

DANGEROUS & UNSIGHTLY PREMISES
MINUTES

February 19, 2009

PRESENT:

Councillor Dawn Sloane, Chair
Councillor Gloria McCluskey, Vice Chair
Councillor Robert Harvey
Councillor Sue Uteck
Councillor Brad Johns
Councillor Barry Dalrymple
Councillor Lorelei Nicoll
Councillor Andrew Younger
Councillor Stephen Adams

STAFF:

Mr. Jeff Rogers, Regional Coordinator By-Law Enforcement
Ms. Erin Dobson, Regional Coordinator, Support Services
Ms. Danielle Banks, Methods & Procedures Analyst
Ms. Angela Jones-Rieksts, Solicitor, Legal Services
Ms. Melissa MacBurnie, By-law Enforcement Officer
Ms. Theresa Hickey, By-law Enforcement Officer
Mr. Cameron Brown, By-law Enforcement Officer
Mr. Steve Berkman, By-Law Enforcement Officer
Mr. Rob Ryan, , 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 - January 23, 2009 and January 29, 2009

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the minutes of January 23, 2009 be approved. MOTION PUT AND PASSED.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the minutes of January 29, 2009 be approved. MOTION PUT AND PASSED.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Deletions:

Item 5.2.1 Devil's Hills Road, Fergusons Cove
Item 7.1 2621 St. Margarets Bay Road

Move:

Item 7.2 6103 Hammonds Plains Road to be addressed as the first Order of Business

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

4. ELECTION OF CHAIR AND VICE CHAIR

The Legislative Assistant called for nominations for the Chair of the Committee.

MOVED By Councillor Johns, seconded by Councillor Younger, that Councillor Sloane be appointed Chair of the Dangerous & Unsightly Premises Committee. MOTION PUT AND PASSED.

The Legislative Assistant called three times for further nominations, hearing none, nominations were closed.

Councillor Sloane accepted the appointment as Chair of the Dangerous & Unsightly Premises Committee.

MOVED By Councillor Nicoll, seconded by Councillor Adams, that Councillor McCluskey be appointed Vice-Chair of the Dangerous & Unsightly Premises Committee. MOTION PUT AND PASSED.

The Legislative Assistant called three times for further nominations, hearing none, nominations were closed.

Councillor McCluskey accepted the appointment as Vice-Chair of the Dangerous & Unsightly Premises Committee.

5. CONSIDERATION OF ADJOURNED BUSINESS

5.1 Appeals - None

5.2 Demolitions

5.2.1 Devil's Hills Road, Fergusons Cove - Case #89992

This item was deleted from the agenda.

6. APPEALS - DANGEROUS AND UNSIGHTLY

6.1 923 Highway #7, Westphal - Case #101593

- A report dated February 5, 2009 was before the Committee.

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

The Chair advised that if the appellant was present to come forward to address the Committee at this time. The appellant was not present.

MOVED BY Councillor Johns, seconded by Councillor Younger, that the Dangerous & Unsightly Premises Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on January 16, 2009. MOTION PUT AND PASSED.

7. DEMOLITIONS - DANGEROUS AND UNSIGHTLY

7.1 2621 St. Margarets Bay Road, Timberlea - Case #101806

This item was deleted from the agenda.

7.2 6103 Lady Hammond Road, Halifax - Case #102626

- A report dated February 5, 2009 was before the Committee.

Ms. Melissa MacBurnie, By-law Enforcement Officer provided an update and pictures of the property to the Committee.

Mr. David Issac, the property owner, advised the Committee that he is not before the Committee to dispute the claim, but to advise that he requires until the end of May to complete the job.

MOVED BY Councillor McCluskey, seconded by Councillor Younger that Case #102626, 6103 Lady Hammond Road be adjourned until May 30, 2009. MOTION PUT AND PASSED.

8. APPEALS - DERELICT BUILDINGS - D300 - NONE

9. DEMOLITIONS - DERELICTS BUILDINGS - D300

9.1 4A Trelyn Road, Halifax - Case #95498

- A report dated February 5, 2009 was before the Committee.

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

In response to a query by Councillor McCluskey, it was advised that the building has not been occupied for the last two and a half to three years.

Mr. Russell Martin, property owner, addressed the Committee advising of the following:

- this issue has been difficult to address due to his financial situation and ongoing family issues
- he is requesting four months to renovate the property in preparation for its sale
- there have been issues with the neighbours
- it will take approximately \$60,000 to renovate

In response to a query by Councillor Uteck, Mr. Martin advised that he did not sell the property earlier because there was no intention to sell in the beginning. He stated that family issues began and the decision was made to sell. He added that the process has taken a long time due to family illness.

