

DANGEROUS & UNSIGHTLY PREMISES
MINUTES
JANUARY 15, 2004

PRESENT: Councillor Bruce Hetherington, Chair
 Councillor David Hendsbee
 Councillor Ron Cooper
 Councillor Harry McInroy
 Councillor Condo Sarto
 Councillor Jerry Blumenthal
 Councillor Dawn Sloane
 Councillor Robert Harvey

REGRETS: Councillor Krista Snow

STAFF: Mr. Barry Allen, Municipal Solicitor
 Ms. Julia Horncastle, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 6:00 p.m.

2. APPROVAL OF MINUTES - November 20, 2003

MOVED by Councillor Harvey, seconded by Councillor Blumenthal, that the minutes of November 20, 2003, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE ORDER OF BUSINESS, ADDITIONS AND DELETIONS

Deletions

The committee was advised item 4.1 and 5.3 were being removed as the properties were now in compliance.

Items 5.5, 5.6 and 5.7 were deferred to February.

MOVED by Councillor Sarto, seconded by Councillor Blumenthal, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. CONSIDERATION OF DEFERRED BUSINESS

4.1 Lands of Kenneth Wells, 145 Cow Bay Road, Eastern Passage

Property in compliance, no further action necessary.

5. APPEALS

5.1 Lands of R. D. Steward Trucking Limited, 20 Murray Drive, Tantallon

- A report prepared for Ms. Kelly Hunt, Coordinator, Support Services, dated January 8, 2004, on the above noted, was before the committee.

Mr. Rob Coolen, By-Law Enforcement Officer, with the aid of a video, presented the staff report advising a lot of work has been done on the property. He advised the vehicles and machinery on the property are now in compliance.

MOVED by Councillor Cooper, seconded by Councillor Harvey, that the Committee grant the appeal.

In response to Councillor Cooper, the Committee was advised By-Law Enforcement does not monitor where the material is taken when a site is cleaned up by the owner.

MOTION PUT AND PASSED UNANIMOUSLY.

5.2 Lands of North Star Lebanon Limited, 4369 Highway #7, Porters Lake

- A report prepared for Ms. Kelly Hunt, Coordinator, Support Services, dated December 3, 2003, was before the committee.

Mr. Don Shea, By-Law Enforcement Officer, with the aid of a video, presented the staff report advising the chimney has been fixed and the painting has been deferred to spring. He noted the siding needs to be done and the building needs to be closed in around the bottom.

Councillor Sloane expressed concern with the boarding up of the windows and, in response, Mr. Shea advised that if a building has all windows broken the windows are boarded up. In this case, the building has been sealed to keep the weather and people out.

In response to Councillor McInroy, Mr. Shea advised staff is asking the committee to uphold the order to have the remaining items completed.

Mr. Bill Toulaney, property owner, advised he intends to renovate the building but needs time to do this.

MOVED by Councillor Hendsbee, seconded by Councillor McInroy, that the committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued November 10, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

5.3 Lands of North West Arm Estates Limited, 5533 Bilby Street, Halifax

Property in compliance, no further action necessary.

5.4 Lands of Ernest M. Eisan, 5679 Bilby Street, Halifax

- A report prepared for Ms. Kelly Hunt, Coordinator, Support Services, dated December 12, 2003, on the above noted, was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the staff report.

In response to Councillor Sarto, Mr. Barry Allen, Municipal Solicitor clarified what constitutes a derelict vehicle under the Municipal Government Act.

Mr. Eisan advised he is not the owner of the car. He advised the owner parks the car on his property for a fee. He advised the car is in good shape and will be moved in the spring, noting it is parked at the back of the driveway and cannot be seen from the street.

In response to Councillor Hetherington, Mr. Eisan advised the car has been there and not moved for approximately two years.

Councillor Blumenthal suggested Mr. Eisan have the car covered.

MOVED by Councillor McInroy, seconded by Councillor Sloane, that the Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on November 28, 2003.

Without a vote being taken on the motion, the following motion was placed.

MOVED by Councillor Blumenthal, seconded by Councillor Hendsbee, that the motion be deferred for one month. MOTION DEFEATED.

MAIN MOTION DEFEATED, APPEAL GRANTED.

Councillors Sloane, McInroy and Hetherington voted against the motion.

5.5 Lands of Suzanne Louise Bagnell, 5 Louise Court, Dartmouth

This item was deferred to February 19, 2004.

5.6 Lands of Gloria Flinn, 136 Tanner Frederick Road, Glen Haven

This item was deferred to such time as weather conditions permit staff to provide a video on the condition of the property.

5.7 Lands of Richard Snook, 130 Tanner Frederick Road, Glen Haven

This item was deferred to such time as weather conditions permit staff to provide a video on the condition of the property.

6. DEMOLITIONS

6.1 Estate of Owen Frederick Schnare, 200 Club Road, Hatchet Lake

- A report prepared for Ms. Kelly Hunt, Coordinator, Support Services, dated December 9, 2003, on the above noted, was before the Committee.

Mr. Dave Bradshaw, By-Law Enforcement Officer, with the aid of a video, presented the staff report, advising that the owner has no objection to the order going forward.

MOVED by Councillor Sloane, seconded by Councillor McInroy, that the Committee issue an Order requiring the demolition of (1) one single family dwelling presently an allurement to public trespass and in ruinous and structurally deteriorated state 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 Act. MOTION PUT AND PASSED UNANIMOUSLY.

6.2 Lands of Eastwards Properties Inc., 336 Prince Albert Road, Hatchet Lake

- A report prepared for Ms. Kelly Hunt, Coordinator, Support Services, dated January 8, 2004, on the above noted, was before the Committee.

Mr. Don Shea, By-Law Enforcement Officer, with the aid of a video, presented the staff report advising there was no representative of the property present.

Councillor Sloane expressed concern with the danger posed by the mobile sign and loose siding.

MOVED by Councillor Sloane, seconded by Councillor McInroy, that the Committee issue an Order requiring the demolition and removal of the fire damaged structure, 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.

Councillor Harvey confirmed that the grading of the property will be addressed as part of the reclamation and clean up.

MOTION PUT AND PASSED UNANIMOUSLY.

6.3 Lands of the Estate of Edward Gallagher, 15 Ketch Harbour West Road, Ketch Harbour

- A report prepared for Ms. Kelly Hunt, Coordinator, Support Services, dated November

14, 2003, on the above noted, was before the Committee.

Mr. Don Shea, By-Law Enforcement Officer, with the aid of a video, presented the staff report.

Mr. Myles Gallagher, 4 Fortress Drive, Ketch Harbour, advised he agrees the accessory building has to come down and he is willing to take the building down but would like to keep the dwelling as a heritage property. He stated he will demolish the building but keep the corner stones.

MOVED by Councillor McInroy, seconded by Councillor Sarto, that the Committee defer this item to the March 18th meeting. MOTION PUT AND PASSED UNANIMOUSLY.

6.4 Lands of Arne Liberg - Back Cove Road, Sheet Harbour Passage

- A report prepared for Ms. Kelly Hunt, Coordinator, Support Services, dated December 12, 2004, was before the Committee.

Mr. Cameron Brown, By-Law Enforcement Officer, with the aid of a video, presented the staff report advising there was no one present representing the property as the owner has advised he is in the process of demolishing the property and will have the work complete by the end of March.

MOVED by Councillor McInroy, seconded by Councillor Sloane, that the Committee issue an Order requiring the demolition of two dilapidated structures, 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 UNANIMOUSLY.

7. NEXT MEETING

The next meeting is scheduled for Thursday, February 19, 2004.

8. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

Julia Horncastle
Legislative Assistant

