



**APPEALS STANDING COMMITTEE
MINUTES
October 11, 2018**

PRESENT: Councillor Steve Adams, Chair
Councillor Russell Walker, Vice Chair
Councillor Lisa Blackburn

REGRETS: Councillor Sam Austin
Councillor Steve Streach
Councillor David Hendsbee

STAFF: Tanya Phillips, Manager, By-law Standards
Karen MacDonald, Senior Solicitor
Phoebe Rai, Legislative Assistant
Krista Vining, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, information items circulated, and video (if available) are online at halifax.ca.

The meeting was called to order at 10:00 a.m. and adjourned at 11:04 a.m.

1. CALL TO ORDER

The Chair called the meeting to order at 10:00 a.m. in Council Chamber, City Hall.

2. APPROVAL OF MINUTES – September 13, 2018

MOVED by Councillor Blackburn, seconded by Councillor Walker

THAT the minutes of September 13, 2018 be approved as circulated.

MOTION PUT AND PASSED.

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

MOVED by Councillor Walker, seconded by Councillor Blackburn

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – September 13, 2018

8.1.1 Case 305184, Property located at 209 Scotts Point Road, East Dover

The following was before the Standing Committee:

- A staff supplementary recommendation report dated August 20, 2018

The property owners were in attendance.

Kory O'Neill, Compliance Officer II, presented Case 305184, property located at 209 Scotts Point Road, East Dover.

Karen MacDonald, Senior Solicitor noted that HRM's jurisdiction in the matter is provided in Section 355 of the Municipal Government Act, and advised that upon reviewing the letter from the Department of Lands and Forestry the permit only authorized the installation of cribs underneath the structure.

Wade Zinck, representing the property owner, expressed disagreement that the matter is within HRM's jurisdiction noting that the structure is over submerged crown land.

Phyllis Zinck, property owner, questioned whether there was grandfathering clause in as the legislation did not come into force until 1998, after the structure was already built. Phyllis Zinck advised that they did not obtain an engineer's report regarding the safety and feasibility of renovating the structure.

Karen MacDonald, Senior Solicitor responded that there is nothing in the legislation that would exempt buildings that existed prior to it coming into force.

In response to a question of clarification, Alison Patriquin, Building Official, advised that the purpose of requesting the engineer's report was to determine if the building was safe to enter and complete the work that would be required to repair it, and to give recommendations on the feasibility of repairing the structure.

MOVED by Councillor Walker, seconded by Councillor Blackburn

THAT the Appeals Standing Committee find the property to be dangerous or unsightly as per section 3(q) of the Charter and as per section 356 of the Charter, order demolition of the accessory structure, including but not limited to, the removal of all demolition debris, backfilling of any foundation or crawl space, and disconnecting any and all utility connections to the standard set by each respective utility service provider, so as to leave the property in a neat, tidy, environmentally compliant and safe condition within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner. Otherwise, the Municipality will exercise its rights as set forth under Part XV (15) of the Charter.

MOTION PUT AND PASSED.

9. NOTICES OF TABLED MATTERS – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS – NONE

11. INFORMATION ITEMS BROUGHT FORWARD – NONE

12. REPORTS

12.1 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES: APPEALS

12.1.1 Cancellation of Taxi Owner License H854

The following was before the Standing Committee:

- A staff recommendation report dated October 1, 2018

The appellant was in attendance.

Sally Christie, Supervisor, Regional Licensing provided the staff presentation, noting that staff have asked repeatedly for paperwork regarding the company to which the license would be affiliated as per section 10.1 of by-law T-1000.

Dave Buffet, representing the appellant advised that taxi driver Kenneth Thurston had a thirty-four year career in which the owner license was always renewed in a timely manner. Buffet noted that Thurston had suffered a medical condition that made it difficult to complete the requisite tasks to maintain the taxi owner license. Buffet confirmed that Thurston is currently working for Yellow Cab and fulfilling their obligations. Buffet concluded by noting that Yellow Cab is prepared to provide a letter of authorization immediately following the appeal hearing.

MOVED by Councillor Walker, seconded by Councillor Blackburn

THAT the Appeals Standing Committee allow the appeal of Kenneth Thurston and overturn the decision of the Licensing Authority to cancel Halifax taxi owner licence H854 in accordance with Sections 10.1, 10.2 and 10.3 of By-law T-1000.

A brief discussion ensued, with Members of the Standing Committee indicating that if the authorization form can be provided immediately they would be inclined to approve the appeal.

The following amendment was accepted as friendly:

That the motion be subject to the appellant meeting the conditions set out in Section 10.1 of By-law T-1000 by October 12, 2018. Otherwise, the appeal is denied.

