



**APPEALS STANDING COMMITTEE
SPECIAL MEETING
DRAFT MINUTES
December 10, 2020**

PRESENT: Councillor David Hendsbee, Chair
Councillor Pam Lovelace, Vice Chair
Councillor Becky Kent
Councillor Patty Cuttell
Councillor Iona Stoddard
Councillor Lisa Blackburn

STAFF: Karen MacDonald, Senior Solicitor
Tanya Phillips, Manager, By-law Standards
Iain MacLean, Municipal Clerk
Haruka Aoyama, 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.

These minutes are considered draft and will require approval at a future meeting.

**Appeals Standing Committee
Draft Minutes
December 10, 2020**

The meeting was called to order at 10:06 a.m., and recessed at 11:50 a.m. The Standing Committee reconvened at 12:00 p.m. The Standing Committee adjourned at 12:42 p.m.

1. CALL TO ORDER

The Municipal Clerk called the special meeting to order at 10:06 a.m.

ELECTION OF CHAIR AND VICE CHAIR

Iain MacLean, the Municipal Clerk called for nominations for the position of Chair of the Appeals Standing Committee.

MOVED by Councillor Blackburn, seconded by Councillor Lovelace

THAT Councillor Hendsbee be nominated as Chair of the Appeals Standing Committee.

MOTION PUT AND PASSED.

The Municipal Clerk called three times for further nominations for the position of Chair; there were none.

MOVED by Councillor Lovelace, seconded by Councillor Cuttell

THAT nominations for the position of Chair of the Appeals Standing Committee be closed.

MOTION PUT AND PASSED.

Councillor Hendsbee was acclaimed as Chair of the Appeals Standing Committee.

The Chair called for nominations for the position of Vice Chair of the Appeals Standing Committee.

MOVED by Councillor Blackburn, seconded by Councillor Kent

THAT Councillor Lovelace be nominated as Vice Chair of the Appeals Standing Committee.

MOTION PUT AND PASSED.

MOVED by Councillor Blackburn, seconded by Councillor Kent

THAT nominations for the position of Chair of the Appeals Standing Committee be closed.

MOTION PUT AND PASSED.

Councillor Lovelace was acclaimed as Vice Chair of the Appeals Standing Committee.

2. APPROVAL OF MINUTES – September 10, 2020

MOVED by Councillor Blackburn, seconded by Councillor Kent

THAT the minutes of September 10, 2020 be approved as circulated.

MOTION PUT AND PASSED.

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

MOVED by Councillor Kent, seconded by Councillor Lovelace

THAT the agenda be approved as circulated.

MOTION PUT AND PASSED.

4. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

5. CONSIDERATION OF DEFERRED BUSINESS – NONE

6. CORRESPONDENCE, PETITIONS & DELEGATIONS - NONE

6.1 Correspondence

The Clerk noted that there was no correspondence received.

6.2 Petitions

7. REPORTS

7.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

7.1.1 Case 347202: Property located at 205 Prince Arthur Avenue, Dartmouth

The following was before the Standing Committee:

- A staff recommendation report dated December 1, 2020

The Standing Committee confirmed the property owner was in attendance.

Trevor Oliver, Compliance Officer II, Building & Compliance presented Case 347202, property located at 205 Prince Arthur Avenue, Dartmouth, and showed photographs of the property taken December 3, 2020.

Jim Bendell, Appellant spoke to their intent to sell vehicles and stated that pump works fine and there are no leaks from the vehicle. One of the vehicles (Honda) is already sold. In response to a question from members of the Appeals Standing Committee, Bendell commented that they would need 30 days to take care of the situation.

MOVED by Councillor Kent, seconded by Councillor Lovelace

THAT the motion be deferred to a next meeting of the Appeals Standing Committee in January 2021.

The motion to defer was withdrawn with the consent of the Appeals Standing Committee.

MOVED by Councillor Kent, seconded by Councillor Lovelace

THAT the Appeals Standing Committee allow the appeal.

MOTION PUT AND DEFEATED.

Councillor Kent, seconded by Councillor Lovelace

THAT the Appeals Standing Committee amend Order to Remedy issued August 28, 2020 for the property located at 205 Prince Arthur Avenue, Dartmouth (Case 347202) to 30 days.

Tanya Phillips, Manager of By-law Standards clarified that proposed timeframe on the Order to Remedy starts from the date the Appeals Standing Committee amend the Order.

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Friendly amendment to change the Order to Remedy from 30 days to 45 days was proposed and accepted with the consent of the Appeals Standing Committee.

The motion now reads:

MOVED by Councillor Kent, seconded by Councillor Blackburn

THAT the Appeals Standing Committee amend Order to Remedy issued August 28, 2020 for the property located at 205 Prince Arthur Avenue, Dartmouth (Case 347202) to 45 days.

MOTION PUT AND PASSED.

