

DANGEROUS & UNSIGHTLY PREMISES
MINUTES

October 15, 2009

PRESENT:

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

STAFF:

Mr. Jeff Rogers, Regional Coordinator By-Law Enforcement
Mr. Rick Brown, Supervisor, Permits and Inspections
Mr. Sergio Grbac, Building Official, Permits & Inspections
Mr. Stephan Jedynak, Municipal Solicitor
Ms. Danielle Banks, Methods & Procedures Analyst
Mr. Robert Coolen, Officer, By-Law Enforcement
Mr. Scott Hill, Officer, By-Law Enforcement
Mr. Rob Ryan, Officer, By-Law Enforcement
Mr. Trevor Oliver, Officer, By-Law Enforcement
Mr. Cameron Brown, Officer, By-Law Enforcement
Mr. Steve Berkman, Officer, By-Law Enforcement
Ms. Melody Campbell, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 10:00 a.m..

2. APPROVAL OF MINUTES - July 16, 2009

MOVED BY Councillor McCluskey, seconded by Councillor Johns, that the minutes of July 16, 2009, as presented, be approved. MOTION PUT AND PASSED.

3. APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS

Deletions:

Item 5.2.1 295 Montequ Road, Westphal
Item 6.2 3343 Westerwald Street, Halifax
Item 9.2 2308 Gottingen Street, Halifax
Item 9.4 2380 Gottingen Street, Halifax
Item 9.5 2382 Gottingen Street, Halifax

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

4. M-100 APPEAL

4.1 137 Ridgevalley Road, Halifax Case 110929

- A report dated July 3, 2009 was before the Committee.

Mr. Rick Brown, Supervisor Planning & Development Services, provided an update regarding the property to the Committee.

Ms. Bridgette O'Connell, from Pathways Housing Cooperative, advised the Committee that a mold remediation specialist assessed the mold and advised Pathways that the mold is a common mold and not harmful.

In response to a question by Councillor Uteck, Ms. O'Connell advised that documentation regarding the mold remediation will be provided to HRM staff. Mr. Brown advised that the documentation had not previously been submitted to staff or the Clerk's Office.

MOVED BY Councillor Uteck, seconded by Councillor Johns that the Dangerous & Unsightly Premises Committee adjourn Case 110929, 137 Ridgevalley Road for one month.

Councillor Adams questioned why the property owner did not submit the mold assessment paperwork in June. Ms. O'Connell advised she was not sure of the procedure. In response to a question by the Councillor, Ms. O'Connell advised the bathroom has been cleaned.

MOTION PUT AND PASSED.

Councillor Johns requested, and the Committee approved that Item 7.5 be addressed as the next item on the agenda.

5. CONSIDERATION OF ADJOURNED BUSINESS

7.5 5406 Old Guysborough Road, Wyse Corner, Case 76150

Item 7.5 was addressed at this time as approved by the Committee.

- A report dated October 6, 2009 was before the Committee.

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

Mr. Harold Miller, property owner, addressed the Committee advising of the following:

- he is working on clearing the debris
- he is trying to recycle some materials; ie: singles, beams, nails
- when trying to recycle, clearing the debris is taking more time
- the building was taken down last week
- he does not have funds to ship the debris to a compost facility
- he is burning some of the wood in his wood stove
- it will take a couple of months to clear the building and debris

MOVED BY Councillor Johns, seconded by Councillor McCluskey, that the Dangerous & Unsightly Premises Committee issue an Order requiring the demolition of the dilapidated and collapsing accessory structure and the removal of all demolition debris and the backfilling of any foundation or crawl space, disconnecting all utility connections to the standard set by the service provider, leaving the property in a neat and tidy fashion within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the *Halifax Regional Municipality Charter*.

MOVED BY Councillor Harvey, seconded by Councillor Uteck that the motion be amended to read sixty (60) days.

Councillor Uteck advised the Committee that the By-law Officer had previously been to the property twenty-one times.

Councillor Uteck withdrew herself as seconder of the amendment, with no vote being taken the amendment was lost.

MOVED BY Councillor Harvey, seconded by Councillor Johns that the motion be amended to read sixty (60) days.

Councillor Dalrymple raised concern that a child may be able to crawl into the holes left in the building debris.

AMENDMENT PASSED.

