



APPEALS STANDING COMMITTEE

December 8, 2021

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

REGRETS: Councillor Patty Cuttell

OTHERS PRESENT: Councillor Tony Mancini
Councillor Paul Russell

STAFF: Karen MacDonald, Senior Solicitor
Tanya Phillips, Manager, By-law Services
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 10:00 a.m. The Standing Committee recessed at 10:50 a.m. reconvened at 10:55 a.m. The Standing Committee adjourned at 11:12 a.m.

1. CALL TO ORDER

The Chair called the meeting to order at 10:00 a.m. and turned the meeting over to the Legislative Assistant.

1.1 Election Chair

Krista Vining, Legislative Assistant called for nominations for the position of Chair of the Appeals Standing Committee.

MOVED by Councillor Kent, seconded by Councillor Blackburn

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

Councillor Hendsbee accepted the nomination for Chair.

Vining called three times for any further nominations, there were none.

MOVED by Councillor Blackburn, seconded by Councillor Kent

THAT Nominations cease.

MOTION PUT AND PASSED.

Councillor Hendsbee was declared Chair.

Councillor Hendsbee assumed the Chair and called for nominations for the position of Vice Chair of the Appeals Standing Committee.

1.2 Election of Vice Chair

Moved by Councillor Kent, seconded by Councillor Blackburn

THAT Deputy Mayor Lovelace be nominated for the position of Vice Chair.

It was noted that Deputy Mayor Lovelace was not in attendance but would accept a nomination of Vice Chair.

Councillor Hendsbee called three times for any further nominations, there were none.

MOVED by Councillor Blackburn, seconded by Councillor Kent

THAT nominations cease.

MOTION PUT AND PASSED.

Deputy Mayor Lovelace was declared Vice Chair.

2. APPROVAL OF MINUTES – November 18, 2021

MOVED by Councillor Blackburn, seconded by Councillor Stoddard

THAT the minutes of November 18, 2021 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions: None

Deletions: None

MOVED by Councillor Kent, seconded by Councillor Blackburn

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

4. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

5. CONSIDERATION OF DEFERRED BUSINESS – 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

Deputy Mayor Lovelace entered the meeting at this time.

12. REPORTS

12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

12.1.1 Cases 363291 and 363374, Property located at 144 Sampson Drive, Lower Sackville

The following was before the Standing Committee:

- Staff report dated November 25, 2021
- Staff presentation dated December 8, 2021

The Chair confirmed that the appellant was in attendance.

Peter Popperl, Compliance Officer II gave a presentation on Cases 363291 and 363374, showing photographs of the property taken November 29, 2021. Popperl responded to questions of clarification from the Standing Committee on procedure and condition and registration of the derelict vehicle. Popperl responded to questions of clarification from the Standing Committee.

John MacCalder, Appellant spoke about noting using their backyard, neighbourhood children using the playset and keeping the grass long for wildlife. MacCalder expressed concern with the items on the privacy deck being included in the Order (Case 363374).

Tanya Phillips, Manager of By-law Services advised that Compliance Officers have the right to inspect a property upon receipt of a complaint and document their inspection.

Karen MacDonald, Senior Solicitor responded to questions of clarification around process.

MOVED by Councillor Kent, seconded by Councillor Blackburn

THAT the Appeals Standing Committee allow the appeal.

The Standing Committee discussed extending the compliance timeframe of the Orders to Remedy to allow more time due to the time of year and possible clean up efforts and lawn maintenance.

MOTION PUT AND DEFEATED.

MOVED by Councillor Blackburn, seconded by Councillor Kent

THAT the Appeals Standing Committee amend the Orders to Remedy issued November 15, 2021 for Cases 363291 and 363374 to extend the timeframe to comply by May 1, 2022.

The Standing Committee encouraged the property owner to work on the property as weather permits.

MOTION PUT AND PASSED.

12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

12.2.1 Case 363073, Property located at 63 Pinecrest Drive, Dartmouth

The following was before the Standing Committee:

- Staff report dated November 3, 2021
- Staff presentation dated December 8, 2021

The Chair confirmed that the property owner was not in attendance.

Valerie Rodger, Compliance Officer II, gave a presentation on Case 363073, showing photographs of the property taken November 30, 2021. Rodger responded to questions of clarification from the Standing Committee. Rodgers advised that they had spoken with property owner Luke O'Hearn and notification was given, but that the O'Hearn was of the understanding that the bank had taken possession. Property records show that the property is registered to O'Hearn.

MOVED by Councillor Kent, 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.

Rodger and Karen MacDonald, Senior Solicitor responded to questions of clarification from the Standing Committee.

MOTION PUT AND PASSED.

12.3.1 2022 Appeals Standing Committee Meeting Schedule

The following was before the Standing Committee:

- Proposed 2022 Appeals Standing Committee Meeting Schedule

MOVED by Councillor Blackburn, seconded by Councillor Stoddard

THAT the Appeals Standing Committee approve the proposed 2022 meeting schedule as presented.

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 – January 20, 2022

18. ADJOURNMENT

The meeting adjourned at 11:12 a.m.

Krista Vining
Legislative Assistant