

HALIFAX REGIONAL MUNICIPALITY

**PENINSULA COMMUNITY COUNCIL
AND CHEBUCTO COMMUNITY COUNCIL
JOINT MEETING
MINUTES
OCTOBER 3, 2005**

- PRESENT:** Councillor Sheila Fougere, Chair
Councillor Patrick Murphy
Councillor Dawn Sloane
Councillor Sue Uteck
Councillor Linda Mosher
Councillor Russell Walker
Councillor Debbie Hum
Councillor Mary Wile
- REGRETS:** Councillor Stephen Adams
- STAFF:** Ms. Donna Keats, Municipal Solicitor
Ms. Sherryl Murphy, Legislative Assistant

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1. **CALL TO ORDER**

The meeting was called to order at 7:04 p.m.

2. **PUBLIC HEARING**

2.1 **Case 00821: Amendment to the Halifax Peninsula Land Use By-Law Respecting the Definitions of "Dwelling" and "Rooming House"**

- Notice of Motion regarding this matter was given at the September 12, 2005 meetings of Peninsula Community Council and Chebucto Community Council .
- A supplementary staff report dated September 15, 2005 was before Community Council. Also before Community Council were a previously distributed staff report dated August 2, 2005 and a report from the District 12 PAC dated September 7, 2005.

Circulated to Community Council was the following:

- Correspondence dated September 29, 2005 from Ruth Allen in support of the proposed amendments
- Correspondence entitled In Support of the By-Law Amendment Respecting Dwelling and Rooming Houses

Mr. Richard Harvey, Planner, addressed Council presenting the proposal to amend the Halifax Peninsula Land Use By-law, as contained in the August 2, 2005 staff report, to limit the development of 1) dwellings containing an excessive number of bedrooms and 2) large dwellings on comparatively small lots. Mr. Harvey's presentation included the following:

- A review of the permitted uses in the R-1, R-2 and R-3 zones under the existing Land Use Bylaw
- A review of the permitted uses (including the number of bedrooms) in the R-1, R-2, R-3 zones under the proposed amendments
- A review of proposed amendments which are aimed at controlling large homes on comparatively small lots through maximum floor area ratio requirements

A copy of Mr. Harvey's presentation material is on file.

In response to a question, Mr. Harvey acknowledged that even though many of us perceive that 14 bedrooms existing in one house is a rooming house, under our existing Land Use Bylaw these houses are not categorized as such. Mr. Harvey indicated that the proposed amendments do just that for future situations, however, existing situations are not subject to these requirements.

Mr. Harvey went on to note that with regard to the existing situations, there are existing fire and safety regulations which can address those concerns. Mr. Harvey went on to indicate that further amendments to By-Law M-100 the Minimum Standards By-law may also be considered. Mr. Harvey advised that reducing the number of bedrooms in existing situations cannot be achieved through the Land Use By-Law.

The Chair explained the public hearing process noting that she would first call on those persons who signed up to speak and then call for all others wishing to speak.

Mr. Alan Ruffman, Halifax

Mr. Ruffman addressed Community Council in favour of the proposed amendments and the work done by staff to address the problems. Mr. Ruffman recommended that, as the amendments apply only to the peninsula of Halifax, staff look very closely at what may happen around the new Community College in Dartmouth and what may happen around Mount Saint Vincent University. Mr. Ruffman suggested that these amendments should apply across HRM. Mr. Ruffman pointed out the following typos on Page 4, Paragraph 1, and on Page 5, Paragraph 2 noting that the word 'as' is repeated in those paragraphs. Mr. Ruffman asked how many applications had been made prior to the advertising of this public hearing for new expansions or renovations to existing dwellings.

Mr. Harvey indicated that he was not aware of any applications made from the time the Community Councils had made the decision to hold the public hearing and the ad appeared in the paper.

Ms. Bonnie Newman, VP, Student Services, Dalhousie University

Ms. Newman addressed Community Council in support of the proposed amendments. Ms. Newman noted that Dalhousie, Councillors, HRM staff and the police have worked over the years to find ways to control and minimize the impact of 15,000 students on the residential neighbourhoods around Dalhousie. This By-Law will add greatly to other initiatives underway. In closing, Ms. Newman thanked staff and the Councillors for their hard work in this regard and indicated that Dalhousie would continue to work hard to improve the situation.

Mr. Mike Shacklock, Halifax

Mr. Shacklock addressed Community Council in support of the proposed amendments.

