

HALIFAX REGIONAL MUNICIPALITY

COMMITTEE OF THE WHOLE
MINUTES
NOVEMBER 19, 2002

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Harry McInroy
Councillors:
Gary Hines
Keith Colwell
Ron Cooper
Brian Warshick
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Brad Johns
Robert P. Harvey
Len Goucher (3:15 pm)
Gary Meade

ABSENT:

Condo Sarto
Steve Streach
Reg Rankin
Stephen Adams

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Chris Newson, Assistant Municipal Clerk

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1. **CALL TO ORDER**

The meeting was called to order at 3:10 pm.

2. **APPROVAL OF MINUTES - None**

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

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

4. **RESIDENTIAL HOUSING PERMITS / MINIMUM STANDARDS**

- ▶ Mr. Paul Dunphy, Director, Planning & Development Services, reported on amendments to the "Standards for Residential Occupancies By-Law". A copy of the Corel presentation is on file in the Municipal Clerk's Office. A draft copy of By-Law M -100 is on file in the Municipal Clerk's Office.

Mr. Paul Dunphy explained the final report on this By-Law would go forward to Regional Council for first reading in December followed by a Public Hearing in January.

Mr. Dunphy outlined there are currently four existing minimum standards by-laws that Staff are proposing be repealed and replaced with one new By-Law referred to as The Residential Occupancies Standards By-Law for HRM. There is also a Fire By-Law and the MGA Dangerous and Unightly Authority. The Fire By-Law would remain in effect. Those issues related to the actual condition of the building such as smoke alarms, smoke detectors and exits, will be incorporated into the By-Law. The Dangerous and Unightly Authority would continue separately as it relates to the exterior of the buildings and property.

Mr. Dunphy indicated the following reasons/needs for the new By-Law:

- ▶ many older homes were built prior to existing codes
- ▶ higher standards for Residential Buildings have been introduced in new construction. Building Codes are not retroactive and upgrading of building conditions can only be done when in conjunction with a renovation.
- ▶ Building Code does not include ongoing maintenance over the life of a structure. The new By-Law could require upgrades for those structures built prior to the standards as well as ensuring ongoing maintenance for the structure.
- ▶ Building Code does not recognize Rooming Houses as a unique building type. The Residential Occupancies By-Law will adopt standards of construction and

maintenance for Rooming Houses.

- ▶ the new By-Law would specify that HRM has powers to enter onto a property and to carry out the upgrades. If the property owner does not comply with an HRM order, a lien could be placed on the property alleviating cost to the taxpayer.
- ▶ this By-Law would apply to all residences in HRM regardless of whether owner occupied or rented.
- ▶ it would be a residential standards By-Law and would not refer to commercial or industrial buildings. A rental property would still be a residential property even though there would be an income associated with it. Point of Clarification: long-term tenancy in a Hotel/Motel would be exempt as Hotels/Motels are exempt no matter how long the duration of stay.
- ▶ the By-Law would not involve Tenant / Landlord disputes nor housekeeping issues; and would deal with the condition of the building only.
- ▶ the By-Law would regulate basic requirements such as: structural integrity, weather-tight, minimum temperature, safe electrical systems, emergency exits, venting, windows and natural light etc.
- ▶ there would be specific requirements for Rooming Houses such as: annual inspection/License Renewal, emergency exits, minimum ratio of bathrooms to tenants and a basic right to privacy, etc.
- ▶ two powers by which this by-law would be enforced include: Administrative Orders - power conferred to staff by Regional Council for staff to enter onto the property and carry out inspections, issue orders, carry out work. Prosecution - method of enforcing land use compliance, possible Court action.
- ▶ there would be an appeal process. Within seven (7) days of the HRM Order, an appeal could be made to the Dangerous and Unsanitary Premises Committee.
- ▶ Land Use Compliance: many illegal apartments and rooming houses in HRM and no specific policies that allow rezoning for rooming houses.
- ▶ Displaced Residents: if there were an issue of Imminent Life Safety/Health Risk, tenants would be removed immediately; in other situations three months notice under Provincial Regulations would be given for tenants to obtain new accommodations.
- ▶ statistics from last self-recorded census showed Housing Conditions were worse in rural areas, also many substandard dwellings were owner occupied.
- ▶ Priorities and Staffing: demand exceeds capacity. Minimum of three additional Standards Officers Required. Work would be supplemented by HRM Fire Prevention Officers and Building Inspectors who would provide specialized expertise in the field and carry out the plan review, building permit approval and inspection of the construction.

During deliberation by the Committee, the following points were raised:

- ▶ Staff explained the term non-conforming as: legal but the structure existed before

the zoning was put in place or under a zone that allowed it. The term illegal is something that did not get proper approval and proper approval would not have been issued at any time in the history of the property.

- ▶ the issue of mold was raised and staff confirmed that mold will be included under section 12.2 of the By-Law which involves "Drainage and Prevention of Dampness".
- ▶ Staff responded to a question on denied access to a property by property owner/resident, commenting that HRM Staff have the authority to enter onto a property at anytime there is a violation of HRM By-Laws or to investigate a possible violation. The Municipal Solicitor commented that HRM Staff could make an application for a warrant with reasonable and probable grounds that there is a violation. The current practice is to have a Police Officer accompany the Inspector.
- ▶ Staff clarified that the exterior of the structure would be covered under the Dangerous and Unsightly Premises By-Law and would remain separate from the Residential Minimum Standards By-Law.
- ▶ concern was expressed for displaced tenants and for the homeless. The Committee expressed there has to be a combined effort through the Courts, Community Services and HRM.
- ▶ Staff explained that the issue of illegal apartments is a land-use issue and not necessarily part of this By-Law. There is an ongoing process to review the definition of dwelling unit.
- ▶ Committee suggested that Fire Service be involved in Investigations to assist Staff.

Mr. Dunphy commented that Staff will prepare a final draft for review by the Committee of the Whole within two weeks.


5. BLASTING ENFORCEMENT / BY-LAW AMENDMENT

MOVED by Councillor Walker, seconded by Councillor Whalen that this item be deferred to the next meeting, appearing as the first item on the Committee of the Whole Agenda.

MOTION PUT AND PASSED UNANIMOUSLY.

6. ADJOURNMENT

The meeting was adjourned at 4:20 p.m.


Vi Carmichael
Municipal Clerk