



**APPEALS STANDING COMMITTEE  
MINUTES  
May 11, 2023**

PRESENT: Councillor David Hendsbee, Chair  
Councillor Iona Stoddard, Vice Chair  
Councillor Cathy Deagle Gammon  
Councillor Trish Purdy  
Councillor Lindell Smith  
Councillor Lisa Blackburn

STAFF: Tanya Phillips, Manager, By-law Standards  
Karen MacDonald, Senior Solicitor  
Krista Vining, Deputy Clerk  
Catie Campbell, 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](http://halifax.ca).*

*The meeting was called to order at 10:02 a.m., and recessed at 11:08 a.m. The Standing Committee reconvened at 11:11 a.m. and adjourned at 1:30 p.m.*

**1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT**

The Chair called the meeting to order at 10:02 a.m. and acknowledged that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, and that we are all treaty people.

**2. APPROVAL OF MINUTES – April 13, 2023**

MOVED by Councillor Stoddard, seconded by Councillor Deagle Gammon

**THAT the minutes of April 13, 2023 be approved as circulated.**

**MOTION PUT AND PASSED.**

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

Additions: None

Deletions:

- Item 12.2.1 – CF-2022-019448, 28 Belmont Avenue, Dartmouth

As provided for in section 37 (1) of Administrative Order One, *Respecting the Procedures of the Council*, Councillor Hendsbee, on behalf of Councillor Smith, requested that Item 12.1.2 - CF-2023-005862, 2786 and 2788 Agricola Street, Halifax be considered following item 12.1.4.

MOVED by Councillor Blackburn, seconded by Councillor Stoddard

**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**

Correspondence was received and circulated for item 12.1.2.

For a detailed list of correspondence received refer to the specific agenda item.

**10.2 Petitions – None**

**10.3 Presentation – None**

**11. INFORMATION ITEMS BROUGHT FORWARD – NONE**

**12. REPORTS**

**12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS**

**12.1.1 CF- 2022-024822, 620 Lucasville Road, Lucasville**

The following was before the Standing Committee:

- Staff report dated April 28, 2023

The Chair confirmed the appellant nor a representative was not present.

Allison Patriquin, Supervisor, Building Standards gave a presentation and responded to questions of clarification from the Standing Committee. Patriquin noted the case falls under By-law M-200, *Respecting Standards for Residential Occupancies*. Patriquin highlighted it was staff's understanding the property had been sold and would close early Summer 2023. Staff's recommendation was to deny the appeal but allow an extension of the non-life safety violations listed in the order to allow the new property owner to make repairs when they took possession. The order and any extensions would transfer to the new property owner.

Karen MacDonald, Senior Solicitor highlighted the property owner was obligated to remedy the property within the ordered time. If the property owner did not comply within the period of the order, the Municipality would complete the work and place a lean on the land, register the lean and it would be paid through taxes. The lean remains on the land even if sold. The tenant does not have to be notified of the lean.

Tanya Philips, Manager, By-law Standards highlighted staff had been working the Building Standards to flag this property and a possible lean on the tax account. It is the responsibility of the buyer to request a tax certificate which would identify any leans on tax account. There had been several attempts to reach out to the property owner to make a compliance plan.

MOVED by Councillor Blackburn, seconded by Councillor Stoddard

**THAT the Appeals Standing Committee allow the appeal.**

**MOTION PUT AND DEFEATED.**

**12.1.2 CF-2023-005862, 2786 and 2788 Agricola Street, Halifax**

The following was before the Standing Committee:

- Staff report dated April 27, 2023
- Correspondence from Richard W. Norman

The Chair confirmed the appellant, and their representative was present.

Peter Popperel, Compliance Officer II gave a presentation, showing photographs of the property taken on May 9, 2023, and responded to questions of clarification from the Standing Committee on the property's history.

Tanya Phillips, Manager, By-Laws Standards clarified that the April 27, 2023 staff report speaks to the history of the property in the background section of the report but the matter before the Standing Committee was to consider the appeal of the four orders issued March 29, 2023.

Popperel highlighted they had not entered the building but there was no evidence of illegal occupancy. Popperel noted previous observations of ladders propped onto higher level windows to gain access to the building.

Karen MacDonald, Senior Solicitor spoke to the definition of dangerous and unsightly outlined in the *Halifax Regional Municipal Charter*, noting graffiti is not specifically listed, but the Standing Committee could apply discretion on what is unsightly on the property in relation to neighbouring properties.

Scott Hill, Supervisor, Regional Compliance spoke to studies around graffiti and the perception of safety, impact on land value and neighbouring land values, and the Municipality's graffiti management plan.