Mr. Brook Taylor, Halifax

Mr. Taylor, noting that he was attending this evening with Yukika Asada, his wife, indicated that he and his wife supported the proposed amendments.

Ms. Marie Welton, Halifax

Ms. Welton addressed Community Council in support of the proposed amendments and thanked all those who had worked on bringing these amendments forward.

Mr. Daniel Verchery, Halifax

Mr. Verchery addressed Community Council indicating support for the proposed amendments.

Ms. Adele Evans, Halifax

Ms. Evans addressed Community Council in support of the amendments. She went on to express concern regarding a situation on LeMarchant Street in which the new owner was given permission to change a single family house into three units, one with seven bedrooms and two with five bedrooms each with no green space. Ms. Evans indicated that the neighbourhood had no recourse with regard to this conversion.

In closing, Ms. Evans requested that Community Council put the amendments in place and make them enforceable.

Mr. Hugh Pullen, Halifax

Mr. Pullen addressed Community Council in support of the amendments. Mr. Pullen commented that as set out in the preamble to the British North American Act, he saw these amendments as a first step to peace and order in the Halifax Peninsula neighbourhoods. Mr. Pullen referred to the houses and buildings that are grandfathered and commented that the Charter of Rights and Freedoms has created a situation where individual rights supercede community responsibility.

Mr. Brad McCrae, a member of the Dalhousie Community Committee

Mr. McCrae addressed Community Council noting that Halifax is one of the most livable cities in Canada. Mr. McCrae went on to suggest that HRM is in danger of losing that distinction as an increasing number of houses are turned into rooming houses. Utilizing

photos Mr. McCrea gave one example of a single family dwelling which was converted to a 17 bedroom rooming house with the backyard converted to a parking lot.

Mr. McCrae went on to outline the number of conversions which have occurred on his block noting that his and one other are the only single family dwellings left on the block. Mr. McCrae noted that neighbourhoods are under assault and residents need this Community Council's help. Mr. McCrae encouraged Community Council to approve the proposed amendments.

Mr. George Kovach, Co-Chair, University Neighbourhood Watch

Mr. Kovach addressed Community Council in support of the proposed amendments and submitted a 13 page report with regard to serious problems affecting neighbourhoods and some solutions to those problems. Mr. Kovach went on to indicate that he loved living on the Peninsula and that the Municipal Planning Strategy is a good document, but is not backed up by an enforceable Land Use By-law.

Mr. Kovach noted that the stated objective of the Peninsula Centre MPS is the maintenance of Peninsula Centre as a predominantly low rise residential neighbourhood with emphasis on housing accommodation for family and households. He indicated that the MPS goes on to indicate that the City shall encourage the retention and creation of family type housing in Peninsula Centre. Using a slide, Mr. Kovach illustrated the increase in density between 1998 and 2005 on a small street in Peninsula Halifax. Mr. Kovach noted that this increase was realized as a result of structural changes to single family dwellings. The total increase in population over that time was approximately 65.

Mr. Kovach went on to indicate that the rental accommodations being developed are not conducive to family living and, therefore, not in keeping with the MPS. Mr. Kovach concluded his comments by challenging the municipality to gather and monitor data regarding residential density and the use of dwellings. He thanked staff and Council for bringing these amendments forward.

Mr. John Czenze, Halifax

Mr. Czenze addressed Community Council indicating that he was in favour of the amendment. Mr. Czenze noted that the amendments represented a great deal of work from residents and staff alike.

Mr. Hugh Parker, Halifax

Mr. Parker addressed Community Council indicating that he supported the amendments to the By-Law.

Mr. Don Sinclair, Halifax

Mr. Sinclair addressed Community Council in favour of the amendments. Referring to those residents living next door to the dwellings that are grandfathered, Mr. Sinclair noted that the Dalhousie Community Committee is doing very good work with regard to the existing problems. He went on to urge residents to remain vigilant about reporting problems with garbage, etc.

Ms. Jane Allen, Halifax

Ms. Allen addressed Community Council indicating that she wanted to record her support for the proposed amendments. She went on to thank staff, Councillor Uteck, and involved residents for their hard work. Ms. Allen noted that these amendments are a beginning.

Mr. Robert Merrick, Halifax

Mr. Merrick addressed Community Council in support of the proposed amendments. Mr. Merrick cautioned that he had lived in university towns previously and indicated that the problems being experienced tend to spread and create problems throughout the community.

