



**APPEALS STANDING COMMITTEE
MINUTES
February 13, 2020**

PRESENT: Councillor Russell Walker, Vice Chair
Deputy Mayor Lisa Blackburn
Councillor Bill Karsten
Councillor David Hendsbee
Councillor Matt Whitman

REGRETS: Councillor Steve Adams, Chair

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, reports, supporting documents, information items circulated, and video (if available) are online at halifax.ca.

The meeting was called to order at 10:03 a.m. The meeting adjourned at 10:47 a.m.

1. CALL TO ORDER

Councillor Russell Walker, Vice Chair called the meeting to order at 10:03 a.m. in Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES – December 12, 2019

MOVED by Deputy Mayor Blackburn, seconded by Councillor Karsten

THAT the minutes of December 12, 2019 be approved as circulated.

MOTION PUT AND PASSED.

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

Deletions:

12.1 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

12.2.2 Case #339738: 466 Herring Cove Road, Halifax

The property owner has committed to a compliance date.

12.3 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES: APPEALS

12.3.1 Appeal of Fekadu Tesfamariam, Cancellation of Taxi Owner License

By-law T-1000 Respecting the Regulation of Taxis, Accessible Taxis and Limousines

25.3 The Licensing Authority must immediately suspend an owner's license if it receives notification or otherwise has reason to believe that the insurance for the licensed vehicle may have lapsed, been suspended or cancelled, and if it is confirmed that the vehicle is no longer insured, the Licensing Authority must cancel the owner's license.

By-law A-100 Respecting the Appeals Committee

5(4) The Appeal Committee, will not make any decision that could not have made pursuant to the Charter, by-law or Council policy.

Therefore, the Appeals Committee is not able to overturn the decision of the Licensing Authority. The owner's insurance had lapsed and the owner's license must be cancelled.

MOVED by Deputy Mayor Blackburn, seconded by Councillor Whitman

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 – NONE

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 #331963: 290 Les Collins Avenue, West Chezzetcook

The following was before the Standing Committee:

- A staff recommendation report dated February 3, 2020

The Standing Committee confirmed that the appellant was in attendance.

Allen Byng, Compliance Officer II, By-law Standards presented Case 331963, property located at 290 Les Collins Avenue, West Chezzetcook, showing photographs of the property taken February 10, 2020.

In response to questions raised, Byng provided the following clarification:

- property was not fenced
- possible debris under the pool liner
- no observed leaking from oil tank; front cut out and debris stored inside tank

Christina Philpitts, Appellant requested an extension to April 30, 2020.

The Standing Committee considered the appellants request and whether to defer the case to their May 2020 meeting or amend the Order to Remedy.

MOVED by Councillor Hendsbee, seconded by Councillor Karsten

THAT the Appeals Standing Committee to amend the Order to Remedy for Case 331963, Property located at 290 Les Collins Avenue, West Chezzetcook to April 30, 2020

Further consideration was given around the weather and debris being frozen until the Spring thaw and allowing the appellant time to comply.

The motion now reads:

MOVED by Councillor Hendsbee, seconded by Councillor Karsten

THAT the Appeals Standing Committee to amend the Order to Remedy for Case 331963, Property located at 290 Les Collins Avenue, West Chezzetcook to May 31, 2020.

MOTION PUT AND PASSED.

12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

12.2.1 Case #339693: 110 Lower Prospect Branch Lane, Lower Prospect

The following was before the Standing Committee:

- A staff recommendation report dated January 29, 2020

The Standing Committee confirmed that the property owner was not in attendance.

Kevin Berrigan, Compliance Officer II, By-law Standards presented Case 339693, property located at 110 Lower Prospect Branch Lane, Lower Prospect, showing photographs of the property taken February 11, 2020.

In response to a question raised Berrigan could not confirm if the property taxes have been paid.

MOVED by Councillor Hendsbee, seconded by Councillor Karsten

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 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.

MOTION PUT AND PASSED.

12.2.2 Case #339738: 466 Herring Cove Road, Halifax

The following was before the Standing Committee:

- A staff recommendation report dated January 30, 2020

This matter was deleted from the agenda during the approval of the order of business and approval additions and deletions.

12.2.3 Case #340499: 954 North Preston Road, North Preston

The following was before the Standing Committee:

- A staff recommendation report dated January 31, 2020

The Standing Committee confirmed the property owner was in attendance.

Steve Boutilier, Compliance Officer II presented Case 340499, property located at 954 North Preston Road, North Preston, showing photographs of the property taken February 11, 2020.

In response to questions raised, Boutilier provided the following clarification:

- did not enter the building due to safety concerns around the structural integrity; observed no contents inside the building from looking in windows
- elementary school located within 500 metres of the property; property is close to fire station
- unable to locate electrical hookup; oil tank on property; observed no active heat source

Elson Vannie Smith, Property Owner agreed that the building needed some work and spoke to the history of the property and the building being approximately 60 years old. The family had a pig farm and sold pork, fruits and vegetables. Smith asked on behalf of their family and the community for an extension of four (4) to five (5) months to repair the building, noting that they were a Mason by trade.

At the request of the Chair, HRM Building Official staff spoke to the potential permits required to repair the building. It was noted that permits are valid for two (2) years from the date of issue.

Smith confirmed they would be rebuilding from the footings up.

MOVED by Councillor Hendsbee, seconded by Councillor Karsten

THAT the Appeals Standing Committee defer Case 340499, Property located at 954 North Preston Road, North Preston to end of May 31, 2020.

The Standing Committee discussed the deferral to allow the property owner time to obtain the appropriate permits to repair the building. Building Official staff confirmed that site safety would be addressed under the Nova Scotia Building Code.

MOTION PUT AND PASSED.

12.3 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES: APPEALS

12.3.1 Appeal of Fekadu Tesfamariam, Cancellation of Taxi Owner License

The following was before the Standing Committee:

- A staff recommendation report dated February 4, 2020

This matter was deleted from the agenda during the approval of the order of business and approval of additions and deletions.

13. MOTIONS – NONE

14. IN CAMERA (IN PRIVATE) – NONE

15. ADDED ITEMS – NONE

16. NOTICES OF MOTION – NONE

17. DATE OF NEXT MEETING – March 12, 2020 at 10:00 a.m. Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax

18. ADJOURNMENT

The meeting adjourned at 10:47 a.m.

Krista Vining
Legislative Assistant