**Richard Norman, Cox & Palmer, representing the appellant** asked questions regarding damage on the property and evidence of trespassing. **Alex Halef, Banc Investments, appellant** spoke to challenges owning the property and the history of fulfilling compliance orders. Halef noted commitment to working with the Municipality and want for trespassing signs on the property. As well, encouraged collaboration with Halifax Regional Police (HRP) to decrease amount of trespassing and vandalism. Norman suggested the property was not dangerous, and unsightliness was subjective. Norman noted the onus of compliance should not fully be on the owner when there are criminal damages. Halef and Norman noted commitment to comply.

MacDonald provided an overview of the appeal process.

**Norman** questioned by-law enforcement's collaboration with HRP and what measures were in place to prevent trespassing and property damage when the property was owned by the Municipality.

Phillips spoke to by-law enforcement's communication with HRP, noting HRP had a separate data base system which prevented by-law enforcement to track how they had been addressing concerns on the property when under Municipal ownership. As well, clarified by-law enforcement focused on upholding legislation.

**Norman and Halef** responded to questions of clarification from the Standing Committee regarding long-term plans for the property and potential use of on-site security, noting on-site security had not been effective. As well, clarified that fencing had not been effective in the past due to ongoing vandalism. Halef highlighted demolition was not feasible until a plan for the site had been developed. Halef and Norman noted the building itself was not considered unsafe but made so by trespassers and suggested potential security camera footage could be given to HRP.

MOVED by Councillor Smith, seconded by Councillor Blackburn

**THAT the Appeals Standing Committee allow the appeal of the Order to Remedy issued March 29, 2023, Appendix C of the staff report dated April 28, 2023.**

**MOTION PUT AND DEFEATED.**

MOVED by Councillor Blackburn, seconded by Councillor Deagle Gammon

**THAT the Appeals Standing Committee amend the Order to Remedy issued March 29, 2023, Appendix C of the staff report dated April 28, 2023 to extend the compliance period to 60 days.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Smith, seconded by Councillor Stoddard

**THAT the Appeals Standing Committee allow the appeal of the Order of Remedy issued March 29, 2023, Appendix D of the staff report dated April 28, 2023.**

Phillips advised that if the Municipality were to remedy the order for fencing, it would only be to repair the existing fencing and not build new.

MacDonald noted a deferral would result in no action being taken until the matter returned to the Standing Committee and direction was provided.

**Halef** commitment to working with staff on fencing options.

**MOTION PUT AND DEFEATED.**

As set out in section 34 of Administrative Order One, *Respecting the Procedures of the Council*, a motion was required to extend the time of the meeting.

MOVED by Councillor Deagle Gammon, seconded by Councillor Smith

**THAT the Appeals Standing Committee extend the time of the meeting past 12:00 p.m.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Blackburn, seconded by Councillor Purdy

**THAT the Appeals Standing Committee amend the Order to Remedy issued March 29, 2023, Appendix D of the staff report dated April 28, 2023 to extend the compliance period to 60 days.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Smith, seconded by Councillor Stoddard

**THAT the Appeals Standing Committee allow the appeal of the Order to Remedy issued March 29, 2023, Appendix E of the staff report dated April 28, 2023.**

Phillips advised the property owner was responsive to complaints made by the community and staff.

**MOTION PUT AND PASSED.**

MOVED by Councillor Smith, seconded by Councillor Purdy

**THAT the Appeals Standing Committee allow the appeal of the Order to Remedy issued March 29, 2023, Appendix F of the staff report dated April 28, 2023.**

Popperel, Hill, Phillips and MacDonald responded to questions of clarification from the Standing Committee regarding accessibility of the building and what would need to be remedied to be deemed compliant. Hill noted no concerns with the upper-level windows and lower-level windows were the primary concern. Phillips noted broken windows were considered unsightly. MacDonald provide clarification on what direction the Standing Committee could give to the property owner.

**MOTION PUT AND DEFEATED.**

MOVED by Councillor Purdy, seconded by Councillor Blackburn

**THAT the Appeals Standing Committee amend the Order to Remedy issued March 29, 2023, Appendix F of the staff report dated April 28, 2023 to extend the compliance period to 60 days.**

**MOTION PUT AND PASSED.**

**12.1.3 CF-2023-006603, 923 Highway 7, Westphal**

The following was before the Standing Committee:

- Staff report dated May 1, 2023

The Chair confirmed the appellant was present.

Peter Popperel, Compliance Officer II gave a presentation, showing photographs of the property taken on May 10, 2023, and responded to questions of clarification from the Standing Committee. Popperel noted

the property was zoned C-4 (Highway Commercial). Popperel could not speak to the registration or licensing of the vehicles, noting the order was issued based on their observation of vehicles state of repair. Popperel confirmed no permits to operate a used car dealership had been issued on the property and spoke to commercial businesses in the immediate proximity to the property.

