



**APPEALS STANDING COMMITTEE
MINUTES
January 17, 2019**

PRESENT: Councillor Steve Adams, Chair
Councillor Russell Walker, Vice Chair
Councillor Lisa Blackburn
Councillor Bill Karsten
Councillor David Hendsbee
Councillor Matt Whitman

REGRETS:

STAFF: Karen MacDonald, Senior Solicitor
Tanya Phillips, Manager, By-law Standards
Simon Ross-Siegel, 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. The meeting adjourned at 11:43 a.m.

1. CALL TO ORDER

The Chair called the meeting to order at 10:00 a.m. in Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES – November 1 and 28, 2018

MOVED by Councillor Karsten, seconded by Councillor Whitman

THAT the minutes of November 1 and 28, 2018 be approved as circulated.

MOTION PUT AND PASSED.

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

Deletion:

12.1.1 Case 320871 Property located at 42 Old Sambro Road, Halifax

MOVED by Councillor Walker, seconded by Councillor Whitman

THAT the agenda be approved as amended.

Two-third majority vote required.

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

8.1.1 Case 315875 Property located at 12 Forest Road, Dartmouth

The following was before the Standing Committee:

- A staff recommendation report dated October 23, 2018
- An extract of Appeals Standing Committee minutes from October 11, 2018
- A staff presentation

Jessica Côté, Compliance Officer II, By-Law Standards, spoke before the Committee as to the state of the vehicle and the history of by-law services' involvement. The vehicles remains in the same state as it was when compliance officers inspected it in October of 2018. The tires on the driver's side have since been inflated. Otherwise, staff noted no changes to the condition of the vehicle. The license plate expired in 2006, and the inspection stickers have also expired. Committee members confirmed with staff that the vehicle is located in a car port on the property. Committee members confirmed the vehicle was considered by staff to be derelict with reference to the definitions of HRM Charter. Committee members confirmed that compliance staff had found no evidence of leaking fluids.

Garnet Daye, a representative of the property owner, spoke before the Committee. Garnet Daye argued that the vehicle did not quality as derelict within the meaning of the definition under the Motor Vehicles Act. Garnet Daye further advised the Committee that notwithstanding this objection to the claim, the vehicle owner has registered the vehicle and obtained new license plates, and is preparing to obtain a

vehicle inspection in the following week. Should the vehicle fail inspection, the owner is prepared to bring the vehicle into compliance. Garnet Daye did not provide evidence of vehicle registration to the Committee. Garnet Daye stated that the intention of the vehicle owner is to use the vehicle as a farm vehicle for transportation in North Shore, Colchester County, and the owner has registered the vehicle for a farm license which allows the owner to drive the vehicle on provincial highways to any area within a seventy-five-kilometer radius.

Karen MacDonald, Senior Solicitor, clarified for the Committee that the HRM Charter definition of derelict is the definition under consideration before the Committee, and not the Motor Vehicle Act definition which is a provincial statute.

MOVED by Councillor Whitman, seconded by Councillor Hendsbee

THAT the Appeals Standing Committee allow the appeal of Case 315875, Property located at 12 Forest Road, Dartmouth

MOTION PUT AND DEFEATED.

9. NOTICES OF TABLED MATTERS – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS – NONE

10.1 Correspondence

The Legislative Assistant noted that correspondence was received for item 12.2.4 Case 320788 and was circulated to all members of the Committee.

11. INFORMATION ITEMS BROUGHT FORWARD – NONE

12. REPORTS

12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

12.1.1 Case 320871 Property located at 42 Old Sambro Road, Halifax

Case 320871 was deleted from the agenda during the approval of the order of business.

12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

12.2.1 Case 320632 Property located at 33 Champlain Avenue, Middle Sackville

The following was before the Standing Committee:

- A staff recommendation report dated December 18, 2018
- A staff presentation

The Committee confirmed that the property owner was not present to address the Committee.

