



**APPEALS STANDING COMMITTEE
DRAFT MINUTES
October 12, 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 Services
Karen MacDonald, Solicitor
Andrea Lovasi-Wood, Legislative Assistant
Catie Campbell, 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
October 12, 2023**

The meeting was called to order at 10:01 a.m., the Standing Committee adjourned at 11:00 a.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 10:01 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 – September 7, 2023

MOVED by Councillor Stoddard, seconded by Councillor Purdy

THAT the minutes of September 7, 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 – Case 2023-018865: 12 Spruce Drive, Cow Bay

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 12.1.1.

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 Appeal Report – Case 2023 017098, 255 Pleasant Street, Dartmouth and Case 2023 022248, 257 Pleasant Street, Dartmouth

The following was before the Standing Committee:

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- Staff report dated September 29, 2023
- Correspondence from Ernest R. MacCulloch
- Staff presentation dated October 12, 2023

The Chair confirmed the appellant was present.

Scott Hill, Supervisor, Regional Compliance gave a presentation, showing photographs of the property taken on October 11, 2023 and October 8, 2023, and stated that three vehicles on the property were now compliant. Hill confirmed nine vehicles remained non-compliant and were considered derelict due to rust, flat tires that had caused some of the vehicles to sink into the ground, and cracked windshields on some of the vehicles. Hill responded to questions of clarification from the Standing Committee. Hill indicated one vehicle had a license plate and all nine vehicles lacked valid Nova Scotia Motor Vehicle Inspection (MVI) stickers. Hill confirmed there was no evidence that a business was being operated on the property, that no gasoline or other fluid were leaking from the derelict vehicles and there was also no indication the derelict vehicles had caused allurements.

Karen MacDonald, Solicitor advised the Standing Committee of the *Halifax Regional Municipality Charter* definition of derelict vehicle including the requirement that a vehicle be registered, possess a valid licence plate and various indicators of vehicle's mechanical condition.

Ernest Robert MacCulloch, appellant spoke to their confusion with the appeal process and stated they forwarded an email outlining their personal situation, which Andrea Lovasi-Wood, Legislative Assistant confirmed was circulated to the Standing Committee. MacCulloch stated that the Registry of Motor Vehicles told them that vehicle registration or MVI stickers were not required in order to sell the vehicles. MacCulloch noted they ran out of time to bring all of the vehicles into compliance prior to the meeting. MacCulloch expressed their desire to restore one of the derelict vehicles, a Black Chevy van, and their intention to repair the tires on the vehicles so they could be sold. MacCulloch stated they intended to fence the end of the driveway to prevent access to the vehicles. MacCulloch indicated they filed a Freedom of Information and Protection of Private Property (FOIPOP) request for more information regarding the history of the 311 complaint against their property and requested that the appeal be adjourned until they received the requested information including the name of the person who filed the complaint.

Tanya Phillips, Manager, By-law Services advised the Standing Committee that the identity of 311 callers were not provided in response to a FOIPOP request due to privacy concerns.

MacCulloch responded to questions of clarification from the Standing Committee. MacCulloch confirmed all the vehicles were locked and that they hoped to start a business to sell some of the vehicles. MacCulloch indicated they needed six months to repair the vehicles and to fence the driveway due to ongoing health issues. MacCulloch confirmed there were no environmental impacts from the vehicles being stored on their property. MacCulloch noted that all previous complaints regarding their property were resolved.

Phillips advised the Standing Committee of the business permit application process that ensured compliance with Land Use By-Law requirements including whether the vehicle resale business intended by the appellant was an authorized use.

Karen MacDonald, Senior Solicitor outlined the Standing Committee's three options for proceeding with the matter including deferral, approval of the appeal or denial of the appeal which then allowed the Standing Committee the opportunity to amend the two orders to remedy if the Standing Committee wished to provide the appellant additional time to comply.

MOVED by Councillor Blackburn, seconded by Councillor Purdy

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THAT the Appeals Standing Committee allow the appeal.

MOTION PUT AND DEFEATED.

MOVED by Councillor Blackburn, seconded by Councillor Stoddard

THAT the Appeals Standing Committee amend the compliance period in the Order to Remedy for Case 2023 017098, 225 Pleasant Street, Dartmouth issued August 28, 2023, Appendix D of the staff report dated September 29, 2023 to 180 days.

MOTION PUT AND PASSED.

MOVED by Councillor Blackburn, seconded by Councillor Purdy

THAT the Appeals Standing Committee amend the compliance period in the Order to Remedy for Case 2023 022248, 257 Pleasant Street, Dartmouth issued August 28, 2023, Appendix E of the staff report dated September 29, 2023 to 180 days.

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 – November 9, 2023

18. ADJOURNMENT

The meeting adjourned at 11:00 a.m.

Catie Campbell
Legislative Assistant