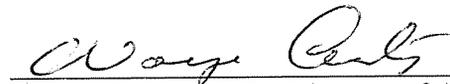


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Halifax Regional Council  
January 15, 2002

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY:



Wayne Anstey, Q.C., Director of Administrative Services

DATE: January 08, 2002

SUBJECT: 921 Brussels Street

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### INFORMATION REPORT

**Origin:**

This report is an update on the status of legal proceedings taken by HRM to ensure that 921 Brussels Street is used as a single unit residence in compliance with the Land Use By-law.

**Background:**

Mr. Vance Joudrey obtained a development permit in 1999 to place an addition on a single unit residence at 921 Brussels Street. The building when completed was to continue to be used as a single unit residence. As the construction was nearing completion it became apparent to staff that the building was being constructed and would be used as a two unit residence which did not comply with the Land Use By-law.

An injunction was applied for and obtained by HRM, and one of the terms of the injunction order was that "The Defendant is permanently enjoined from maintaining and using the property in contravention of the Plaintiff's Land use By-law."

**Discussion:**

Mr. Joudrey initially complied with the order of the court but recently staff became aware that the building was again being occupied as a two unit residence.

A contempt application was made to the Supreme Court which resulted in an order that requires Mr. Joudrey to fully restore 921 Brussels Street to single unit use by January 31, 2002, failing which HRM can take possession of the property and collect the rents thereby cutting off Mr. Joudrey's income from the property. In addition, Mr. Joudrey will have to pay a fine of \$10,000. He has also been ordered and has paid approximately \$10,000 in costs to HRM.

The strength of the order is that Mr. Joudrey loses all economic incentive to continue to defy the law.

There is an unrelated prosecution under way respecting the location of a furnace vent on the side of the property. The trial in Provincial Court is scheduled for March 18, 2002.

**Budget Implications:**

HRM will not recover all of its costs in pursuing the legal remedies but the shortfall is substantially covered by the budget for Legal Services.

**Financial Management Policies/Business Plan:**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating Reserves, as well as any relevant legislation.

**Alternatives:**

None at this time.

**Attachments:**

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.  
Report prepared by: Barry S. Allen, Manager, Legal Services,  
telephone: 490-4226, fax:490-4232.