The motion now reads:

MOVED BY Councillor Johns, seconded by Councillor McCluskey, that the Dangerous & Unsightly Premises Committee issue an Order requiring the demolition of the dilapidated and collapsing accessory structure and the removal of all demolition debris and the backfilling of any foundation or crawl space, disconnecting all utility connections to the standard set by the service provider, leaving the property in a neat and tidy fashion within sixty (60) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the *Halifax Regional Municipality Charter*. MOTION PUT AND PASSED.

The Committee requested an update be provided to the Committee on this property.

5.1 APPEALS - DANGEROUS OR UNSIGHTLY

5.1.1 2350 Creighton Street, Halifax, Case 91124

- A report dated October 6, 2009 was before the Committee.

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

Mr. Irvine Carvery addressed the Committee advising of the following:

- his wife owns the property
- work on the structure is planned
- he provided letters from the contractor advising of the costing of the work and advising of dates to start repairing the structure
- work is scheduled to begin November 1st
- once siding is received, it will take approximately two weeks to install
- the building is now vacant
- the plan is for a single family dwelling
- the building is structurally sound

Councillor Johns noted that work is being done and there has been progress on the structure since the Dangerous or Unsightly process started.

**MOVED BY Councillor Harvey, seconded by Councillor Uteck, that the Dangerous & Unsightly Premises Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on September 8, 2008.
MOTION PUT AND PASSED.**

5.2 DEMOLITION - DANGEROUS OR UNSIGHTLY

5.2.1 295 Montequa Road, Westphal, Case 101551

This item was deleted from the agenda during the approval of the Order of Business.

5.3 DEMOLITIONS - D300 - DANGEROUS OR UNSIGHTLY

5.3.1 2001 Lawrencetown Road, Lawrencetown, Case 111994

- A report dated October 6, 2009 was before the Committee.

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

Councillor Uteck advised that there was a demolition permit issued in July on the structure.

Mr. George Bellfontaine addressed the Committee advising of the following:

- the building was certified by an engineering company as being safe, a letter saying same can be supplied
- persons cannot gain access into the building
- he hoped to put six units in the building or a concrete plant, although he is unsure at this point of its use, it is dependant on what is more cost effective
- the building was built thirty-four years ago to be used as a six unit building, arsenic was found in the water and the building ended up being used for offices
- the six unit plan was not grandfathered in, as of now it is zoned for two units plus commercial
- property is zoned as light industrial

MOVED BY Councillor Uteck, seconded by Councillor Johns, that the Dangerous & Unsightly Premises Committee issue an Order requiring the demolition the derelict building and the removal of all demolition debris and the backfilling of any foundation or crawl space, disconnecting all utility connections to the standard set by the service provider, leaving the property in a neat and tidy fashion within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner/occupant. Otherwise, the

Municipality will exercise its rights as set forth under Part XV of the *Halifax Regional Municipality Charter*. MOTION PUT AND PASSED.

6. APPEALS - DANGEROUS OR UNSIGHTLY

6.1 6263 North Street, Halifax Case 111561

- A report dated October 6, 2009 was before the Committee.

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

Following the presentation the Committee was advised that the initiation of this case was an anonymous complaint.

Ms. Nancy Lewis, property owner, addressed the Committee advising of the following:

- in June she was notified that according to the City Charter, that she had a failure to maintain
- her home is not unsightly
- her home was chosen as part of a YWCA Garden Gate tour
- her home's presence exceeds housing around her
- her home fits well in the community
- the exterior is not in a state of disrepair
- the By-law Officer had to trespass on her driveway to get the pictures as shown
- she has a petition of 150 names reputing the unsightly premises charge
- she has an attractive property as noted by an email from a resident
- there is a home next to her property that is definitely unsightly
- HRM should not take anonymous complaints

Following the presentation by Ms. Lewis, discussion ensued with the following points made:

- individuals may call in complaints to promote business opportunities
- the By-law Officer used discretion by offering to come back to inspect the property in July of 2010
- the By-law Officer was doing his job by following up on a complaint
- there are seven cases on the block in relating to peeling paint, six complaint driven, with one noted by the By-law officer
- it was suggested a percentage be considered when dealing with peeling paint
- a number of Committee members noted that HRM may have to address how it handles public complaints

MOVED BY Councillor Uteck, seconded by Councillor Johns Dangerous & Unsightly Premises Committee accept the appeal and rescind the Order to Remedy Dangerous or Unsightly Conditions issued on July 24, 2009. MOTION PUT AND PASSED.

6.2 3343 Westerwald Street, Halifax, Case 118018, Case 119792, Case 119794

This item was deleted from the agenda during the approval of the Order of Business.

