

DANGEROUS & UNSIGHTLY PREMISES
MINUTES

April 30, 2009

PRESENT:

Councillor Dawn Sloane, Chair
Councillor Gloria McCluskey, Vice Chair
Councillor Robert Harvey
Councillor Sue Uteck
Councillor Brad Johns
Councillor Barry Dalrymple

REGRETS:

Councillor Stephen Adams
Councillor Lorelei Nicoll
Councillor Andrew Younger

STAFF:

Mr. Jeff Rogers, Regional Coordinator By-Law Enforcement
Ms. Erin Dobson, Regional Coordinator, Support Services
Ms. Danielle Banks, Methods & Procedures Analyst
Ms. Roxanne MacLaurin, Solicitor, Legal Services
Mr. Robert Coolen, By-Law Enforcement Officer
Mr. Scott Hill, 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 - February 19, 2009

MOVED by Councillor McCluskey, seconded by Councillor Dalrymple, that the minutes of February 19, 2009, as presented, be approved. MOTION PUT AND PASSED.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Deletions:

Item 5.2 247 Main Street, Dartmouth
Item 5.3 79 Pleasant Street, Dartmouth
Item 5.4 79 Pleasant Street, Dartmouth

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

4. CONSIDERATION OF ADJOURNED BUSINESS

4.1 Appeals - None

4.2 Demolitions - None

4.3 Appeals Derelict Buildings - D300 - None

4.4 Demolitions Derelict Buildings - D300

4.4.1 4A Trelyn Road, Halifax, Case #95498

- A report dated April 22, 2009 was before the Committee.

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

Mr. Ryan advised the Committee that he visited the site a number of times since February noting that there was no change on the site.

MOVED BY Councillor Uteck, seconded by Councillor Johns, that the Dangerous & Unsightly Premises Committee issue an Order requiring the demolition of the derelict building and accessory structure and the removal of all demolition debris and the 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 fo the *Halifax Regional Municipality Charter*. MOTION PUT AND PASSED.

5. APPEALS - DANGEROUS AND UNSIGHTLY

5.1 137 Cow Bay Road, Eastern Passage, Case #101669

- A report dated April 22, 2009 was before the Committee.

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

Mr. Brian Birt, the appellant, addressed the Committee making the following points:

- he has debris on his property in protest to a nearby property that needs to be addressed
- he advised that an adjacent property owner has debris on property
- black smoke and loud equipment are coming from the adjacent property
- the adjacent property owner has been given seven years to clean property but has not done so
- the adjacent property owner uses personal threats and intimidation and has shown disrespect of the property line
- the adjacent landowner is using a bobcat and excavator for personal use
- vibrations, noise and fumes are coming from the adjacent property
- he added that these uses are not permitted in the zone
- the land was designated as a C2 Zone prior to his owning the land

Mr. Birt supplied pictures of the adjacent property to the Committee advising that the property be considered a dangerous or unsightly premises.

In response to a query by Councillor Johns, Mr. Rogers advised that staff are aware of the property. Councillor Johns requested staff to deal with the adjacent property owner and work with the appellant's concerns on the matter.

In response to a query by Councillor McCluskey, Mr. Rogers advised that cases do not come before the Committee unless they are appealed by the property owner.

Mr. Birt advised the Committee that the adjacent property has been an issue since 1994 and the property owner continues to move the materials around. He advised that many residents in the community are frustrated with the adjacent property owner and the condition of his property.

Mr. Birt advised the Committee that he is prepared to move his debris but advised that the same standards be enforced on the adjacent property owner.

The Committee requested that an update be provided on the state of the adjacent property as noted by the appellant.

MOVED BY Councillor Johns, seconded by Councillor Dalrymple, that the Dangerous & Unsightly Premises Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on April 3, 2009. MOTION TO PUT AND PASSED.

5.2 247 Main Street, Dartmouth, Case #103723

This item was deleted from the agenda.

5.3 79 Pleasant Street, Dartmouth, Case #107692

This item was deleted from the agenda.

5.4 79 Pleasant Street, Dartmouth, Case #108400

This item was deleted from the agenda.

6. DEMOLITIONS - DANGEROUS AND UNSIGHTLY

6.1 21 West Side Drive, Ketch Harbour - Case #109479

- A report dated April 22, 2009 was before the Committee.

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

It was advised that this property has been on record since 2004. The owner has passed away with no will and it was noted that family members do not have an interest in the property.

MOVED BY Councillor Johns, seconded by Councillor McCluskey, that the Dangerous & Unsightly Premises Committee issue an Order requiring the demolition of a vacant, boarded and dilapidated 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 *Halifax Municipality Charter*. MOTION PUT AND PASSED.

Councillor McCluskey was excused from the meeting at 10:40 a.m.

6.2 4 Faraday Lane, Fergusons Cove - Case #104726

- A report dated April 22, 2009 was before the Committee.

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

MOVED BY Councillor Johns, seconded by Councillor Uteck, that the Dangerous & Unsightly Premises Committee issue an Order requiring the demolition of a dilapidated 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 Park XV of the *Halifax Municipality Charter*. MOTION PUT AND PASSED.

7. APPEALS - DERELICT BUILDINGS - D300 - NONE

7.1 1210 Bedford Highway, Bedford - Case #101048

- A report dated April 20, 2009 was before the Committee.

Mr. Rob Coolen, Officer, By-law Services, provided an update and pictures of the property to the Committee.

Mr. Gary Armsworthy, Legal Representative to the Appellant, advised the Committee that a charity claiming to be heir to the property has come forward and this has delayed the process. Mr. Armsworthy advised that Mr. Hallett wants to sell the property. A letter from Mr. Jim Cowie was presented stating that the building is structurally sound.

The Committee recessed at 10:45 a.m.

The Committee reconvened at 10:50 a.m.

Ms. MacLaurin, HRM Solicitor, advised that this circumstance does not affect the D-300 order which can proceed.

Councillor Johns advised that the Case be adjourned for one month and requested that the appellant work at cleaning up the property.

MOVED BY Councillor Johns, seconded by Councillor Dalrymple, that the Dangerous & Unsightly Premises Committee requiring the appellant to remove all garbage and debris from the building and allowing access to By-Law Staff to confirm the task was completed. Case #101048 to be adjourned for thirty days with staff with providing an update at the next meeting as to the action taken by the Estate.

Councillor Uteck stated that the appellant be given a six month adjournment; Councillor Harvey concurred.

Councillor Dalrymple advised that a one month adjournment should be sufficient.

MOTION PUT AND PASSED.

8. DEMOLITIONS - DERELICTS BUILDINGS - D300 - NONE

9. ADDITIONS - NONE

10. NEXT SCHEDULED MEETING

The next meeting of the Dangerous or Unsightly Premises Committee is scheduled for 10:00 a.m. on Thursday, May 21st in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

11. ADJOURNMENT

The meeting was adjourned at 10:55 a.m.

Melody Campbell
Legislative Assistant