Valerie Rodger, Compliance Officer II, By-law Standards spoke before the Committee as to the state of the structure and the history of by-law services' involvement. Staff identified significant fire and water damage on the exterior and interior with reference to recent photos of the structure taken by compliance staff.

The Committee confirmed that staff had received no indication that the property owner has delayed remedying fire damage in order to give insurance agents sufficient time to assess a claim. The Committee discussed the relationship between the structure owner and the property owner in Land-Lease mobile home communities, and staff confirmed that liens would be placed on the property in these instances.

Legislation allows the municipality to pursue an action against the property owner, though staff often gives notice to both the property owner and the owner of the mobile home.

MOVED by Councillor Whitman, 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, orders demolition of the main 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.

12.2.2 Case 313044 Property located at 1605 Terence Bay Road, Terence Bay

The following was before the Standing Committee:

- A staff recommendation report dated December 19, 2018
- A staff presentation dated January 14, 2019

The Committee confirmed that the property owner was not present to address the Committee.

Johnathan Wells, Compliance Officer II, By-law Standards spoke before the Committee as to the state of the structure and the history of by-law services' involvement. Staff identified damage to the structure including burn marks on the top of the structure, and partial remedies including boards installed on the side of the property. Staff confirmed for the Committee that they had not found evidence of oil leaking.

MOVED by Councillor Blackburn, seconded by Councillor Karsten

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, orders demolition of the main 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.

12.2.3 Case 305115 Property located at 6364 Seaforth Street, Halifax

The following was before the Standing Committee:

- A staff recommendation report dated December 19, 2018
- A staff presentation dated January 16, 2019

The Committee confirmed that the property owner was not present to address the Committee.

Brennan Hartling, Compliance Officer II, By-law Standards spoke before the Committee as to the state of the structure and the history of by-law services' involvement. Staff identified significant roof damage and damage to the interior of the structure.

Neamore Little, a representative, described a history of the property ownership and details regarding the current situation. Neamore Little's brother was appointed executor to their mother's estate, but never

probated the will. Neamore Little is the alternate executor. Neither the current executor or their representatives is present in Nova Scotia or capable of managing affairs related to the property. Neamore Little has assisted to manage the property by taking photos of the property with compliance staff following a break in, and replacing the locks with the assistance of a locksmith. Neamore Little described the estate matter as ongoing and toxic. It is Neamore Little's opinion that the structure should be demolished and a lien should be placed on the tax bill to the property. In reply to questions from the Committee, Neamore Little stated that the property tax would likely absorb the demolition costs, and the land would reserve some of its value if the structure were demolished. Committee members thanked Neamore Little for working with staff in this matter.

MOVED by Councillor Karsten, 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, orders demolition of the main 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.

12.2.4 Case 320788 Property located at 980 North Preston Road, North Preston

The following was before the Standing Committee:

- A staff recommendation report dated January 7, 2019
- A staff presentation dated January 16, 2019

Brennan Hartling, Compliance Officer II, By-law Standards spoke before the Committee as to the state of the structure and the history of by-law services' involvement. The Committee confirmed with staff that some large picture windows have been salvaged from the structure.

The Committee confirmed that the property owner was not present to address the Committee. Councillors noted correspondence from the property owner who is currently living in Toronto, Ontario. The property owner outlines requested conditions for which the owner will consent to the demolition of the structure, including an extension to the beginning of the 2019 school year to allow demolition to happen between February 28, 2019 and then; that permission be granted to identify a qualified black contractor with demonstrated work experience upon HRM's approval process; and that the demolition cost be added to the property taxes for repayment. The owner expressed that pursuant to section 15 (2) of the Canadian Charter of Rights, an exception to HRM's ordinary contract and procurement policies would be an appropriate ameliorative objective to address long-standing racial disadvantages for black contractors particularly in the North Preston area.

Karen MacDonald, Senior Solicitor, responded to questions from Committee members regarding HRM's contract procurement policies with regard to demolitions. HRM's policies involve open bids which allow multiple contractors to apply. However, the owner retains the right to hire a contractor and conduct the demolition prior to the deadline identified in the demolition order, and this would allow the property owner to satisfy the owner's requests.

