



**APPEALS STANDING COMMITTEE  
MINUTES  
June 9, 2016**

**PRESENT:** Deputy Mayor Matt Whitman, Chair  
Councillor Stephen Adams, Vice Chair  
Councillor Russell Walker  
Councillor Gloria McCluskey  
Councilor David Hendsbee

**REGRETS:** Councillor Brad Johns

**STAFF:** Mr. Randolph Kinghorne, Senior Solicitor  
Ms. Tanya Phillips, Manager, By-law Standards  
Ms. Krista Vining, Legislative Assistant  
Ms. Phoebe Rai, Legislative Assistant

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

*The agenda, supporting documents, and information items circulated to the Appeals Standing Committee are available online: <http://www.halifax.ca/boardscom/SCappeals/160609asc-agenda.php>*

*The meeting was called to order at 10:00 a.m. The Standing Committee recessed at 11:16 a.m. and reconvened at 11:26 a.m. The meeting adjourned at 12:09 a.m.*

**1. CALL TO ORDER**

The meeting was called to order at 10:00 a.m.

**2. APPROVAL OF MINUTES – May 12, 2016**

MOVED by Councillor McCluskey, seconded by Councillor Adams

**THAT the minutes of May 12, 2016 be approved as circulated.**

**MOTION PUT AND PASSED.**

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

Moved by Councillor McCluskey, seconded by Councillor Walker

**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 – February 18, 2016**

**8.1 Notice to Appear, Kenneth Anthony, Case #231273 – 169 Wyse Road, Dartmouth**

The following was before the Standing Committee:

- A supplementary staff report dated May 30, 2016
- Extract of Appeals Standing Committee draft minutes dated February 18, 2016

The Chair confirmed the property owner was present.

Mr. Alonzo MacDonald, Compliance Officer gave a brief presentation providing background for the case and showed pictures of the property taken June 7, 2016. In response to a question raised, Mr. MacDonald clarified that the property was unsightly but was not dangerous.

Mr. Ken Anthony, appellant spoke about his discussions with Mr. MacDonald in regard to there being no new issues with the building since February 18, 2016. He confirmed that the “no trespassing” signs were in place and that the only issue Mr. MacDonald had identified was that the lawn needed to be mowed. Mr. Anthony explained that he has followed through with all of the Standing Committee’s requests (e.g. painting and securing the building). He pointed out that the development application has been ongoing for approximately five and a half (5½) years and spoke to the delay in the staff report going to the Harbour East-Marine Drive Community Council. Mr. Anthony asked that the matter be deferred until the staff report went to the Community Council in regard to his development agreement application. He further agreed that the building was unsightly but that it was not dangerous.

At the request of the Committee, the Chair invited Mr. Carl Purvis, Program Manager, Planning Applications to provide an update on the status of the development agreement application for this property.

Mr. Purvis advised that the staff report is projected to go to the Harbour East-Marine Drive Community Council on August 4, 2016. He spoke about the lack of utilities in the building and there was no intent to retain the building under the development application.

Councillor McCluskey sought additional clarification regarding Mr. Anthony's backup plan to restore the building if the development application was not approved. Mr. Purvis commented on the challenges of retaining the existing building for commercial use in regard to the layout and lack of natural light. He indicated that the development application proposed a limited amount of commercial floor space but not to the extent of floor space in the existing building. He was unable to speak to the structural integrity and the cost to renovate the existing building but suggested it might be more feasible to tear down the building and rebuild. In response to an additional question, Mr. Purvis advised that there would be development opportunities under the existing zoning as-of-right, through the development agreement application process. As well, the Centre Plan could have an impact on the type of development for this property depending on the timeframe and if the plan is approved. Mr. Purvis was unable to speak to the staff recommendation going forward to the Community Council in regard to the development application for this site.

Councillor Hendsbee entered meeting during the discussion. It was noted that he was unable to deliberate or vote on this matter as he was not present for the entire hearing.

