robert Harvey
Councillor Brad Johns
Councillor Bill Karsten
Councillor Jackie Barkhouse
Councillor Mary Wile
Councillor Tim Outhit

REGRETS: Councillor Gloria McCluskey, Vice Chair

STAFF: Mr. Jeff Rogers, Regional Co-ordinator By-Law Enforcement
Ms. Erin Dobson, Regional Coordinator, Support Services
Ms. Lois Beaton McNamara, Methods & Procedures Analyst
Ms. Sara Knight, Solicitor, Legal Services
Ms. Theresa Hickey, By-law Enforcement Officer
Mr. Steve Berkman, By-Law Enforcement Officer
Mr. Scott Hill, By-Law Enforcement Officer
Ms. Melody Campbell, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 10:00 a.m. in Halifax Hall, 2nd Floor, City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES - May 1, 2008 & May 15, 2008

MOVED by Councillor Snow, seconded by Councillor Harvey, that the minutes of May 1, 2008 be approved. MOTION PUT AND PASSED.

MOVED by Councillor Snow, seconded by Councillor Wile, that the minutes of May 15, 2008 be approved. MOTION PUT AND PASSED.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Deletions:

Item 5.1 - Appeals - Dangerous and Unsightly - 137 Green Village Road, has been deleted from the agenda.

Item 6.1 - Demolitions - Dangerous and Unsightly - 24 Serene Lane, Clam Harbour has been deleted from the agenda.

MOVED BY Councillor Snow, seconded by Councillor Outhit, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

4. CONSIDERATION OF DEFERRED BUSINESS - None

5. APPEALS - DANGEROUS AND UNSIGHTLY

5.1 137 Green Village Way - Lands of Kenneth Alexand Vaughan and Brenda Claire Vaughan

This item has been deleted from the agenda.

6. DEMOLITIONS - DANGEROUS AND UNSIGHTLY

6.1 24 Serene Lane, Clam Harbour - Property of Audrey Marie Rourke

This item has been deleted from the agenda.

7. APPEALS - DERELICT BUILDINGS - D300

7.1 2400 Creighton Street - Lands of G A P Enterprises Limited

Mr. Steve Berkman, By-law Enforcement Officer provided an update and a video of the property to the Committee.

Mr. Berkman advised the Committee of the following issues:

- the windows are boarded up
- some pigeons are getting in the building
- some wood is rotted
- there is garbage inside of the building
- the main stairwell is not safe
- the building has been vacant for decades
- there is water damage to the walls
- some walls are exposed to the studs

Mr. James Harper, Solicitor representing the Client, addressed the Committee noting the following:

- the client is the Executor of the estate
- not disputing the conditions of the property
- the building is secure, the security is not in question
- the intention of the estate is to sell the property
- the owner is deceased, the Executor has not been able to dispose of the property

- the current Executor will be stepping down and a new executor will be taking over the responsibilities
- the client is requesting a 180 day extension

In response to a query by Councillor Karsten, Mr. Harper advised that the 180 day extension would enable sale of the property as there has been various interest in purchase and time for the estate to repair the building. Councillor Karsten questioned if the building is not sold and work is not being done; can it be completed in 180 days. Mr. Harper advised that this will depend on the new executor adding that he has the understanding that while the property is up for sale, repairs will be done.

In response to a query by Councillor Wile, Mr. Harper advised the Committee that the property is not listed for sale yet as they are waiting for the appointment of the new executor. The new executor will be appointed, the hearing at Probate Court is scheduled for October 7, 2008. Mr. Harper added that the current Executor can start work on the building on a limited basis.

MOVED BY Councillor Snow, seconded by Councillor Outhit, that the Dangerous and Unsightly Premises Committee refuse the appeal and uphold the Derelict Building Order issued on June 20, 2008. MOTION DEFEATED.

Councillor Wile suggested that the appellant be given a 180 day extension on the order.

MOVED BY Councillor Wile, seconded by Councillor Karsten, that the Dangerous and Unsightly Premises Committee uphold the Derelict Building Order issued on June 20, 2008 with a 180 day extension.

Councillor Sloane requested clarification regarding the history of such an extension on an appeal. Mr. Rogers advised that if there is a 180 day extension, when time has expired, it would come back before the Committee as a demolition. Staff advised that the order is now 120 days and an extension of 180 days would be beyond the 120 days already in place.

In response by a query by Councillor Wile, the Committee was advised that the building is secure.

