



**APPEALS STANDING COMMITTEE
MINUTES
September 8, 2016**

PRESENT: Councillor Stephen Adams, Vice Chair
Councillor Russell Walker
Councillor Gloria McCluskey
Councillor David Hendsbee
Councillor Brad Johns

REGRETS Deputy Mayor Matt Whitman, Chair

STAFF: Mr. Randolph Kinghorne, Senior Solicitor
Ms. Tanya Phillips, Manager, By-law Standards
Ms. Krista Vining, Legislative Assistant
Ms. Leslie Neate, Legislative Support

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/160908asc-agenda.php>

The meeting was called to order at 10:00 a.m. and was adjourned at 11:03 a.m.

1. CALL TO ORDER

The Vice Chair called the meeting to order at 10:00 a.m.

2. APPROVAL OF MINUTES – August 4, 2016

MOVED by Councillor McCluskey, seconded by Councillor Walker

THAT the minutes of August 4, 2016 be approved as circulated.

MOTION PUT AND PASSED.

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

It was noted that the Clerk's Office had received a request from Ms. Maurita Lorraine Ritchey on September 7, 2016 to reschedule her appeal hearing date (Case #229928) as neither she nor her representative/legal counsel was able to attend due to a personnel matter. The Standing Committee agreed and Item 8.2 was deferred.

Deletions:

- 12.1.2 Appeal of Gary McNeill – Case #275343, 135 Merrimac Drive, Cole Harbour (owner compliance; case closed)
- 12.3.1 Appeal of Dang Phonchareon – Cancellation of Halifax Taxi Owner License (license being reinstated)

MOVED by Councillor Hendsbee, seconded by Councillor Walker

THAT the agenda be approved as amended.

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 – August 4, 2016

8.1 Appeal of Joseph Chisholm – Case #272820, Case #273304 and Case #273305, 110 Montague Road, Lake Loon

The following was before the Standing Committee:

- A supplementary staff report dated August 24, 2016

The Vice Chair confirmed the property owner was in attendance.

Mr. Trevor Oliver, Compliance Officer gave a brief presentation providing background for the cases and showed pictures of the property taken September 6, 2016. Mr. Oliver responded to questions of clarification respecting previous issues with the property and materials identified in the Order not being visible in the photographs presented due to the number of vehicles in the driveway.

Mr. Terry Chisholm, property owner spoke about the items not being visible from the road and the complaint being made while he was away on vacation. He spoke to the materials under the tarp,

explaining that there was wood for burning during the winter, and his plans for using the construction material for rebuilding the shed in the backyard and renovating the bathroom in the basement. He further spoke to the condition of the deck on the side of the house which does down the bank and that he only goes on it to power wash the house and trim the trees. He indicated that the deck was solid but was rotten on top because it was constructed using spruce wood. Mr. Chisholm further explained that his intent to move the truck into the garage and rebuild it over the winter but that it is current operable. Mr. Chisholm noted that he received a recent offer for the truck which he is considering. He spoke to health issues and having people help him build his shed, explaining that he still needs to go through the materials under the tarps to determine what is for use and what can be thrown out. Mr. Chisholm commented on neighbouring properties being in worse shape than his property. He further noted that he has hired a company to replace the siding on his house in the Fall and project to bring the property into compliance in a months' time.

MOVED by Councillor Hendsbee, seconded by Councillor Walker

THAT the Appeals Standing Committee allow the appeals of Case #272820, Case #273304 and Case #273305, property located at 110 Montague Road, Lake Loon.

The Committee discussed their options with staff responding to questions respecting an extension of time.

MOVED by Councillor Walker, seconded by Councillor McCluskey

THAT the Appeals Standing Committee amend the motion to allow the appeals of Case #272820, Case #273304 and Case #273305, property located at 110 Montague Road, Lake Loon in part and amend the Order to Remedy for sixty (60) days to bring into compliance.

MOTION TO AMEND PUT AND PASSED.

The motion before the Standing Committee now reads:

MOVED by Councillor Walker, seconded by Councillor McCluskey

THAT the Appeals Standing Committee allow the appeals of Case #272820, Case #273304 and Case #273305, property located at 110 Montague Road, Lake Loon in part and amend the Order to Remedy for sixty (60) days to bring into compliance.

MOTION PUT AND PASSED.

8.2 Appeal of Maurita L. Richey – Case #229928, 32 Elwin Crescent, Dartmouth

This matter was deferred to the next meeting during the approval of the agenda.

9. NOTICES OF TABLED MATTERS – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

The Legislative Assistant noted that correspondence was received for item 12.2.2. This correspondence was circulated to the Standing Committee.

11. INFORMATION ITEMS BROUGHT FORWARD – NONE

12. REPORTS

12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

12.1.1 Appeal of Jim Andrews – Case #272775, 104 Masons Point Road, Head of St. Margarets Bay

The following was before the Standing Committee:

- A staff recommendation report dated August 24, 2016

The Vice Chair confirmed the property owner was in attendance.

