

DANGEROUS & UNSIGHTLY PREMISES
MINUTES

November 20, 2008

PRESENT:

Councillor Dawn Sloane, Chair
Councillor Gloria McCluskey, Vice Chair
Councillor Robert Harvey
Councillor Bill Karsten
Councillor Jackie Barkhouse

REGRETS:

Councillor Brad Johns
Councillor Mary Wile
Councillor Tim Outhit

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. Roxanne MacLaurin, Solicitor, Legal Services
Mr. Robert Ryan, By-law Enforcement Officer
Mr. Cameron Brown, 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 Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES - August 28, 2008

MOVED by Councillor Harvey, seconded by Councillor Karsten, that the minutes of August 28, 2008 be approved. MOTION PUT AND PASSED.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Deletions:

8.3 2395 Creighton Street - Lands of Gary N. Devanney

MOVED BY Councillor Karsten, seconded by Councillor McCluskey, that the Order of Business be approved. MOTION PUT AND PASSED.

4. CONSIDERATION OF DEFERRED BUSINESS - None

5. APPEALS - DANGEROUS AND UNSIGHTLY

5.1 2350 Creighton Street, Halifax - Lands of Monica Blanche Carvery

Mr. Robert Ryan, By-law Enforcement Officer provided an update and pictures of the property to the Committee.

Mr. Irvine Carvery, addressed the Committee on behalf of his wife Monica Carvery. He advised that he is not disputing the condition of the building, although, there have been legal issues regarding property ownership. Mr. & Mrs. Carvery have made extensive repairs to the building, but once the ownership dispute began, their lawyer advised that they not put any more funds on the property until the dispute is settled. They are in the process of getting a court date and settling the ownership issue.

The Committee received clarification of the following issues:

- this should be before the courts in 2009
- the exterior supplementary structure will be demolished after the court case is settled
- the repairs began, and the appellant was working with by-law enforcement, when the legal issues began in November 2007 and work was stopped on the building
- the building has been abandoned since 2004

MOVED BY Councillor McCluskey, seconded by Councillor Karsten, that the Dangerous and Unsightly Premises Committee defer Case 91124, 2350 Creighton Street, Halifax, to June 2009. MOTION PUT AND PASSED.

6. DEMOLITIONS - DANGEROUS AND UNSIGHTLY

6.1 27 Hill Road, West Chezzetcook - Lands of Murray Arthur Purcell

Mr. Cameron Brown, By-law Enforcement Officer provided an update and pictures of the property to the Committee.

Mr. Murray Purcell, West Chezzetcook, addressed the Committee advising that a case is pending regarding a fire on the property. He advised the building is still standing as there may be evidence on site to assist his case. He advised that he believes that the responsibility for the fire is still in question. He noted that many issues regarding liability have to be brought forward.

Ms. MacLaurin advised that investigations have been done and this has been ongoing for approximately six years. The fire was approximately eight years ago.

MOVED BY Councillor Karsten, seconded by Councillor Harvey, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the fire damaged, partially demolished building and the removal of all demolition debris and the backfilling of any crawl space or 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 for the under Part XV of the *Act Respecting Municipal Government*. MOTION PUT AND PASSED.

6.2 1216 St. Margarets Bay Road Beechville- Lands of James L. Drummond

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

MOVED BY Councillor Harvey, seconded by Councillor Barkhouse, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of the deteriorated wooden frame structure and the removal of all demolition debris and the backfilling of any crawl space or 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 froth under Part XV of the *Act Respecting Municipal Government*. MOTION PUT AND PASSED.

6.3 79 Devils Hill Road, Fergusons Cove

Mr. Cameron Brown, By-law Enforcement Officer provided an update and a video of the property to the Committee. He advised that there are three parties as part of this appeal.

Mr. John Doucet & Ms. Stella Doucet, Fergusons Cove, addressed the Committee. Mr. Doucet advised that he has a home built on the property and lives next door to the building in question. He bought the land and was made aware at a later time that the land the building is on is owned by him although the building is not. The building is owned by Mr. Lynch, the land by Mr. & Ms. Doucet. They agreed to give Mr. Lynch the property under the certain conditions, such as keeping the property clean and payment of funds the Doucets paid in assessment fees over the years, approximately \$1800.00. The Doucets offered these terms to the homeowner but did not receive a response.

Mr. Mark Lynch, on behalf of the William P. Lynch Estate, addressed the Committee advising that lawyers are in consultation about a two foot boundary line on the property. He advised that he just received the inspection list at todays meeting. He advised that the floors and beams are stable on the building and the chance of fire is remote. He is planning on rehabilitating, securing land and rebuilding on site. If he has to restore the house to make structurally sound, he will do this. He requested more time in order to have the boundary issue settled.

Mr. Vanderswagg, Fergusons Cove, advised he does not have any interest in the house. He advised there is a land dispute and distributed a map indicating a survey that he had done.

MOVED BY Councillor McCluskey, seconded by Councillor Karsten, that the Dangerous and Unsightly Premises Committee defer Case 89992 to January 2009. MOTION PUT AND PASSED.

7. APPEALS - DERELICT BUILDINGS - D300 - NONE

8. DEMOLITIONS - DERELICTS BUILDINGS - D300

8.1 5527 Buddy Daye Street, Halifax - Lands of Marcel K. Prevost & Jeannine I.D. Prevost

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

Mr. Marcel Prevost, Halifax, addressed the Committee. He stated he was trying to renovate the property. He and his sister have been dealing with some personal issues and these issues have slowed down the progress. He noted the foundation is in good condition, floor joints and roof trusses are in good condition. He admits that the premises are unsightly, but this can be changed. He would like the opportunity to renovate or sell the building. He advised that potential buyers would not buy such a small lot. He has been in contact with a potential purchaser and is requesting an extension..

The Committee received clarification of the following issues:

- the structure is a duplex, the other side owned by another owner who is renovating
- this property has been already sighted as a Dangerous or Unsightly Premises

MOVED BY Councillor Harvey, seconded by Councillor McCluskey, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of a derelict building and the removal of all demolition debris and the backfilling of any crawl space or 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.

8.2 2394 Creighton Street, Halifax - Lands of Neville Desilva

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

MOVED BY Councillor Karsten, seconded by Councillor McCluskey, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of a derelict building and the removal of all demolition debris and the backfilling of any crawl space or 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.

8.3 2395 Creighton Street, Halifax - Lands of Gary N. Devanney

This item has been deleted from the agenda.

8.4 2400 Creighton Street, Halifax - 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. He advised that the property owner applied for a demolition permit.

MOVED BY Councillor Harvey, seconded by Councillor Karsten, that the Dangerous and Unsightly Premises Committee issue an Order requiring the demolition of a derelict building and the removal of all demolition debris and the backfilling of any crawl space or 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 Monday, December 8th in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

9. ADJOURNMENT

The meeting was adjourned at 11:41 a.m.

Melody Campbell
Legislative Assistant