



**APPEALS STANDING COMMITTEE
MINUTES
September 13, 2018**

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

REGRETS: Councillor Russell Walker, Vice Chair
Councillor Steve Streach

STAFF: Karen MacDonald, Senior Solicitor
Tanya Phillips, Manager, By-law Standards
Sharon Chase, Legislative Assistant
Krista Vining, 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 10:04 a.m. and adjourned at 11:38 a.m.

1. CALL TO ORDER

The Chair called the meeting to order at 10:04 a.m.

2. APPROVAL OF MINUTES – August 2, 2018

MOVED by Councillor Blackburn, seconded by Councillor Austin

THAT the minutes of August 2, 2018 be approved as circulated.

MOTION PUT AND PASSED.

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

MOVED by Councillor Hendsbee, seconded by Councillor Austin

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 – August 2, 2018

8.1.1 Case 305184, Property located at 209 Scotts Point Road, East Dover

The following was before the Standing Committee:

- A staff supplementary recommendation report dated August 20, 2018

The property owners were in attendance.

Kory O'Neill, Compliance Officer presented Case 305184, property located at 209 Scotts Point Road, East Dover, showing photographs of the property taken September 12, 2018.

Wade Zink, representing the property owner submitted a copy of permit #55A18WH10 issued to Phillis M. Zinck on August 23, 2018 and copy of a letter from the Nova Scotia Lands and Forestry dated August 23, 2018 explaining that the Department of Fishers and Oceans (DFO) and Department of Lands and Forestry (DLF) have agreed upon the specifications outlined in the permit to construct, replace, repair, maintain and use a wharf on submerged Crown land.

MOVED by Councillor Blackburn, seconded by Councillor Austin

THAT the Appeals Standing Committee deferred Case 305184 property located at 209 Scotts Point Road, East Dover to October 11, 2018 to allow staff to confirm permission given by the Department of Fishers and Oceans (DFO) and Department of Lands and Forestry (DLF) and permit #55A18WH10 issued on August 23, 2018.

MOTION TO DEFER PUT AND PASSED.

8.1.2 Cases 305788, 306139 and 306140, Property located at 6491 Highway 7, Gaetz Brook

The following was before the Standing Committee:

- A staff supplementary recommendation report dated August 21, 2018

A representative for the appellant was in attendance.

Trevor Oliver, Compliance Officer II presented Cases 305788, 306139 and 306140, property located at 6491 Highway 7, Gaetz Brook, showing photographs of the property taken September 12, 2018. Oliver responded to questions, clarifying that a salvage permit has not been issued for the property and based on the appearance of the derelict vehicles, they have been there for an extended period. It was Oliver's understanding that there is no power to the shed and there were no significant fumes to contact the Department of Environment.

Robin MacLean, representing the appellant spoke to the property owners' health, noting that the family is helping with the clean up but needs more time.

Councillor Blackburn asked if the property owner had a plan in place to clean up the property and how much time they would need to complete the work. MacLean showed photographs of the property taken September 12, 2018 on their cell phone. MacLean asked for a six (6) month or greater time extension to complete the work.

Councillor Hendsbee recognised the cleanup efforts made to date and asked staff to show photographs of the property taken earlier in the year. Staff showed photographs of the property taken April 11, 2018.

MOVED by Councillor Hendsbee, seconded by Councillor Blackburn

THAT the Appeals Standing Committee defer Cases 305788, 306139 and 306140, property located at 6491 Highway 7, Gaetz Brook to January 10, 2019.

In response to a concern raised, Tanya Phillips, Manager of By-law Services clarified that the Orders to Remedy were issued February 15, 2018 and the Standing Committee could amend the orders rather than deferring the appeal.

MOTION TO DEFER PUT AND DEFEATED.

MOVED by Councillor Austin, seconded by Councillor Hendsbee

THAT the Appeals Standing Committee allow the appeal of Cases 305788, 306139 and 306140, property located at 6491 Highway 7, Gaetz Brook.

MOTION PUT AND DEFEATED.

MOVED by Councillor Austin, seconded by Councillor Hendsbee

THAT the Appeals Standing Committee amend the Orders to Remedy issued February 15, 2018 for the property located at 6491 Highway 7, Gaetz Brook (Cases 305788, 306139 and 306140) to 180 days.