The question was called on the motion as follows:

MOVED by Councillor Walker, seconded by Councillor Blackburn

THAT the Appeals Standing Committee allow the appeal of Kenneth Thurston and overturn the decision of the Licensing Authority to cancel Halifax taxi owner licence H854 in accordance with Sections 10.1, 10.2 and 10.3 of By-law T-1000, subject to the appellant meeting the conditions set out in Section 10.1 of the By-law by October 12, 2018. Otherwise, the appeal is denied.

AMENDED MOTION PUT AND PASSED.

12.2 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

12.2.1 Case 315875 Property located at 12 Forest Road, Dartmouth

The following was before the Standing Committee:

- A staff recommendation report dated September 26, 2018
- Correspondence dated October 6, 2018 from Inez Daye

The appellant was in attendance.

Jessica Côté, Compliance Officer presented Case 315875, property located at 12 Forest Road, Dartmouth. Côté noted that the order is related to a derelict vehicle.

Garnet Daye, representing the appellant spoke to the correspondence provided by the property owner, noting that there has been an application made to the Access and Privacy Office for records pertaining to previous orders on the property. Daye requested a deferral of the matter to allow time to conduct research into previous cases for comparison to case 315875. They noted further that the car is registered to the property owner and is not abandoned but rather is intended for use as a farm vehicle. Daye advised that pursuant to an inquiry from the Department of the Environment, a soil analysis was conducted in February 2018 which found no leeching of fluids from the vehicle.

Responding to a question from the Committee, Jessica Côté indicated that there were no leaking fluids observed, though that was not something the officer was specifically looking for.

Responding to a question regarding what would be needed in order for the vehicle to be in compliance, Tanya Phillips, Manager, By-law Standards advised that the vehicle would need to be in working condition and road-worthy, with current registration, inflated tires, and being used for its intended purpose.

MOVED by Councillor Walker, seconded by Councillor Blackburn

THAT case 315875, property located at 12 Forest Road, Dartmouth, be deferred to November 1, 2018 to provide the appellant time to receive and review additional information requested from the Access and Privacy Office.

MOTION PUT AND PASSED.

12.3 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

12.3.1 Case 315810 Property located at 2070 Waverley Road, Waverley

The following was before the Standing Committee:

- A staff recommendation report dated September 27, 2018

The property owner was not in attendance.

Kory O'Neill, Compliance Officer II, presented Case 315810, property located at 2070 Waverley Road, Waverley, noting that the structure is failing and visible from a busy road.

MOVED by Councillor Blackburn, seconded by Councillor Walker

THAT the Appeals Standing Committee find the property to be dangerous or unsightly as per section 3(q) of the Charter and as per section 356 of the Charter, order demolition of the accessory dwelling, including but not limited to, the removal of all demolition debris, backfilling of any foundation or crawl space, and disconnecting any and all utility connections to the standard set by each respective utility service provider, so as to leave the property in a neat, tidy, environmentally compliant and safe condition within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner. Otherwise, the Municipality will exercise its rights as set forth under Part XV (15) of the Charter.

MOTION PUT AND PASSED.

12.3.2 Case 318292 Property located at 220 Chandler Drive, Lower Sackville

The following was before the Standing Committee:

- A staff recommendation report dated September 27, 2018

The property owner was not in attendance.

Kory O'Neill, Compliance Officer II, presented Case 318292, property located at 220 Chandler Drive, Lower Sackville, noting that the structure has a large hole leading to the interior and is visible by neighbours on the right and left sides. O'Neill noted that the building appears to have been used as a dwelling but was not currently habitable and there were no utility connections.

MOVED by Councillor Walker, seconded by Councillor Blackburn

THAT the Appeals Standing Committee find the property to be dangerous or unsightly as per section 3(q) of the Charter and as per section 356 of the Charter, order demolition of the accessory structure, including but not limited to, the removal of all demolition debris, backfilling of any foundation or crawl space, and disconnecting any and all utility connections to the standard set by each respective utility service provider, so as to leave the property in a neat, tidy, environmentally compliant and safe condition within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner. Otherwise, the Municipality will exercise its rights as set forth under Part XV (15) of the Charter.

MOTION PUT AND PASSED.

13. MOTIONS – NONE

14. IN CAMERA (IN PRIVATE)

The Standing Committee did not convene to In Camera.

Private and Confidential Information Items

1. Private and Confidential In Camera (In Private) Memorandum re: Legal Advice – Case 305184, Property located at 209 Scotts Point Road, East Dover

15. ADDED ITEMS – NONE

16. NOTICES OF MOTION – NONE

17. **DATE OF NEXT MEETING** – November 1, 2018, 10:00 a.m. **Halifax Hall**, 2nd Floor City Hall, 1841 Argyle Street, Halifax

19. ADJOURNMENT

The meeting adjourned at 11:04 a.m.

Phoebe Rai
Legislative Assistant