Ms. Beverly Miller, Halifax

Ms. Miller addressed Community Council in support of the amendments. She went on to quote from the Municipal Planning Strategy noting that it was very clear that the intent was to maintain neighbourhoods. Ms. Miller pointed out that developers had been exploiting a loophole in the Land Use By-law in order to build monster houses and increase the numbers of units in single family dwellings. She indicated that it was essential that these amendments be approved in order to close that loophole. In closing, Ms. Miller thanked staff and all the citizens who worked hard to develop these amendments.

Mr. Myles Genest, Halifax

Mr. Genest addressed Community Council in support of the proposed amendments noting they were a wonderful first step. He indicated that additional work was required in light of the continuing problems.

Ms. Vicky Grant, Halifax

Ms. Grant addressed Community Council in support of the proposed amendments. She went on to indicate that she hoped HRM would look at the buildings that are grandfathered. Ms. Grant pointed out that many of these buildings are the historic housing of Halifax and although they are not designated, they are still historic housing stock. In conclusion, Ms Grant expressed concern over the exploitation of students, the

destroying of neighbourhoods and the exploitation of HRM by being a major load on services as a result of the existence and development of these rooming houses.

Ms. Clair McFarland, Halifax

Ms. McFarland addressed support of the amendment. Ms. McFarland went on to express surprise regarding the disinterest in preserving the homes in Halifax to date.

Ms. Lisa Napier, Halifax

Ms. Napier addressed Community Council noting that she was totally in support of the amendments. She indicated that she lived in area in which the homes have been converted and that she would like to see these amendments approved.

Mr. Mike Bradfield, Halifax

Mr. Bradfield addressed Council in favour of the proposed amendments. He indicated that he was concerned with regard to the grandfathering of existing rooming houses. Mr. Bradfield that staff have indicated that the grandfathering is required and that to place a time limit on this grandfathering would not be permitted under the Municipal Government Act (MGA). Mr. Bradfield went on to suggest that the grandfathering should be that these properties are non conforming use allowed for the existing owners, but should the property be sold, it would have to conform to existing by-laws. If this is not permitted under the MGA, Mr. Bradfield suggested that staff encourage residents to support changes to the Act to permit just that.

Concluding his remarks, Mr. Bradfield noted that in similar situations at Queens University, the University has refused to list landlords that have violated by-laws. Mr. Bradfield suggested that this is a step Dalhousie should take.

Councillor Fougere advised that in order to be listed landlords must sign a contract with Dalhousie which requires they abide by all rules and regulations.

Aiden Evans, Halifax

Mr. Evans addressed Community Council in support of the proposed amendments. He went on to indicate that he now lived one house away from a building which will have seventeen bedrooms. Mr. Evans indicated that the building is more than twice the size of the house that was re-developed and is completely out of proportion to all of the other houses in the immediate area.

Mr. Evans went on to note that as residents, he and his neighbours have no right of appeal to the Utility and Review Board relative to a building permit. However, the

developer, if he does not like the decision of the Development Officer, does. Mr. Evans indicated that an amendment to the MGA to address this gross unfairness is necessary. Mr. Evans indicated that amending the Land Use Bylaw will prevent similar situations in other neighbourhoods.

Mr. Leonard Preyra, Halifax

Mr. Preyra addressed Council indicating that residents of the area believe this is a good amendment. However, there is a great deal of frustration about the lack of enforcement of the existing by-laws. Mr. Preyra noted that the present situation is not acceptable and more enforcement is necessary.

Ms. Robin Ward, Halifax

Ms. Ward addressed Community Council in support of the amendment.

Ms. Melanie Macey, Halifax

Ms. Macey addressed Community Council in support of the amendments. She went on to indicate that over the last 15 years there has been increasing pressure as homes convert to other uses. Ms. Macey indicated that these conversions do not permit an easy return to residential use.

Ms. Macey went on to express dismay over the lack of ability for a resident to appeal a building permit and indicated that this was an issue which should be addressed. In closing, Ms. Macey indicated that she hoped work would continue to resolve the existing problems.

Mr. Scott Theriault, Halifax

Mr. Theriault addressed Community Council in support of the proposed amendments. He went on to indicate that he has noticed changes to his neighbourhood over the seven years he has lived in Halifax. Mr. Theriault noted that the approach his street has taken with the students is educational. He indicated that the residents of the street meet every year with students to discuss the problems of garbage, noise, etc. Mr. Theriault indicated that the problem lays not with the students, but with developers who exploit the situation.