Ms. Knight, Solicitor, advised the Committee that a notice must be given for a demolition.

Councillor Snow advised that she would support the motion but advised it has been a decade since anything has been done on the building. She added that this process has been ongoing for six months and no movement has been taken.

Councillor Sloane stepped down from the Chair. Councillor Harvey assumed the Chair for the remainder of the appeal.

Councillor Sloane advised the Committee that the building is a blight in the Community. Residents are concerned about the building and are requesting that something be done about the issue. She added that another six months is too long to wait to have this issue addressed. She advised that a two month extension may be all right, but 180 days is too long to wait for action. She stated that this building has been reported to HRM several times. She noted that this building is in complete disrepair. She reminded the Committee that By-law D300 was created to look at these types of buildings. There is community pressure to have this issue dealt with.

Mr. Rogers advised that there is currently a six month time frame to complete the entire process from initial inspection through the demolition period.

Councillor Wile suggested a friendly amendment to the motion to a two month extension not 180 days.

The Mover and Seconder agreed to the suggested amendment; the motion now reads:

MOVED BY Councillor Wile, seconded by Councillor Karsten that The Dangerous and Unsightly Premises Committee uphold the Derelict Building Order issued on June 20, 2008 with a two month extension.

The Committee discussed the merits of a Motion of Reconsideration or of adding a one day extension to the order.

Without a vote taken on the motion on the floor, the following motion was placed:

MOVED BY Councillor Wile, seconded by Councillor Karsten that the Dangerous and Unsightly Premises Committee uphold the Derelict Building Order issued on June 20, 2008 and add a one day extension. MOTION PUT AND PASSED.

Councillor Sloane assumed the Chair.

8. DEMOLITIONS - DERELICTS BUILDINGS - D300

8.1 22 Provost Street - Lands of Leo James Keizer & Lorraine Marie Keizer

Mr. Steve Berkman, By-law Enforcement Officer provided an update and a video of the property to the Committee.

Mr. Berkman advised the Committee of the following concerns:

- the building is deteriorated
- the wiring and plumbing is ripped out of the walls
- the bathroom is completely destroyed
- there have been numerous attempts to contact the property owner, but no contact was made

The property owner was not in attendance at the meeting.

MOVED BY Councillor Snow, seconded by Councillor Johns, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the main structure 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.

8.2 106 Pinecrest Drive - Lands of Michael Habib

Ms. Theresa Hickey, By-law Enforcement Officer provided an update and a video of the property to the Committee.

Ms. Hickey advised the Committee of the following concerns:

- there is a lot of damage inside of the building from vandalism
- there is a lot of mold in the building
- insulation is exposed
- Dangerous and Unsightly orders have been placed on the building

The property owner was not in attendance at the meeting.

In response to a question by Councillor Karsten, Ms. Hickey advised that the property owner had been given notification of the orders and added that she delivered notification to his home.

Councillor Johns asked who pays for the property demolition. Mr. Rogers advised that the demolition is paid by HRM and then a lien is put on the property to collect monies owed to HRM.

MOVED BY Councillor Snow, seconded by Councillor Wile that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the derelict building 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.

8.3 8 Trelyn Road - Lands of Douglas Arthur Whorrall

Mr. Scott Hill, By-law Enforcement Officer provided an update and a video of the property to the Committee.

Mr. Hill advised the Committee of the following concerns:

- HRM has had to board up the building a few times
- the roof is deteriorating
- a section of the building is no longer standing
- this property has been an issue since 2002

Mr. Douglas Whorrall, the property owners, advised the Committee of the following points:

- a demolition permit has been issued and the building is currently being torn down with completion in three days
- he noted he paid 18,000 three years ago for the property, paid 20,000 for painting, cleaning up and fixing up the property, and now 25,000 for the demotion
- he has paid these additional costs on a property he paid 18,000 for in the first place
- he hopes to build on the property
- he feels this is unfair and an attack on the poor

MOVED BY Councillor Johns, seconded by Councillor Snow that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the derelict building and the removal of all demolition debris and the backfilling of any foundation, 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.

7. ADDITIONS - NONE

8. NEXT SCHEDULED MEETING

The next meeting of the Dangerous or Unsightly Premises Committee is scheduled for 10:00 a.m. on September 18, 2008 in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

9. ADJOURNMENT

The meeting was adjourned at 10:41 a.m.

Melody Campbell
Legislative Assistant