Several members stated they did not want to deviate from HRM's processes or delay demolition. Some members stated that though they were sympathetic to the owner's interest, these interests would be better satisfied by the owner. Some members indicated they would personally seek to advertise the tender for demolition to local contractors in the area and encourage bids from Preston area residents, to accommodate the property owner's request within the limits of the municipality's tender process.

MOVED by Councillor Whitman, 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, orders demolition of the main 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.

12.2.5 Case 322143 Property located at 432 Herring Cove Road, Herring Cove

The following was before the Standing Committee:

- A staff recommendation report dated January 8, 2019
- A staff presentation dated January 15, 2019

Carrie Butler, Compliance Officer II, By-law Standards spoke before the Committee as to the state of the structure and the history of by-law services' involvement. Staff presented photo evidence of damage to the structure, a shed, including doorways which had rotted and were easy to manipulate, peeling paint, a sagging roof, and tears in the side wall of the structure. Compliance staff explained that a previous order has required the property owner to install siding to immediately remedy the side wall damage, and oriented strand boarding had been installed in the location, though gaps remain through which animals and small children could enter the structure. Staff confirmed there is no suggestion of fire damage to the structure itself.

George Simms, a business partner to the current property owner and the controlling shareholder of the corporation holding title to the property, addressed the Committee on behalf of the owner. George Simms stated that their position is that they would like for the demolition order to be dismissed. George Simms stated that the damage was caused by a person involved in a neighbourhood dispute who had used an electric saw to make a cut in the side wall of the property. George Simms stated that following communication with compliance staff, they had secured a contractor to place oriented strand boarding over the cut area to keep the elements out. They intend to pain the structure and had thought these remedies would be satisfactory. The property is currently storing personal items for a neighbour who does not have the ability to relocate them.

In reply to questions from the Committee, compliance staff outlined work which would be necessary to bring the structure into compliance. Due to the significant damage and rot, the lack of cladding and the entire absence of a wall, the structure would require new loadbearing walls, new sheeting, and other work amounting to a full reconstruction. It was staff's opinion that a demolition and new construction would be less costly.

Committee members considered several possible time extensions to allow the owner to move possessions from the structure prior to demolition.

MOVED by Councillor Karsten, seconded by Councillor Whitman

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, orders 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 ninety (90) 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) – NONE

15. ADDED ITEMS

16. NOTICES OF MOTION

17. ELECTION OF CHAIR AND VICE-CHAIR

The Chair turned over the meeting to the Legislative Assistant.

The Legislative Assistant called for nominations for the position of Chair of the Appeals Standing Committee.

MOVED by Councillor Karsten, seconded by Councillor Adams

THAT Councillor Adams be nominated Chair of the Appeals Standing Committee.

The Legislative Assistant called three times for any further nominations. There being none, it was

MOVED by Councillor Blackburn, seconded by Councillor Adams

THAT nominations for the position of Chair be closed.

MOTION PUT AND PASSED.

The Legislative Assistant declared Councillor Adams Chair of the Appeals Standing Committee.

Councillor Adams then assumed the Chair and called for nominations for the position of Vice-Chair.

MOVED by Councillor Whitman, seconded by Councillor Blackburn

THAT Councillor Whitman be nominated Vice-Chair of the Appeals Standing Committee.

The Chair called three times for any further nominations. There being none, it was

MOVED by Councillor Adams, seconded by Councillor Karsten

THAT nominations for the position of Vice-Chair be closed.

MOTION PUT AND PASSED.

The Chair declared Councillor Whitman the Vice-Chair of the Appeals Standing Committee.

18. DATE OF NEXT MEETING – February 14, 10:00 a.m. Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax

19. ADJOURNMENT

The meeting adjourned at 11:43 a.m.

Simon Ross-Siegel
Legislative Assistant