



**APPEALS STANDING COMMITTEE
MINUTES
August 2, 2018**

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
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 10:02 a.m. and adjourned at 11:23 a.m.

1. CALL TO ORDER

The Chair called the meeting to order at 10:02 a.m.

2. APPROVAL OF MINUTES – April 12, 2018

MOVED by Councillor Austin, seconded by Councillor Blackburn

THAT the minutes of April 12, 2018 be approved as circulated.

MOTION PUT AND PASSED.

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

Deletions:

- 8.1.2 Cases 305788, 306139 and 306140, 6491 Highway 7, Gaetz Brook (rescheduled to September 13, 2018 at the request of the Applicant, due to short notice following the rescheduling of the August 9, 2018 meeting of the Committee; property owner notified)
- 12.1.1 Case 310419, Clam Harbour Road, Clam Bay (Appeal withdrawn at the request of the Applicant; property owner notified)

MOVED by Councillor Walker, seconded by Councillor Austin

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

8.1.1 Case 305184, Property located at 209 Scotts Point Road, East Dover – Deferred April 12, 2018

The following was before the Standing Committee:

- A staff recommendation report dated July 24, 2018

The Chair confirmed that the Appellant was in attendance.

Kory O'Neil, Compliance Officer, By-law Standards, introduced the matter before the Standing Committee, showing updated photographs of the structure taken on July 31st, 2018. The Compliance Officer noted that the sills below the windows are still deteriorating, the structure continues to be standing in a precarious position above the water, and though the owners have placed some wooden planks down as walkways to the entrance and have placed a jack and some metal components on the outer corners to stabilise the building, they have not consulted with an engineer regarding reconstruction to bring the building back to code. Between April 10, 2018 and July 31st of 2018, there appeared to have been minimal changes to the state of the structure.

Wayde Zinck, the brother of the property owner, and Phyllis Zinck, spoke to the Standing Committee about the condition of the structure and efforts since the April 12, 2018 hearing of this matter to bring the structure to compliance. The applicant showed photographs and described work he had done to the property. Particularly, Wayde Zinck stated they had purchased timber which he intended to use to

perform cribbing work as of next week. They had also placed ladders across the entrance threshold and the interior floor to clear debris from the interior. They had also installed some galvanized metal plates to reinforce the corners of the structure and jacks to help suspend the structure in its current location. Some Committee members noted that several of the photos showed that significant portions of the interior do not have a floor coverage and the ladders are suspended above a significant height over the coast edge. Wayde Zinck confirmed they have not consulted an engineer and are therefore not ready to install concrete footings and posts. Wayde Zinck confirmed he did not have a construction background but state he had acquired basic knowledge from assisting his father building wharfs. In response to the question what his goal was in performing this work, the applicants stated that they wanted to preserve the building because it has historical and personal significance to them. They stated that the structure has existed for eighty years, and it still had a lot of good timber in its frame. They are resistant to have it demolished and disposed of if it can be saved. The applicant believes the costs to demolish it and construct a new structure are likely to be close to \$50,000. Several Committee members asked Wayde Zinck how much time and effort has been put into repairs to the property since the last meeting on this matter. Wayde Zinck struggled to give an answer but confirmed they have worked on the property every week since April. However, they are constrained by the need to work while the tide is low and when it is not raining for concern that the tools will get wet.

In response to questions raised, by-law staff provided clarification for issues. Staff initially began inspections to the property on January 10, 2018. At that time, some planks had blown away and there was damage to the side of the structure leaving the interior exposed to the elements. Staff provided photos of further inspection visits on February 11, 16, and 21, and April 11 in which the hole is still exposed. Photos from July 18 show wooden boards added to side near the damaged area, but the hole still remains open to the elements and the violation persists. These photos also show the additions of the jackposts and the galvanized metal.

Allison Patriquin, Building Official, provided further information and staff opinions regarding the current state of the structure. From the pictures provided by the Applicant, staff is concerned that the interior of the building is completely unsafe. Staff did not enter the building because it seemed in its present state unsafe from outside inspection. Regarding further steps to compliance, staff stated that normally staff requires a permit application before further work can be done to return a building to a compliant state. In such instances an engineer's report is necessary in order to grant a permit. Staff has received neither in this case. Staff confirmed it had informed the applicant at the last meeting of the Committee that these steps were necessary.

MOVED by Councillor Austin, 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, order demolition of the accessory structure, including but not limited to, the removal of all demolition debris, backfilling or 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 (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 of the Charter.

Upon further discussion regarding the Committee's options, several members stated their interest in deferring a determination on this matter to give the Applicant one further month to consult with an engineer and obtain a structural report, as would be required to obtain a building permit.

MOVED by Councillor Austin, seconded by Councillor Blackburn

THAT the Appeals Standing Committee defer consideration of Case 305184 – 209 Scotts Point Road, East Dover to the September 13, 2018 meeting of the Appeals Standing Committee.

MOTION TO DEFER PUT AND PASSED.

**8.1.2 Cases 305788, 306139 and 306140, Property located at 6491 Highway 7, Gaetz Brook –
Deferred April 12, 2018**

This matter was deleted during the approval of the agenda.