Councillor Adams noted that it will take more than \$60,000 to renovate the property. Mr. Martin advised the Committee that the funds will come from his mother's estate.

Councillor Younger advised it may be more cost effective to tear down the building and rebuild.

Mr. Martin advised that a contractor will begin work by the first of March, and if the property is not feasible to fix, it will be demolished by April or May.

In response to a question by Councillor Johns, staff advised that the lower level doors and windows are secure, although it is not known if the building is structurally sound.

Councillor Adams requested that the appellant provide a written contractor's estimate and a written plan for renovations.

MOVED BY Councillor Adams, seconded by Council Nicoll, that Case 95498 be adjourned for one month. MOTION PUT AND PASSED.

9.2 6453 Highway 207, Grand Desert - Case #95503

- A report dated February 5, 2009 was before the Committee.

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

Mr. Ted Berman, the appellant, and Councillor David Hendsbee, on behalf of the appellant, addressed the Committee.

Mr. Berman advised the Committee of the following:

- he is on a pension due to medical disabilities
- children have gained entry and ransacked the building
- he has started work on the structure
- the building will be used as a camp, it was a home many years ago
- he has gotten rid of the old furniture, the oil tank and the garbage
- he has done quite a bit of work on the building
- in his opinion, the building is structurally sound
- he is requesting eight months to complete the work

In response to a question by Councillor McCluskey, staff advised that the last visit was on January 25th. At that time the garbage was bagged and the hole in the floor was fixed. Mr. Berkman advised that he did not feel safe to go upstairs.

MOVED BY Councillor Johns, seconded by Councillor McCluskey that Case #95503 be adjourned for six months.

Upon further discussion on the matter, Councillor Dalrymple requested an amendment to the motion to adjourn for four months. The majority of the Committee agreed to the amendment.

Councillor Harvey advised that he does not support the motion, as the value is in the land, not the current structure on the site.

MOVED BY Councillor Johns, seconded by Councillor McCluskey that Case #95503 be adjourned for four months. MOTION PUT AND PASSED.

9.3 595 Purcells Cove Road, Halifax - Case #95718

- A report dated February 5, 2009 was before the Committee.

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

In response to a query by Councillor Younger, Mr. Cameron advised that the building has a Derelict Building Order posted because the building is not in habitable condition.

Ms. Alana Paon, the property owner, addressed the Committee making the following points:

- she noted that this is not a proud moment for her
- she has had a contractor in for an assessment, and is working with HRM Planning
- she has owned the property for ten years, originally buying three lots, two with dwellings
- she renovated the main dwelling and rented it out, and then she eventually sold it
- she was working on properties as best as she could, she is a single parent and finances were tight
- she bought as an investment property
- in 2001 she was injured in a car accident, at that point the renovation plans had to be put on hold
- she has gone back to school for architecture
- she is now an empty nester and is able to afford the renovations
- a contractor has made an estimate of \$90,000 - \$120,000 for renovations and a banking officer has approved this amount
- foundation work can begin the end of May
- she hopes to have work completed for rentals in the fall

It was noted that the veranda on the building is very close to the main road. Councillor Harvey questioned whether getting permits may be an issue considering this encroachment. Ms. Paon, advised that if the building is only to be moved up or down and not to the side, this would not be an issue.

MOVED BY Councillor Adams, seconded by Councillor Uteck that Case #95718 be adjourned until August 2009. MOTION PUT AND PASSED.

9.4 107 Simmonds Road, North Preston - Case 95496

- A report dated January 14, 2009 was before the Committee.

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

The Chair advised that if the appellant was present to address the Committee to come forward at this time. The appellant was not present.

MOVED BY Councillor Johns, seconded by Councillor Younger, that the Dangerous & Unsightly Premises Committee issue an Order requiring the demolition of the derelict building 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. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the Halifax Regional Municipality Charter. MOTION PUT AND PASSED.

10. ADDITIONS

11. NEXT SCHEDULED MEETING

The next meeting of the Dangerous or Unsightly Premises Committee is scheduled for 10:00 a.m. on Thursday, March 19th in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

12. ADJOURNMENT

The meeting was adjourned at 11:15 a.m.

Melody Campbell
Legislative Assistant