At the request of the Committee, the Chair invited Ms. Leslie Crathorne, Building Official to speak to the structure of the existing building and whether there is an option to renovate the building as a backup plan.

Ms. Crathorne advised that she has never been inside the building, indicating that it is a dangerous structure as there is no lighting or heat. In her previous discussions with the property owner, Ms. Crathorne indicated that Mr. Anthony could not recall if a structural engineer had been part of the process to demolish a portion of the building following a structural fire and water damage. She commented that the exterior of the building was standing but was unable to confirm the structural integrity for the interior of the building.

Mr. Anthony spoke to his original intent to renovate the existing building and develop 11 apartments; however in discussions with planning staff, the proposed development has changed for the site. He agreed that the building is unsightly but that it was made out of solid brick and is structurally sound. He further explained that no changes were made to the interior of building to affect its structural integrity other than remove the gyprock and renovating the existing building is a backup plan if the development application is not approved.

Mr. MacDonald responded that the last time he was inside the building the drop ceiling had fallen in, there was approximately four (4) feet of debris on the floor and spoke to having fell through the floor in a couple of places and seeing daylight through at least three (3) spots in the ceiling.

In response to a question raised, Mr. Anthony estimated that it would take 90 days to go to tender and complete the demolition once the development agreement is approved.

In consultation with staff around the Standing Committee's options, it was **MOVED** by Councillor McCluskey, seconded by Councillor Walker

**THAT the Appeals Standing Committee remove Case #231273, property located at 169 Wyse Road, Dartmouth from agenda and close the case.**

**MOTION PUT AND PASSED.**

**9. NOTICES OF TABLED MATTERS – NONE**

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

10.1 Correspondence – None  
10.2 Petitions – None

11. INFORMATION ITEMS BROUGHT FORWARD – NONE

12. REPORTS

12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

12.1.1 Appeal of Clark Wilkins, Case #271566 – 424 Caldwell Road, Cole Harbour

The following was before the Standing Committee:

- A staff recommendation report dated May 27, 2016

The Chair confirmed the property owner was present.

Ms. Theresa Hickey, Compliance Officer gave a brief presentation providing background for the case and showed pictures of the property taken June 7, 2016. Ms. Hickey responded to a question raised regarding the shared driveway access between 422 and 424 Caldwell Road.

Mr. Clark Wilkins, appellant spoke to the nature of his business and confirmed that the pile of light fixtures had been cleaned up. He clarified that the scrap metal identified in Ms. Hickey's presentation was Unistrut, which is used to hang light fixtures in commercial jobs and was not scrap. Mr. Wilkins spoke about his discussions with Ms. Hickey and the reason for his appeal. He indicated that he was looking for answers on what he is permitted to do on his property, which is zoned light industrial under the Cole Harbour/Westphal Land Use By-law (LUB). He indicated that if he was not permitted to do something on his property under the LUB that he would remedy it; but that he bought the property because of the special zoning.

Ms. Tanya Phillips, Manager, By-law Standards clarified that staff could sit down with Mr. Wilkins to review the LUB respecting permitted uses. She explained that the matter before the Appeals Standing Committee is to address items on the property that are in violation of the dangerous or unsightly legislation, Appendix C of the May 27, 2016 staff report.

In response, Mr. Wilkins reiterated that the materials listed in the Order were part of his business and they are not dangerous or unsightly.

Mr. Randolph Kinghorne, Senior Solicitor explained that the unsightliness has to be relative to the permitted zone use.

Mr. Wilkins responded to questions raised around his application for a development agreement for his property respecting to the construction of a fence around the property and a 50 by 60 foot storage building to operate his business.

Moved by Councillor Hendsbee, seconded by Councillor Adams

**THAT the Appeals Standing Committee allow the appeal of Case 271566, property located at 424 Caldwell Road, Cole Harbour.**

Discussion was held on the motion, which comments being made on the feedback from residents relative to the proposed development agreement and the nature of the business relative to the industrial zoning under the LUB.

