



**APPEALS STANDING COMMITTEE
MINUTES
June 8, 2017**

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

OTHER: Councillor Bill Karsten

STAFF: Karen MacDonald, Senior Solicitor
Tanya Phillips, Manager, By-law Standards
Krista Vining, Legislative Assistant
Kyle Crawford, Open Government Intern

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

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca

*The meeting was called to order at 10:00 a.m., recessed at 11:18 a.m. and reconvened at 11:21 a.m.
The Standing Committee adjourned at 11:36 a.m.*

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – May 4, 2017

MOVED by Councillor Walker, seconded by Councillor Blackburn

THAT the minutes of May 4, 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 Austin, seconded by Councillor Hendsbee

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 – January 18, 2017

8.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

8.1.1 Case 280988 & Case 282093, 1937 Hammonds Plains Road, Hammonds Plains and Case 281072, PID#0042184, Hammonds Plains Road, Hammonds Plains

The following was before the Standing Committee:

- A staff supplementary report dated May 25, 2017

The Chair confirmed neither the appellant nor a representative was in attendance.

Trevor Oliver, Compliance Officer, By-law Standards gave a brief presentation providing background for the cases and showed pictures of the properties taken June 7, 2017

Members questions whether improvements had been made to the property since the January 18, 2017, appeal hearing. Staff indicated that it appeared as though more debris was onsite and that no efforts had been made to clean up the property and that concentration was spent on restoring the house and moving debris around the property.

The Chair recognized the property owner had enter meeting around 10:15 a.m.

Staff reviewed photos taken of the property June 7, 2017, with the property owner.

Thomas Moore, appellant, spoke to their efforts clean up the property and explained that they thought they had another month to comply and how some material had been blown around the property during

the winter. The appellant confirmed their efforts had been focused on restoring the house and had just completed the Tyvek and new windows. The appellant noted their intent to repair the vehicle in question and that they have received permission to put a container on their property and have the debris moved inside the container. They also confirmed that they were burning old wood on the property in a fire pit.

Staff explained the seven (7) day timeline to comply with the orders, Attachments D, E, and F of staff report dated May 25, 2017, if the appeal was denied. It was noted that the Committee could grant the appeal, grant with conditions, or deny the appeal. If the appeal is denied, the Committee could also choose to grant an extension of the timeline to comply with the orders.

MOVED by Councillor Streach, seconded by Councillor Blackburn

THAT the Appeals Standing Committee allow the appeals of Case 280988 & Case 282093, 1937 Hammonds Plains Road, Hammonds Plains and Case 281072, PID#0042184, Hammonds Plains Road, Hammonds Plains.

The appellant spoke to the Municipality's expectations and their intent to bring the property into compliance in an affordable way but needed additional time.

MOVED by Councillor Hendsbee, seconded by Councillor Austin

THAT the motion be amended to extend the timeline of the orders issued for Case 280988 & Case 282093, 1937 Hammonds Plains Road, Hammonds Plains and Case 281072, PID#0042184, Hammonds Plains Road, Hammonds Plains to comply within thirty (30) days.

In consultation with staff respecting order of procedure respecting Section 53(1)(a) of Administrative Order One, the mover **withdrew the amendment**.

The Chair called for the question on the motion to allow the appeal.

MOTION PUT AND DEFEATED.

MOVED by Councillor Hendsbee, seconded by Councillor Blackburn

THAT the Appeals Standing Committee extend the timeline of the orders issued for Case 280988 & Case 282093, 1937 Hammonds Plains Road, Hammonds Plains and Case 281072, PID#0042184, Hammonds Plains Road, Hammonds Plains to comply within thirty (30) days.

In response to a question raised, staff confirmed the house was not part of the orders issued for these cases.

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: DEMOLITIONS

12.1.1 Case 280742, 3644 Deal St., Halifax

The following was before the Standing Committee:

- A staff recommendation report dated May 29, 2017

It was confirmed the property owner was in attendance.

Mark Prosser, Compliance Officer, By-law Standards gave a brief presentation providing background for the case and showed pictures of the property taken June 7, 2017.

Leo Kehoe, property owner, spoke to getting their finances in order to repair the accessory structure with new materials. Depending on the cost of materials and labour, the property owner indicated that they could do the repairs themselves and planned to fix the walls and roof.

In response to question raised, Cory Webb, Building Official, explained that there was extensive damage to the current materials on the accessory building and suspected a lot of rot inside but was unable to gain access to confirm. The Building Official suggested it would take a lot of replacement to make the accessory building structurally sound.

Members questioned why the property owner would want to repair the structure rather than tearing it down and building new and were concerned with the structural integrity and risk of liability. Members also questioned whether racoons were living inside the structure. The property owner indicated that they never considered tearing the structure down and building a new one and that to their knowledge there were no racoons living inside.

MOVED by Councillor Walker, 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 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.

Staff explained the process of the property owner having thirty (30) days to complete the demolition. Following this timeframe, if the work was not carried out, the Municipality would go to tender, complete the demolition, and put a lien on the property.

MOTION PUT AND PASSED.

12.1.2 Case 284706, 58 Spar Crescent, Dartmouth

The following was before the Standing Committee:

- A staff recommendation report dated May 30, 2017

It was confirmed the property owner was in attendance.

Theresa Hickey, Compliance Officer, By-law Standards, gave a brief presentation providing background for the case and showed pictures of the property taken May 17, 2017. It was noted that the Building Official was in attendance.

In response to question raised around the attached neighbouring property, 60 Spar Crescent, staff explained that this property was under provincial ownership. If a demolition order was issued for 58 Spar Crescent, the Province was open to working with the property owner and/or the Municipality to demolish the two buildings at the same time.

The Committee agreed to hear from the area Councillor. Councillor Karsten spoke on behalf of residents living on Spar Crescent and encouraged the Committee to proceed with the demolition order for 58 Spar Crescent.

William Armstrong, property owner, commented on their limited finances to complete the repairs needed to the building. They had been doing repairs prior to being issued an order to vacate, but the building deteriorated to its current condition over time. They agreed the building needed to be demolished.

MOVED by Councillor Austin, 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 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.

The Standing Committee recessed at 11:18 a.m. and reconvened at 11:21 a.m.

12.1.3 Case 248534, 2511 Crowell Road, East Lawrencetown

The following was before the Standing Committee:

- A staff recommendation report dated May 25, 2017

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

Theresa Hickey, Compliance Officer, By-law Standards, gave a brief presentation providing background for the case and showed pictures of the property taken June 6, 2017. It was noted that the Building Official was in attendance. Hickey responded to questions on there being no oil or power hookups, as outlined in the building official report Appendix D to the staff report dated May 25, 2017.

MOVED by Councillor Blackburn, 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 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 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.

12.1.4 Case 279154, 5736 Highway 357, Elderbank

The following was before the Standing Committee:

- A staff recommendation report dated May 29, 2017

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

Theresa Hickey, Compliance Officer, By-law Standards gave a brief presentation providing background for the case and showed pictures of the property taken June 6, 2017. It was noted that the Building Official was in attendance.

In response to concerns raised, the Compliance Office spoke to their efforts on trying to track down the current property owner, as the individual identified on the registration is deceased. They also explained that the PID was only listed last Fall and that no taxes were paid until that time.

MOVED by Councillor Streach, 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 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) – NONE

15. ADDED ITEMS – NONE

16. NOTICES OF MOTION – NONE

17. DATE OF NEXT MEETING – July 13, 2017, 10:00 a.m. Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax

19. ADJOURNMENT

The meeting adjourned at 11:36 a.m.

Krista Vining
Legislative Assistant