



**APPEALS STANDING COMMITTEE
MINUTES
May 4, 2017**

PRESENT: Councillor Steve Adams, Chair
Councillor Russell Walker, Vice Chair
Councillor Sam Austin
Councillor David Hendsbee
Councillor Lisa Blackburn

REGRETS: Councillor Steve Streach

STAFF: Karen MacDonald, Senior Solicitor
Tanya Phillips, Manager, By-law Standards
Krista Vining, 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 Appeals Standing Committee are available online: <http://www.halifax.ca/boardscom/SCappeals/170504asc-agenda.php>

The meeting was called to order at 10:00 a.m., and the Standing Committee adjourned at 11:25 a.m.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – March 9, 2017

MOVED by Councillor Hendsbee, seconded by Councillor Austin

THAT the minutes of March 9, 2017 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.

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 – NONE

9. NOTICES OF TABLED MATTERS – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

The Legislative Assistant noted that correspondence was received for item 10.1.1. This correspondence was circulated to the Standing Committee.

10.1.1 Angela Jeffrey-Haynes, Victim Services Caseworker, Halifax Regional Police

The following was before the Standing Committee:

- Correspondence from Angela Jeffrey-Haynes, Victim Services Caseworker, HRP dated April 24, 2017 with attached correspondence from July 11, 2016 re: taxi appeals

Karen MacDonald, Senior Solicitor referred to the Standing Committee role in reviewing taxi appeals and advised that, from a procedural fairness perspective, the Standing Committee is not to determine innocence or guilt but whether it is safe for the public to have the taxi driver continue in their role.

Members discussed the correspondence. In response to a question raised, the solicitor explained that the courts can only limit when the taxi driver can operate a taxi and whether they can have certain individuals in their vehicle. It is the decision of the Licensing Authority and the Appeals Standing Committee to revoke a taxi license. Based on the information provided, the Standing Committee can: allow the appeal, allow the appeal with restrictions or deny the appeal.

The Standing Committee agreed to have Angela Jeffrey-Haynes make a presentation and asked the Legislative Assistant to coordinate the date, time and format.

10.2 Petitions – None

11. INFORMATION ITEMS BROUGHT FORWARD – NONE

12. REPORTS

12.1 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES: APPEALS

12.1.1 Refusal of Driver License Application, Calvin Cole

The following was before the Standing Committee:

- A staff recommendation report dated April 11, 2017

The Chair confirmed the appellant was in attendance.

Rowena Dill, License Administrator, Buildings & Compliance, Planning & Development provided an overview of the April 11, 2017 staff report.

Calvin Cole, appellant spoke to making bad decisions and was charged with driving with no insurance, vehicle registration or a valid Nova Scotia driver license. The appellant explained that their Nova Scotia driver license had been reinstated and when filling out the affidavit to get their taxi driver license back they answered no to being charged with or convicted of any offence in Canada or any other country in the past three years because it was their understanding a traffic offense was not a criminal offense. The appellant was not trying to mislead or be untruthful on the taxi license application and had indicated on the application that their NS driver license had been suspended for not having insurance, which is also identified on their driver abstract. The appellant sought to get their taxi license back to earn a living driving someone else's taxi and advised that the taxi owner would be responsible for insuring and registering the vehicle. In response to a question, the appellant clarified that they did not have another taxi driver's vehicle lined up as they wanted to see if their appeal would be granted.

MOVED by Councillor Hendsbee, seconded by Councillor Walker

THAT the Appeals Standing Committee allow the appeal of Calvin Cole and overturn the decision of the of the Licensing Authority to deny application for an HRM taxi driver license in accordance with Section 44.2(c) and Section 45.1(c) of By-law T-1000.

The Standing Committee considered the information provided by staff and the appellant. Members spoke to the appellant operating an unlicensed taxi, displaying a fraudulently modified taxi license sticker, with a suspended NS driver license and no insurance.

MOTION PUT AND DEFEATED. (Licensing Authority decision stands)

12.1.2 Refusal of Driver License Renewal Application, Douglas Brine

The following was before the Standing Committee:

- A staff recommendation report dated April 11, 2017

The Chair confirmed the appellant and a representative were in attendance.

Rowena Dill, License Administrator, Buildings & Compliance, Planning & Development provided an overview of the April 11, 2017 staff report.

Dave Buffett, representing the appellant understood and supported the actions and decision of the Licensing Authority and noted the appellant's breach of probation, charges and convictions which were all done while being intoxicated. Buffett explained that the appellant accepts full responsibility for their

actions and has entered into Alcoholics Anonymous. Buffett submitted letters of reference from various clients the appellant has driven for the record.