Ms. Debra Ross, Halifax

Ms. Ross addressed Community Council in support of the proposed amendments. Ms. Ross indicated that she is a recent resident of the south end and has recently had to call the police due to student parties. Ms. Ross expressed concern regarding the

grandfathering of existing buildings and how the problems created will be dealt with in the future.

Katherine Talon, Halifax

Ms. Talon addressed Community Council in support of the proposed amendments. Ms. Talon thanked all the landlords and students who do comply with the by-laws. She went on to comment that out of respect for residents and law abiding landlords and students that HRM must ensure that it follows through with approving and enforcing the amendments.

The Chair indicated that all those who signed up to speak had now been called and invited all others wishing to speak in favour or against the proposed amendments to do so.

Mr. Bob Sime, Halifax

Mr. Sime addressed Community Council indicating his strong support for the amendments. Mr. Sime encouraged HRM to review the matter of grandfathering of existing rooming houses and suggested they be addressed in a similar manner to non conforming use. Mr. Sime went on to indicate that he believe the responsibility for compliance with by-laws relating to garbage, noise, etc. should lie with the landlord rather than the tenant.

Ms. Diane Kenny, Halifax

Ms. Kenny addressed Community Council in support of the proposed amendments. She expressed concern with the enforcement of the existing by-laws and requested that HRM review the grandfathering issue.

Mr. Harry Hentel, Halifax

Mr. Hentel addressed Community Council relating problems he and his family have experienced due to a rooming house located next door. He indicated that he supported the proposed amendments to the By-law. Mr. Hentel expressed dismay over the lack of response to his concerns around the conversion of the property next door. He indicated that he had the work stopped twice, however, it had continued without a permit.

Mr. Chris Sudder, Halifax

Mr. Sudder addressed Community Council noting that his will be the only house on his block conforming to the new By-law. He went on to indicate that this is unfortunate given that most of the homes on the block are Queen Anne Victorian homes and restoring

those homes and balance to the street will be very costly. Mr. Sudder indicated that he was in full support of the By-law and encourage Councillors to pursue opportunities to turn some of the existing situations back to lower density housing.

Mr. Chris Beaumont, Halifax

Mr. Beaumont addressed Council in support of the proposed amendments. He went to express concern over what he saw as technical difficulty with the wording of the amendment. Mr. Beaumont asked staff for a clear definition of a room.

In response, Mr. Harvey indicated that the amendment includes a definition of a bedroom, and means a room which is used or intended to be used for sleeping. Further clarifying, Mr. Harvey indicated a bedroom is a room in which someone is sleeping. In response to a question regarding how this will be enforced, Mr. Harvey indicated that developers will be required to acquire a permit in order to proceed with construction and By-Law Enforcement Officers will enforce the requirements in terms of rooms used for sleeping.

The Chair called three times for persons wishing to address Community Council in favour of or against the proposed amendments. Hearing none, it was **MOVED by Councillor Walker, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Uteck submitted the following correspondence in support of the proposed amendments:

- Letter from Sarah A deWolf dated October 3, 2005
- E-mail from Roy Scott Taylor dated October 3, 2005
- E-mail from Bob and Marion Anderson dated October 2, 2005
- E-mail from Sharon Genest dated October 2, 2005
- E-mail from Pierre and Sheri Poulain dated October 2, 2005
- E-mail from Steven and Monique Murphy dated October 2, 2005
- E-mail from Robert Sime dated October 1, 2005

MOVED by Councillor Uteck, seconded by Councillor Sloane that Halifax Peninsula Community Council approve the amendments to the Halifax Peninsula Land Use By-law contained in Attachment A of the September 15, 2005 Supplementary Report.

A discussion ensued during which the following was noted:

- Landlords are making a great deal of money from these rooming houses. It was suggested that perhaps it is time that the landlords bore the cost of the stress their tenants were placing on HRM services (garbage, police, etc.)
- Suggest that the Clerk's Office forward to all universities within HRM the monthly Information Report detailing the status of the By-Law prosecutions
- The Development Officer can, in the face of substantial violations, give the property owner six months to correct the problem or the property becomes non-conforming

MOTION WAS PUT AND PASSED UNANIMOUSLY.

3. ADJOURNMENT

The meeting adjourned at 8:44 p.m.

Sherryl Murphy
Legislative Assistant