



**APPEALS STANDING COMMITTEE
DRAFT MINUTES
September 7, 2023**

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

REGRETS: Councillor Lindell Smith – Parental Accommodation

STAFF: Tanya Phillips, Manager, By-law Standards
Randy Kinghorne, Solicitor
Andrea Lovasi-Wood, Legislative Assistant

These minutes are considered draft and will require approval by Appeals Standing Committee at a future meeting.

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.

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**Appeals Standing Committee
Draft Minutes
September 7, 2023**

The meeting was called to order at 10:12 a.m. The Standing Committee adjourned at 11:58 a.m..

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 10:12 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 – July 13, 2023

MOVED by Councillor Deagle Gammon, seconded by Councillor Blackburn

THAT the minutes of July 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 12.1.2 – CF-2023-000373, 6 Beckfoot Drive, Dartmouth

MOVED by Councillor Stoddard, seconded by Councillor Deagle Gammon

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

10.3 Presentation – None

11. INFORMATION ITEMS BROUGHT FORWARD – NONE

12. REPORTS

12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

12.1.1 CF-2023-013060, 51 Winchester Avenue, Halifax

The following was before the Standing Committee:

- Staff report dated August 29, 2023
- Staff presentation dated September 7, 2023

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

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**Appeals Standing Committee
Draft Minutes
September 7, 2023**

Logan Hamilton, Compliance Officer II gave a presentation, showing photographs of the property taken September 5, 2023 and responded to questions of clarification from the Standing Committee. Hamilton confirmed that the Order to Remedy issued June 21, 2023 originally included three motor vehicles. A red Honda sedan and a black Kia sedan were determined to no longer be in a derelict state and would no longer be included in the Order to Remedy. Hamilton and Tanya Phillips, Manager, By-law Standards confirmed that by-law standards staff were proceeding with the Order to Remedy for a derelict 1950s black Chevrolet sedan as it continued to be in a derelict state that included: rust, wheels sunk into the ground, lack of current registration, an expired safety inspection sticker, and that the vehicle's location impeded staff's ability to enforce a previously issued demolition order for a garage on the property. Hamilton and Phillips noted staff's attempts to contact the appellant regarding the state of the derelict 1950s black Chevrolet sedan and that no attempts were made to improve condition of the vehicle since staff's initial visit to the property.

Phillips confirmed staff's legal authority to remove a derelict vehicle from a property once an Order to Remedy was issued and the Standing Committee rendered a decision regarding a property owner's appeal.

MOVED by Councillor Blackburn, seconded by Councillor Purdy

THAT the Appeals Standing Committee allow the appeal.

MOTION PUT AND DEFEATED.

12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

12.2.1 CF-2023-17718, 36, 42, & 80 Brunt Road, Harrietsfield

The following was before the Standing Committee:

- Staff report dated August 29, 2023
- Staff presentation dated September 7, 2023

The Chair confirmed the property owner was present.

Kim Northrop, Compliance Officer II gave a presentation, showing photographs of the property taken September 5, 2023 and responded to questions of clarification from the Standing Committee. Northrop detailed the previous history of the dwellings at 36 and 48 Brunt Road and the barn at 80 Brunt Road and confirmed that many of the issues with the buildings which rendered them dangerous and unsightly existed prior to the transfer in ownership to the current property owner in January 2022. Northrop confirmed the hay inside the barn was close to the building's exterior and could easily ignite if a fire occurred inside or outside the barn. Scott Hill, Supervisor Regional Compliance spoke to the fire risk inside the barn, previous police and fire department visits to the barn, and confirmed the fire inspector's concern about the fire load inside of the barn due to hay and lumber.

Jaskirat Jagpal, property owner confirmed they currently resided in Delta, British Columbia. Jagpal detailed the efforts they and their contractor undertook in December 2002, in response to a previously issued to board up entrances to the barn to comply with to a previous dangerous or unsightly order. Jagpal noted two-week delays in receiving the Notices to Appear regarding the dwellings at 36 and 48 Brunt Road and the barn at 80 Brunt Road issued in August from Canada Post. Jagpal explained the prevented them and their contractor's ability to fix the issues related to the barn. Jagpal stated their intent to move to Halifax in November to maintain the barn. Jagpal detailed current and future efforts to monitor the properties and prevent trespass to the barn including installation of security cameras, boarding up of all entrances to the barn, removal of hay and other debris from inside of the barn, and hired contractors in Halifax that would visit the property twice a week. Jagpal responded to questions of clarification from the Standing Committee and confirmed their intent to demolish the dwellings at 36 and 48 Brunt Road and replace them with new homes after their move to Halifax. Jagpal stated their contractor would fully board up the property and install security cameras within two weeks and that the hay would be removed before

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**Appeals Standing Committee
Draft Minutes
September 7, 2023**

November. Jagpal stated that their building framer inspected the barn and confirmed that the barn's structure was safe and could be maintained.