**MOTION PUT AND PASSED.** (with the effect that the Order is overturned)

**12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS**

**12.2.1 Notice to Appear, Joseph Munroe, Case #272249 - 3 St. Peters Loop, Sheet Harbour**

The following was before the Standing Committee:

- A staff recommendation report dated May 30, 2016

The Chair confirmed that the property owner was in attendance.

Mr. Steven Berkman, Compliance Officer gave a brief presentation providing background for the case and showed pictures of the property taken June 7, 2016.

At the request of the Committee, the Chair invited Mr. Paul Guest, Building Official to speak to the structural integrity of the building. Mr. Guest confirmed the building was not structurally sound and was in various stages of decay, explaining that the house was falling off of the foundation, which was causing the walls to collapse, the singles on the roof were deteriorated and the front door was bowed. Mr. Guest noted that he did not attempt to enter the building due to the safety risk.

Mr. Joseph Munroe, property owner spoke to inheriting the property following his mother's passing and how he had been trying to upkeep the building and his intent to build a year-round cottage in the next four (4) to five (5) years. In response to a question raised, Mr. Munroe spoke to the age and history of the structure and his discussions with a friend to attend the meeting prior to demolishing the building. Mr. Munroe confirmed he had no plans to salvage the structure and that he had the ability to complete the demolition. He further asked the Standing Committee to consider extending the demolition period to 60 days.

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey

**THAT the Appeals Standing Committee finds 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 building, 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 sixty (60) 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 of the Charter.**

The Standing Committee discussed the length of time needed for Mr. Munroe to complete the demolition.

**MOTION PUT AND PASSED.**

**12.2.2 Notice to Appear, Kerrie Gill, Case #272452 - 7 St. Peters Loop, Sheet Harbour**

The following was before the Standing Committee:

- A staff recommendation report dated May 30, 2016
- Correspondence from Kerrie Gill dated June 8, 2016

The Chair confirmed the property owner was not present but referred to the correspondence received from Ms. Gill dated June 8, 2016 requesting the appeal hearing be deferred until the next regular meeting of the Appeals Standing Committee, to be held August 4, 2016.

The Committee reviewed the Ms. Gill's request and in consultation with staff, it was MOVED by Councillor Hendsbee, seconded by Councillor McCluskey

**THAT the Appeals Standing Committee defer Case #272452, property located at 7 St. Peters Loop, Sheet Harbour to the next regular meeting of the Appeals Standing Committee, to be held August 4, 2016 meeting.**

**MOTION PUT AND PASSED.**

The Committee recessed at 11:16 p.m. and reconvened at 11:26 p.m. without Deputy Mayor Whitman in attendance. Councillor Adams had assumed the Chair.

**12.3 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES: APPEALS**

**12.3.1 Appeal of Seyed Mirsaeid-Ghazi, Suspension of Taxi Driver License #R018**

The following was before the Standing Committee:

- A staff recommendation report dated May 17, 2016

The Chair confirmed the appellant was in attendance and that his brother Mr. Hamid Mirsaeid-Ghazi would be speaking on the appellant's behalf.

Mr. Kevin Hindle, Licensing Coordinator provided an overview of the staff report dated May 17, 2016.

Mr. Hamid Mirsaeid-Ghazi, representing the appellant indicated that his brother has been in Canada for the past 15 years and obtained his Canadian citizenship in the last 10 years. Mr. Mirsaeid-Ghazi indicated that his brother has been operating a taxi for the past four (4) years; he does not have a criminal record and is a family man. He further explained that his brother is the sole financial provider for his wife and son and asked the Appeals Standing Committee to give his brother his license back so he could continue to work and provide for his family.

In response to questions raised it was noted that Mr. Seyed Mirsaeid-Ghazi was released by police on an undertaking of the following conditions:

- Not to have passengers in the front seat while operating a taxi;
- Not to have any communication with female passengers while operating a taxi; and
- Have no communication with the complaint.