MOTION TO PUT AND PASSED.

9. NOTICES OF TABLED MATTERS – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS – NONE

11. INFORMATION ITEMS BROUGHT FORWARD – NONE

12. REPORTS

12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

12.1.1 Case 313962 Property located at 110 Montague Road, Lake Loon

The following was before the Standing Committee:

- A staff recommendation report dated August 23, 2018

The appellant was in attendance.

Carrie Butler, Compliance Officer II presented Case 313962 property located at 110 Montague Road, Lake Loon, showing photographs of the property taken September 12, 2018.

Terry Chisholm, appellant spoke to the materials under the deck and the challenges and limitations with garbage collection (e.g. number of clear and black bags permitted at the curb). The appellant explained their shed has been taken down after the winter and spoke to their plans to rebuild a new shed on the old footings. Chisholm indicated that they were still working to remove the materials and needed more time.

MOVED by Councillor Austin, seconded by Councillor Hendsbee

THAT the Appeals Standing Committee allow the appeal of Case 313962 - 110 Montague Road, Lake Loon.

Councillor Austin asked members to defeat the motion to allow them to bring forward a motion to extend the Order to Remedy.

MOTION PUT AND DEFEATED.

MOVED by Councillor Austin, seconded by Councillor Hendsbee

THAT the Appeals Standing Committee amend the Order to Remedy issued July 13, 2018 for property located at 110 Montague Road, Lake Loon (Case 313962) to 30 days.

MOTION PUT AND PASSED.

12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

12.2.1 Case 306102 Property located at 15 Fernhill Drive, Dartmouth

The following was before the Standing Committee:

- A staff recommendation report dated August 21, 2018

The property owner was in attendance.

Kory O'Neill, Compliance Officer II presented Case 306102 property located at 15 Fernhill Drive, Dartmouth, showing photographs of the property taken February 2, 2018. O'Neill responded to a question, clarifying that the power to the property had been disconnected and the heat pump and metre had been removed from the dwelling.

Jean Hanlon, property owner spoke to difficulties maintaining the dwelling and an incident of vandalism. They began demolishing the dwelling in 2017, disconnecting power and water but had then received poor advice to stop the demolition. Hanlon had no concern with the Municipality undertaking the demolition but asked to keep the trees and a large shed on the property.

In response to questions raised, Tanya Phillips, Manager of By-law Services explained the process once the 30 days has been reached and the Municipality undertakes the demolition. In addition, it was noted that staff would follow up with the property owner on their request to keep the trees and shed on the property.

MOVED by Councillor Blackburn, seconded by Councillor Austin

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, orders demolition of the main 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 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 294696 Property located at 13166 Highway 7, Ship Harbour

The following was before the Standing Committee:

- A staff recommendation report dated August 20, 2018

The property owner was in attendance.

Victor Lopez, Compliance Officer II presented Case 294696 property located at 13166 Highway 7, Ship Harbour, showing photographs of the property taken September 12, 2018. In response to a question raised, Lopez was unable to confirm the contents under the blue tarp in the photographs shown.

Charles Rutt, property owner spoke to the historical significances of the accessory structure and their attempt to raise funds to rebuild the structure. They noted that the structure would be remove shortly and working with a company that demolishes structures to salvage the lumber. Rutt clarified that the items under the blue tarp is what had been removed from the structure that they were giving away to the community. Rutt also asked for a copy of the by-law, all correspondence, photographs and name of the complainant for this case.

Tanya Phillips, Manager of By-law Services explained that the property owner could request the documentation for their case through the Freedom of Information and Privacy Policy by contacting the Municipality's Access and Privacy office. It was noted that under the FIPOP provisions, the complainant's name is protected and may not be released.

Members discussed the structural integrity and safety concerns with entering the structure. Additionally, members discussed extending the timeframe to 60 days to give the property owner more time to get materials and artifacts out of the structure and secure a contractor.

MOVED by Councillor Hendsbee, seconded by Councillor Austin

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, 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 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 (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 – October 11, 2018, 10:00 a.m. Council Chamber, 3rd Floor City Hall,
1841 Argyle Street, Halifax

19. ADJOURNMENT

The meeting adjourned at 11:38 a.m.

Krista Vining
Legislative Assistant