Mr. Mark Prosser, Compliance Officer gave a brief presentation providing background for the case and showed pictures of the property taken September 6, 2016.

Mr. Eric Thompson, legal counsel for property owner reviewed Mr. Andrew's plans for the property, presenting photographs of the property's exterior and site plans. A copy of the photos and site plans were submitted for the public record. Mr. Thompson spoke about Mr. Andrew's hiring ABLE Engineering Services Inc. and their plans to submit their application to the Municipality for building permits within the next 10 days. He explained that once the application was approved, construction would begin to renovate the existing cottage to add the second storey addition. Mr. Thompson explained that the cottage was painted three (3) years ago and how the cottage was not insulated and the paint peeling. He confirmed Mr. Andrews' ability to fund this project and the historical component of the cottage.

In response to questions raised, Mr. Thompson stated that Mr. Andrews would not be changing the drainage patten and that he would be using the existing foundation and designing/installing a new septic system. Mr. Andrews further commented on the time that he has lived in the cottage, both year round and during summer months. Mr. Thompson projected the addition would be roof tight within four (4) months.

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey

THAT the Appeals Standing Committee allow the appeal of Case #272775, property located at 104 Masons Point Road, Head of St. Margarets Bay.

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

12.1.2 Appeal of Gary McNeill – Case #275343, 135 Merrimac Drive, Cole Harbour

This matter was deleted during the approval of the agenda.

12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

12.2.1 Notice to Appear Shining Waters Marine Limited– Case #272967, 1839-1841 St. Margarets Bay Road, Timberlea

The following was before the Standing Committee:

- A staff recommendation report dated August 23, 2016

The Chair confirmed that neither the property owner nor a representative was in attendance.

Mr. Mark Prosser, Compliance Officer gave a brief presentation providing background for the case and showed pictures of the property taken September 6, 2016. Mr. Prosser noted that the building official was in attendance.

In response to a question raised, Mr. Prosser confirmed the multi-use buildings have been vacant for three (3) years. Mr. Prosser also spoke to his discussions with the property owner and their plans to demolish the buildings.

MOVED by Councillor McCluskey, seconded by Councillor Walker

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 buildings, 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 owner. Otherwise, the Municipality will exercise its rights as set forth under Part XV (15) of the Charter.

MOTION PUT AND PASSED.

Councillor Johns entered the meeting at this time.

12.2.2 Notice to Appear Haley & Associates/Ken Reyner – Case #275670, 15 Hunters Hill Lane, Terence Bay

The following was before the Standing Committee:

- A staff recommendation report dated August 19, 2016
- Correspondence was submitted from Douglas W. Schipilow, Boyne Clarke and Daniel Rozon, Grant Thornton Limited, formerly Haley & Associated Inc.

The Chair confirmed that neither the property owner nor a representative was in attendance.

Ms. Carrie Butler, Compliance Officer gave a brief presentation providing background for the case and showed pictures of the property taken September 6, 2016.

MOVED by Councillor Johns, 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 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 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 Notice to Appear Mounta Bitar – Case #274641, 273 Beaver Bank Road, Beaver Bank

The following was before the Standing Committee:

- A staff recommendation report dated August 29, 2016

The Chair confirmed that neither the property owner nor a representative was in attendance.

Mr. Henry Boutilier, Compliance Officer gave a brief presentation providing background for the case and showed pictures of the property taken September 6, 2016. Mr. Boutilier noted that the building official was in attendance.

In response to a question raised, Mr. Boutilier indicated that he has spoken with the property owner as they are aware of the dwellings condition and staff's recommendation for demolition.

MOVED by Councillor Johns, seconded by Councillor Walker

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 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 owner. Otherwise, the Municipality will exercise its rights as set forth under Part XV (15) of the Charter.

In response to a question raised, Mr. Boutilier clarified that the property owner did not own the mobile home that was located on the property. He explained that the insurance company has settled with the mobile home owner and there was a dispute between the mobile home owner and the property owner.

In response to a concern raised with the oil tank, Ms. Phillips advised that they would bring this to the attention of the property owner.

MOTION PUT AND PASSED.

12.3 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES: APPEALS

12.3.1 Appeal of Dang Phonchareon – Cancellation of Halifax Taxi Owner License #H207

This matter was deleted during the approval of the agenda.

13. MOTIONS – NONE

14. IN CAMERA (IN PRIVATE) – NONE

15. ADDED ITEMS – NONE

16. NOTICES OF MOTION – NONE

17. DATE OF NEXT MEETING – October 6, 2016 10:00 a.m., Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street

18. ADJOURNMENT

The meeting adjourned at 11:03 a.m.

Krista Vining
Legislative Assistant