**Edgard Hoyeck, Medco Properties Inc., appellant** spoke to their tenants having trouble getting an occupancy permit for the property and working on a water meter hookup for the past two months.. Hoyeck identified objects on the property, noting the office contains the tenants' personal materials, noting the vehicles with graffiti had been remedied and the cube vans and tow trucks would be used as part of the business. As well, clarified that tires were regularly removed from the property and they continue to dig storage locations on the property to store tires and other used vehicle parts. Hoyeck highlighted the property was similar to others along the Highway 7, and nothing could be seen from the road. Hoyeck sought three additional months to complete the work. Hoyeck responded to questions of clarification from the Standing Committee regarding plans for repairing vehicles on site, noting some would be used and other would be for storage. Hoyeck highlighted environmental concerns due to large amounts of water from neighboring properties and use of concrete blocks to keep vehicles dry. Hoyeck identified the dump box of a truck on the property and which vehicles would be registered in the future.

Karen MacDonald, Senior Solicitor provided an overview of the appeal process.

MOVED by Councillor Purdy, seconded by Councillor Blackburn

**THAT the Appeals Standing Committee allow the appeal.**

**MOTION PUT AND DEFEATED.**

MOVED by Councillor Purdy, seconded by Councillor Stoddard

**THAT the Appeals Standing Committee amend the Orders to Remedy issued April 4, 2023 to extend the compliance period to 90 days.**

**MOTION PUT AND PASSED.**

#### **12.1.4 CF-2023-001942, 7 Parkstone Road, Dartmouth**

The following was before the Standing Committee:

- Staff report dated April 24, 2023

The Chair confirmed the appellant was present.

Allen Byng, Compliance Officer II gave a presentation, showing photographs of the property taken May 9, 2023, and responded to questions of clarification from the Standing Committee.

**Vicki Bower, appellant** sought a 90 day extension to remedy the order. Bower highlighted ongoing conversations with contractors to help remove items from the property and make repairs. Bower sought clarification on fixing the rock retaining wall and noted conversations with lawyers. Bower responded to questions of clarification from the Standing Committee regarding yard work arrangements and plan for removing larger items on the property. Bower noted that leaves on the property were being regularly collected by the Municipality, the canoe would be removed, the washing machine would be moved indoors, and the tub would be transformed into a planter.

Byng, Karen MacDonald, Senior Solicitor and Tanya Phillips, Manager, By-Law Standards responded to questions of clarification from the Standing Committee. MacDonald noted issues with neighbors' debris would be a private property matter. Byng and Phillips clarified that the tub could be repaired and be used as a planter but would need to be placed appropriately on the property.

MOVED by Councillor Purdy, seconded by Councillor Blackburn

**THAT the Appeals Standing Committee allow the appeal.**

**MOTION PUT AND DEFEATED.**

MOVED by Councillor Purdy, seconded by Councillor Stoddard

**THAT the Appeals Standing Committee amend the Order to Remedy issued April 6, 2023 to extend the compliance period to 90 days.**

Councillor Smith entered the meeting after the matter had started and was unable to vote.

**MOTION PUT AND PASSED.**

## **12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS**

### **12.2.2 CF-2023-005582, 12315 Highway 224, Middle Musquodoboit**

The following was before the Standing Committee:

- Staff report dated May 1, 2023

The Chair confirmed the property owner was present.

Alexandra Alessi, Compliance Officer II gave a presentation, showing photographs of the property taken May 4, 2023, and responded to questions of clarification from the Standing Committee.

Tanya Phillips, Manager, By-law Standards responded to questions of clarification on the history of the property.

**Peter Bryce Willoughby, property owner** spoke to the history of the property and noted original intent to live on the property but now visits the property bi-annually. Willoughby highlighted the property no longer has power and was on Municipal water. Willoughby noted the property had been satisfactory until 2020 but did not learn about the damage until recently. Willoughby had contacted their insurance company who visited the site and was waiting for more communication from engineers. Willoughby responded to questions of clarification from the Standing Committee regarding potential future use of the property, noting it would be developed into a summer home. Willoughby noted signs of people dumping and trespassing on the property and waiting to see if their the insurance company would cover the cost of remedy.

Karen MacDonald, Senior Solicitor highlighted procedure of collaboration with insurance companies.

MOVED by Councillor Deagle Gammon, seconded by Councillor Purdy

**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.**

Tanya Phillips, Manager, By-Law Standards noted staff would work with the property owner to ensure the property was remedied properly and collaboratively.

MOVED by Councillor Blackburn, seconded by Councillor Smith

**THAT the Appeal Standing Committee amend the demolition order to extend the compliance period to 60 days.**

**MOTION TO AMEND PUT AND PASSED.**

The motion as amended now read:

MOVED by Councillor Deagle Gammon, seconded by Councillor Purdy

**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 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 AS AMENDED 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 – June 8, 2023**

**19. ADJOURNMENT**

The meeting adjourned at 1:30 p.m.

Catie Campbell  
Legislative Assistant