Additional clarification was sought in regard to the timeline of the allege event, the complaint being reported/filed and the charges laid against Mr. Seyed Mirsaeid-Ghazi. Cst. Diane Woodworth, Public Information Officer confirmed that a complaint was received November 16, 2015. She explained that the process for these types of offences, the victim would provide an initial statement to police, which would then be reviewed. Depending on the information provided, it would then be assigned to an investigating unit and an investigator would meet with the victim and take a formal statement and collect any evidence pursuant to the investigation. Cst. Woodworth indicated that the three (3) week timeline between the allege event and the complaint was not uncommon for these type of offences. She was not aware of any additional conditions Mr. Seyed Mirsaeid-Ghazi had to follow other than the ones identified.

In response to further questions raised, the following information was provided:

- The suspension is ongoing pending the results from the court proceedings; following which, Municipal Compliance will review the court's decision and conduct another review on the status of Mr. Seyed Mirsaeid-Ghazi taxi license
- At the time of the alleged event, the complaint was sitting in the front seat while Mr. Seyed Mirsaeid-Ghazi operated his taxi
- The majority of Mr. Seyed Mirsaeid-Ghazi's passengers choose to sit in the back seat of his taxi; passengers can choose whether to sit in the front or back seat of taxis

In response to a question raised respecting the nature of the allegations, Mr. Kinghorne clarified that the matter before the Appeals Standing Committee is to assess the safety risk and what the appropriate response from the Municipality should be to ensure the safety of the public. It was noted that Cst. Woodworth did not have a copy of the investigating report that was filed with the court with her and was unable to provide a summary of the allegations. Mr. Hindle noted that the complaint had decided not to attend the appeal hearing and wait to speak about the allegations at the court proceeding.

In response to a question raised, Cst. Woodworth had no knowledge of any other conditions placed on Mr. Seyed Mirsaeid-Ghazi. She indicated that Mr. Seyed Mirsaeid-Ghazi has a court date in August 2016 and that it appears as though the conditions put in place by police were left in place by the court. Cst. Woodworth explained that Mr. Seyed Mirsaeid-Ghazi has the option to apply and appear before the court to have those conditions varied.

In response to a question, Cst. Woodworth explained the process for releasing an individual from police custody with an undertaking, which outlines conditions that will keep the public safe until the individual's court date. Cst. Woodworth explained that Mr. Seyed Mirsaeid-Ghazi would have had to agree to the conditions outlined in the undertaking in order to be released from police custody. Had Mr. Seyed Mirsaeid-Ghazi not agreed to those conditions, he would have been held in police custody and gone before a judge.

The discussion ensued around the safety of the public and Mr. Seyed Mirsaeid-Ghazi's conditions.

During the discussion, Councillor Whitman entered the meeting but was unable to deliberate or vote on the matter as he was not present for the entire hearing.

MOVED by Councillor Walker, seconded by Councillor McCluskey

**THAT the Appeals Standing Committee allow the appeal of Seyed Mirsaeid-Ghazi and overturn the decision of the Licensing Authority to suspend Taxi Driver License #R108.**

**MOTION PUT AND DEFEATED.** (Decision of the Licencing Authority stands)

- 12.4 **RESIDENTIAL OCCUPANCY APPEALS (By-law M-100) – NONE**
- 12.5 **STREETS BY-LAW APPEALS (By-Law S-300) – NONE**
- 12.6 **STAFF – NONE**
  
- 13. **MOTIONS – NONE**
- 14. **IN CAMERA (IN PRIVATE) – NONE**
- 15. **ADDED ITEMS – NONE**
- 16. **NOTICES OF MOTION – NONE**

**17. DATE OF NEXT MEETING** – August 4, 2016 10:00 a.m., Council Chambers, 3<sup>rd</sup> Floor, City Hall, 1841 Argyle Street

**18. ADJOURNMENT**

The meeting was adjourned at 12:09 p.m.