7. DEMOLITIONS - DANGEROUS OR UNSIGHTLY

7.1 2350 Creighton Street, Halifax, Case 118689

- A report dated October 6, 2009 was before the Committee.

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

Mr. Irvine Carvery addressed the Committee advising of the following points:

- one side of floor is concrete, the other side is asphalt
- he is concerned if the building is demolished, he may not be able to rebuild
- he intends to repair the garage
- he intends to store supplies in the building while main building is being worked on
- he will be able to supply a timeframe from the contractor as to when work will be complete
- his neighbour, who is also his contractor, built the fence
- he plans to have it the building restored as a two car garage
- there is no danger of the structure falling

MOVED BY Councillor Johns, seconded by Councillor McCluskey that the Dangerous & Unsightly refuse to issue an Order requiring the demolition of the accessory structure.

Councillor Uteck advised Mr. Carvery that the property needs to be cleaned of debris.

MOTION PUT AND PASSED.

7.2 464 Church Point Road, Sheet Harbour, Case 112897

- A report dated October 6, 2009 was before the Committee.

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

MOVED BY Councillor Johns, seconded by Councillor McCluskey, that the Dangerous & Unsightly Premises Committee issue an Order requiring the demolition of the dilapidated building and the removal of all demolition debris and the backfilling of any foundation or crawl space, disconnecting all utility connections to the standard set by the service provider, leaving the property in a neat and tidy fashion within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth

under Part XV of the *Halifax Regional Municipality Charter*. **MOTION PUT AND PASSED.**

7.3 No. 725 Highway, Ship Harbour, Case 107696

- A report dated October 6, 2009 was before the Committee.

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

MOVED BY Councillor McCluskey, seconded by Councillor Johns, that the Dangerous & Unsightly Premises Committee issue an Order requiring the demolition of the dilapidated main and accessory structures and the removal of all demolition debris and the backfilling of any foundation or crawl space, disconnecting all utility connections to the standard set by the service provider, leaving the property in a neat and tidy fashion within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the *Halifax Regional Municipality Charter*. **MOTION PUT AND PASSED.**

7.4 Peggy's Cove Road, Indian Harbour, Case 65822

- A report dated October 6, 2009 was before the Committee.

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

MOVED BY Councillor Uteck, seconded by Councillor McCluskey, that the Dangerous & Unsightly Premises Committee issue an Order requiring the demolition of the dilapidated residential and accessory structure and the removal of all demolition debris and the backfilling of any foundation or crawl space, disconnecting all utility connections to the standard set by the service provider, leaving the property in a neat and tidy fashion within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the *Halifax Regional Municipality Charter*. **MOTION PUT AND PASSED.**

7.5 5406 Old Guysborough Road, Wyse Corner, Case 76150

This Item was addressed prior to Item 5.1 as approved by the Committee.

8. APPEALS - DERELICT BUILDINGS - D300 - NONE

9. DEMOLITIONS - DERELICT BUILDINGS - D300

9.1 120 Pinecrest Drive, Dartmouth, Case 101052

- A report dated October 6, 2009 was before the Committee.

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

Mr. Rogers advised that this property was before the Committee previously but was before the Committee to change the order adding the service request.

MOVED BY Councillor Johns, seconded by Councillor McCluskey, that the Dangerous & 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 or crawl space, disconnecting all utility connections to the standard set by the service provider, leaving the property in a neat and tidy fashion within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the *Halifax Regional Municipality Charter*. MOTION PUT AND PASSED.

9.2 2308-2310 Gottingen Street, Halifax, Case 104393

This item was deleted from the agenda during the approval of the Order of Business.

9.3 9 Learys Cove Road, East Dover, Case 101050

- A report dated October 6, 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 Fisher, that the Dangerous & 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 or crawl space, disconnecting all utility connections to the standard set by the service provider, leaving the property in a neat and tidy fashion within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner/occupant. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the *Halifax Regional Municipality Charter*. MOTION PUT AND PASSED.

9.4 2380 Gottingen Street, Halifax, Case 101054

This item was deleted from the agenda during the approval of the Order of Business.

9.5 2382 Gottingen Street, Halifax, Case 101055

This item was deleted from the agenda during the approval of the Order of Business.

10. ADDITIONS - NONE

11. NEXT SCHEDULED MEETING - Thursday, November 19, 2009

12. ADJOURNMENT

The meeting was adjourned at 12:16 p.m.

Melody Campbell
Legislative Assistant