In response to questions raised the following information was provided:

- staff confirmed the appellant obtained their taxi driver license in 2007
- Doug Brine, appellant confirmed there have been no further issues with police or consumption of alcohol in the last year (since entering Alcoholics Anonymous); staff was also not aware of any other violations or complaints
- The appellant confirmed that the charges were related to threatening behaviour unrelated to driving a taxi

MOVED by Councillor Hendsbee, seconded by Councillor Blackburn

THAT the Appeals Standing Committee allow the appeal of Douglas Brine and overturn the decision of the of the Licensing Authority to deny application for renewal of an HRM taxi driver license in accordance with Section 44.2(a), (b) and (c) of By-law T-1000.

Members spoke to the circumstances around the appellant's charges and convictions. Members recognized the appellant's efforts to get their life back on track.

MOTION PUT AND PASSED. (Licensing Authority overturned)

12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

12.2.1 Case 289063 and Case 288922, 1507 and 1509 Sackville Drive

The following was before the Standing Committee:

- A staff recommendation report dated April 24, 2017

Theresa Hickey, Compliance Officer, By-law Standards gave a brief presentation providing background for the cases and showed pictures of the properties taken May 3, 2017. It was noted that the Building Official and property owner were in attendance.

Allan White, property owner spoke to issues with theft and vandalism at their property, and the financial impact. They recognized the main building and accessory building needed to be demolished, but wanted to be able to rebuild on the property and were concerned the Municipality would demolish the foundation, well and septic, which they wanted to keep.

In response to questions raised, the property owner confirmed the property had been vacant for approximately ten years and they had not had an engineer inspect the foundation, well and septic to confirm its present state and whether it would be viable. Tanya Phillips, Manager, By-law Standards explained that if the Municipality were to complete the demolition, they would backfill the foundation. The Compliance Officer confirmed the pipping for the well was still onsite and that staff had replaced the well cover and the well is dry. The property owner clarified that the power company had removed the meter and transformer from the property.

Members discussed the length of time the property owner would need to make arrangements to complete the demolition.

MOVED by Councillor Blackburn, seconded by Councillor Walker

THAT the Appeals Standing Committee finds the properties 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 and main 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 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.

12.2.2 Case 280038, 22 Russell Street, Dartmouth

The following was before the Standing Committee:

- A staff recommendation report dated April 24, 2017

Steven Beckman, Compliance Officer, By-law Standards gave a brief presentation providing background for the case and showed pictures of the property taken May 1, 2017. It was noted that the Building Official was in attendance.

The Chair confirmed the property owner was not in attendance.

The Compliance Officer noted discussions with the property owner in relation to obtaining a permit, effective to May 9, 2017, to demolish the accessory structure but that there had been some scheduling and financial issues that prevented the owner from completing the demolition.

Discussion was held on giving the property owner additional time to complete the demolition.

MOVED by Councillor Austin, seconded by Councillor Hendsbee

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 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.

MOVED by Councillor Austin, seconded by Councillor Hendsbee

THAT the motion be amended to extend the timeframe the property owner would have to complete the demolition to sixty (60) days.

Discussion on the amendment was held with the Building Official responding to questions on being able to extend the demolition permit.

MOTION TO AMEND PUT AND DEFEATED.

A vote was taken on the main motion.

MOTION PUT AND PASSED.

12.2.3 Case 287484, 80 Bell Street, East Preston

The following was before the Standing Committee:

- A staff recommendation report dated April 19, 2017

Steven Beckman, Compliance Officer, By-law Standards gave a brief presentation providing background for the case and showed pictures of the property taken May 1, 2017. It was noted that the Building Official was in attendance.

The Chair confirmed the property owner was in attendance.

Rosemond Harold, property owner spoke to their efforts to demolish the building and using the wood for burning and recycling other materials such as the metal from the roof. They explained that they needed more time to complete the demolition. When asked how much time they needed, the property owner suggested ninety (90) days. The property owner also confirmed they were not living on the property at this time.

MOVED by Councillor Hendsbee, seconded by Councillor Blackburn

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 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.

Members discussed the motion, with the Building Official pointing out a safety concern with the nearby school. Councillor Hendsbee confirmed that students were bused to the school and it was unlikely they would walk to the property, suggesting the property owner could put up a fence to satisfy any concerns.

MOTION PUT AND PASSED.

13. MOTIONS – NONE

14. IN CAMERA (IN PRIVATE) – NONE

15. ADDED ITEMS – NONE

16. NOTICES OF MOTION – NONE

17. DATE OF NEXT MEETING – June 8, 2017, 10:00 a.m. Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax

17.1 Proposed Rescheduled Meeting Date – July 20, 2017

MOVED by Councillor Austin, seconded by Councillor Hendsbee

THAT the Appeals Standing Committee amend their approved 2017 meeting schedule to reschedule the July 20, 2017 meeting date to July 13, 2017 due to a conflict.

MOTION PUT AND PASSED.

19. ADJOURNMENT

The meeting adjourned at 11:25 a.m.

Krista Vining
Legislative Assistant