Tanya Phillips, Manager, By-law Standards responded to questions of clarification from the Standing Committee and confirmed that by-law standards staff would take direction from the Standing Committee regarding extending timelines for compliance. Phillips stated that the removal of the hay and debris from inside the barn could not be separated out as a demolition order was requested by compliance staff.

Northrop spoke regarding their June visit to the property in response to a call from Halifax Regional Fire. Northrop confirmed that the open access points on the right side of the barn were boarded up within the last two days and further stated that the issues with the loose metal roof were still not addressed.

MOVED by Councillor Blackburn, seconded by Councillor Stoddard

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 dwellings at 36 and 42 Brunt Road, and the barn at 80 Brunt Road 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.

Phillips and Randy Kinghorne, Solicitor recommended that each property be dealt with separately via separate demolition order and advised that the Standing Committee could defer their vote on the demolition of the barn to allow the property owner to return to the Standing Committee to demonstrate their efforts in rehabilitating the barn.

Councillor Blackburn proposed that the order to demolish would be for the dwellings at 36 and 42 Brunt Road and not include the barn at 80 Brunt Road. As provided for in section 53 (2) of Administrative Order One, *Respecting the Procedures of the Council*, the amendment was accepted as friendly.

The motion now read:

MOVED by Councillor Blackburn, seconded by Councillor Stoddard

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 dwellings at 36 and 42 Brunt Road 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 120 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.

MOVED by Councillor Blackburn, seconded by Councillor Purdy

THAT the demolition order respecting 80 Brunt Road, Harrietsfield, Case CF-2023-17718, be deferred for consideration by the Appeals Standing Committee for 120 days.

MOTION TO DEFER PUT AND PASSED.

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**Appeals Standing Committee
Draft Minutes
September 7, 2023**

12.2.2 CF-2022-003792, 2306 Cow Bay Road, Cow Bay

The following was before the Standing Committee:

- Staff report dated August 27, 2023
- Staff presentation dated September 7, 2023

The Chair confirmed the property owner was present.

Logan Hamilton, Compliance Officer II gave a presentation, showing photographs of the property taken September 5, 2023 and responded to questions of clarification from the Standing Committee. Hamilton confirmed that some debris on the property was addressed but could not confirm if any improvements were made to the four accessory structures. Hamilton confirmed there were multiple civic addresses on the single PID subject to the demolition order.

James Sawler, property owner spoke to the history of their ownership of the property. Sawler indicated their brother stored items on the property. Sawler stated they were able to maintain the items stored on the property and the four buildings until damage caused by Hurricane Juan, other storms, and ongoing health issues, impacted their ability to restore the buildings. Sawler expressed their intention to clean up the property and acknowledged the four buildings needed to be taken down and requested they be provided one year, based on health issues, to demolish the buildings with the assistance of friends. Sawler responded to questions of clarification from the Standing Committee. Sawler indicated that they planned to reside on the property to conduct the demolition and that they did not have the finances to pay Halifax Regional Municipality (HRM) to carryout the demolition. Sawler discussed plans to secure the property, having posted no trespassing signs, and planned to build a fence to prevent access to the buildings. Sawler indicated that they could perform all demolitions within four to six months.

Tanya Phillips, Manager, By-law Standards explained the process if HRM hired a contractor to demolish a building and remove debris from a property, that an invoice would be submitted to the property owner and that a first lien would be issued on the property if the invoice was not paid within 30 days so that the demolition costs could be paid first. Phillips explained a payment plan could be negotiated with HRM's finance department.

MOVED by Councillor Blackburn, seconded by Councillor Deagle Gammon

THAT Case CF-2022-003792, 2306 Cow Bay Road, Cow Bay be deferred for consideration by the Appeals Standing Committee for 180 days.

MOTION TO DEFER 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 12, 2023

18. ADJOURNMENT

The meeting adjourned at 11:58 a.m.

Andrea Lovasi-Wood
Legislative Assistant