7.1.2 Case 349464: Property located at 488 Herring Cove Road, Halifax

The following was before the Standing Committee:

- A staff recommendation report dated November 26, 2020

The Standing Committee confirmed the property owner was in attendance.

Abbas Yousefi, Buildings & Compliance presented Case 349464, property located at 488 Herring Cove Road, Halifax, and showed photographs of the property taken October 15 and November 6, 2020.

Zahi Yizhaq Levi, Appellant provided a brief history of the building and issues raised by tenants. Levi explained their plan to renovate an apartment building and mentioned that in order to address all issues, the apartment building needs to be vacant.

In response to questions from members of the Standing Committee, Levi answered that currently they are not being able to address issues because rooms are occupied by tenants. Power has to be disconnected in the apartment building for few months to upgrade electrical system. Levi considered flexibility room option, which allows tenants to temporarily relocate to different rooms while renovation is underway; however, this option cannot be provided to tenants.

Concerns were raised by the Standing Committee that air quality test has not been done and result is yet to be received to consider what type of extra work may be needed for this case and make decisions on this item.

MOVED by Councillor Blackburn, seconded by Councillor Kent

THAT the Appeals Standing Committee allow the appeal.

MOTION PUT AND DEFEATED.

MOVED by Councillor Blackburn, seconded by Councillor Kent

THAT the building owner be ordered to file a compliance plan to Halifax Regional Municipality within 60 days outlining the timeline for immediate and long-term repairs and to include the result of air quality test.

Upon receiving a suggestion from a staff to clarify the Standing Committee's wish in the motion, following friendly amendment was read before the Appeals Standing Committee:

Moved by Councillor Blackburn, seconded by Councillor Kent

THAT the building owner be ordered to file a compliance plan to Halifax Regional Municipality within 60 days and include result of air quality test and complete 6 items listed on the Orders to Remedy issued on November 12, 2020.

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During the discussion, a friendly amendment was proposed to shorten a time frame for compliance plan submission to 30 days and provide 60 days for Appellant to comply the Order, which was accepted with the consent of the Standing Committee.

The motion now reads:

MOVED by Councillor Blackburn, seconded by Councillor Kent

THAT the order be amended requiring a compliance plan be submitted to the Halifax Regional Municipality within 30 days and the violations noted be complied with within 60 days.

Before recessing a meeting for approximately 10 mins, the Standing Committee shared their wish to extend the meeting to continue discussion on the Item 7.1.2.

Moved by Councillor Lovelace, seconded by Councillor Cuttell

THAT Appeals Standing Committee extend the meeting past 12:00 p.m. to up to an hour.

MOTION PUT AND PASSED.

The motion now reads:

MOVED by Councillor Blackburn, seconded by Councillor Kent

THAT the order be amended requiring a compliance plan be submitted to the Halifax Regional Municipality within 30 days and the violations noted be complied with within 60 days.

MOTION PUT AND PASSED.

7.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

7.2.1 Case 345335: Property located at 78 Deanery Road, Lower Ship Harbour

The following was before the Standing Committee:

- A staff recommendation report dated November 30, 2020

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

Roody Mitri, Compliance Officer, Buildings & Compliance gave an overview of Case 345335, property located at 78 Deanery Road, Lower Ship Harbour showing photographs of the property taken December 3, 2020.

MOVED by Blackburn, seconded by Councillor Kent

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 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.

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7.3 STAFF

7.3.1 Proposed 2021 Appeals Standing Committee Meeting Schedule

The following was before the Standing Committee:

- A staff recommendation report dated November 26, 2020

MOVED by Councillor Blackburn, seconded by Councillor Lovelace

THAT the Appeals Standing Committee approve the proposed 2021 meeting schedule as outlined in Attachment 1 of this report.

MOTION PUT AND PASSED.

7.3.2 Appointment to the Executive Standing Committee

The following was before the Standing Committee:

- A staff memorandum

MOVED by Councillor Blackburn, seconded by Councillor Kent

THAT the Appeals Standing Committee nominate one (1) Member from the Appeals Standing Committee membership to the Executive Standing Committee for a term to November 2022.

Councillor Hendsbee be nominated as a member to the Executive Standing Committee for a term to November 2022.

The Municipal Clerk called three times for further nominations for the position. There were no further nominations.

MOVED by Councillor Blackburn, seconded by Councillor Kent

THAT nominations for the position of a member of the Executive Standing Committee be closed.

MOTION PUT AND PASSED.

A vote was taken on the main motion amended as follows:

MOVED by Councillor Blackburn, seconded by Councillor Kent

THAT the Appeals Standing Committee nominate Councillor Hendsbee to the Executive Standing Committee for a term to November 2022.

AMENDED MOTION PUT AND PASSED.

8. DATE OF NEXT MEETING – January 14, 2021

9. ADJOURNMENT

The meeting adjourned at 12:42 p.m.

Haruka Aoyama
Legislative Assistant