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 Case 310419, Property located at Clam Harbour Road, Clam Bay

This matter was deleted during the approval of the agenda.

12.1.2 Cases 311387 and 311451, Property located at 20 Millside Drive, Porter's Lake

The following was before the Standing Committee:

- A staff recommendation report dated April 24, 2018

The Chair confirmed that the Appellant was in attendance.

Mark Prosser, Compliance Officer, By-law Standards, introduced the matter before the Standing Committee, showing photographs of the property. Staff stated he was first onsite on May 23, 2018 and observed extensive debris, three derelict vehicles and a derelict travel trailer. Staff noted that the trailer frame and axle had rotted and the trailer was currently being used as a storage shed. Staff noted and showed photographs of the trailer, the three derelict vehicles, debris on the side of the building and deck, as well as rejected curbside debris. Since the violations notices were placed, staff has observed one of the three vehicles has been removed and some of the debris has been cleaned from the property, though otherwise the condition of the property has remained non-compliant. Staff confirmed that some of the curbside debris included construction materials and was refused pickup. Staff also confirmed that they have no evidence of fluids leaking from the derelict vehicles.

Chrystal Crawley, the property owner, spoke to the Standing Committee about the condition of the property and efforts to return the property to a compliant condition. The owner stated they have arranged the debris in sections for disposal, and are prepared to do so. However, the owner stated a challenge is that there is garbage collection once every two weeks. The owner has made efforts to ensure much of the current debris is appropriately sorted and available to be picked up in reasonable installments per collection day. The owner confirmed that the blue derelict truck has been removed, although a yellow truck and a green sedan remain. The owner stated they have posted an add on Kijiji.ca for the trailer for free pickup and has received eleven inquiries, though none have followed through to take the trailer. The owner stated that they expect at the current time to be able to complete the required work before the end of October.

Regarding some of the debris, some Members suggested that much of it could be picked up by a salvage service, although the gyprock and construction materials would have likely have to be taken to a C&D site by the owner or another service person.

A member stated that their preference would be rather than to defer the matter to uphold the order and amend the order's timeline to enable the owner to carry out the work before November 1, 2018. This would prevent the owner from having to return to the Committee if the work is complete.

MOVED by Councillor Hendsbee, seconded by Councillor Blackburn

THAT the Appeals Standing Committee defer the appeal of Cases 311387 and 311451 – 20 Millside Drive, Porter's Lake, to the November 1, 2018 meeting of the Appeals Standing Committee.

MOTION PUT AND PASSED.

12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

12.2.1 Case 294995, Property located at 1478 Prospect Bay Road, Prospect Village

The following was before the Standing Committee:

- A staff recommendation report dated July 24, 2018

The Chair confirmed that the Appellant was in attendance.

Victor Lopez, Compliance Officer, By-law Standards, introduced the matter before the Standing Committee, showing updated photographs of the structure. The Compliance Officer noted that this appeal related to an accessory structure which is not the main living dwelling. Staff initially assessed the property as requiring maintenance, however after further discussions and a construction engineer's assessment of the structure, staff's recommendation was to demolish the accessory structure as of May 1, 2018. The structure is not level and is resting on wood cribbing and a steel jack. Staff confirmed the owner has stated that they periodically enter the structure to obtain items stored there. Staff also confirmed they do not have photos of the interior or the roof as they do not enter structures perceived to be dangerous and there is no reasonable way to gain a view of the top of the structure at this time.

Janet Monckton, the property owner, spoke to the Standing Committee about the condition of the property and efforts to manage the property. The owner circulated some notes to members.

The owner stated that they initially obtained the structure with the intention to live in it, but later found that they did not require the additional space. The Owner advertised the structure for demolition in 2009 with the intention of offering the demolisher lumber from the structure in compensation for their efforts. The owner received eleven responses at this time, however some health issues prevented the owner from following up on this work. The owner currently is undertaking efforts to empty the structure and to advertise the structure for demolition again. The owner requested a further month to do so, and offers to pay for debris bins in the interim should demolition occur. If no one responds to the demolition advertisements, the owner proposes that the municipality would still have the months of September and October to obtain contracts and perform demolition on the property, and may put a lien on the owner's property.

MOVED by Councillor Austin, 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, order demolition of the accessory structure, including but not limited to, the removal of all demolition debris, backfilling or 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 (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 of the Charter.

Upon further discussion it was MOVED by Councillor Austin, seconded by Councillor Blackburn

THAT the motion be amended to extend the timeline to comply to sixty (60) days.

Upon further discussion regarding the Committee's options, the Chair Councillor Adams stated a preference to defer a determination on this matter to give the Applicant sixty days to attempt to hire a demolition contractor and begin work on the demolition of the structure, given the circumstances. It was MOVED by Councillor Austin, 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, order demolition of the accessory structure, including but not limited to, the removal of all demolition debris, backfilling or 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 (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.

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

The next meeting of the Appeals Standing Committee is scheduled for September 13, 2018, beginning at 10:00 a.m. Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax.

19. ADJOURNMENT

The meeting adjourned at 11:23 a.m.

Simon Ross-Siegel
Legislative Assistant