



**APPEALS STANDING COMMITTEE
SPECIAL MEETING
MINUTES
December 11, 2023**

PRESENT: Councillor Iona Stoddard, Vice Chair
Deputy Mayor Cathy Deagle Gammon
Councillor Lindell Smith
Councillor Lisa Blackburn

REGRETS: Councillor David Hendsbee, Chair
Councillor Trish Purdy

STAFF: Tanya Phillips, Manager, Bylaw Standards
Karen MacDonald, Solicitor
Andrea Lovasi-Wood, 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 10:02 a.m., the Standing Committee adjourned at 10:29 a.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Vice 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 THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Additions: None

Deletions: None

MOVED by Councillor Blackburn, seconded by Deputy Mayor Deagle Gammon

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

3. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

4. REPORTS

4.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

4.1.1 CF 2023-031789, 789 Old Sambro Rd, Harrietsfield

The following was before the Standing Committee:

- Staff report dated December 1, 2023
- Handout from Mazen Shbeeb

The Vice Chair confirmed the appellant was present.

Allison Patriquin, Supervisor, Building Standards spoke to the Order to Remedy issued under By-law M-200, *Respecting Standards for Residential Occupancies* as the property was found to have violated the minimal standards because the electrical power to the property was disconnected. Patriquin confirmed that the water service to the property had been restored and the electrical power remained disconnected. Patriquin responded to questions of clarification from the Standing Committee and confirmed that the tenants continued to reside at the property after the November 15, 2023 date to vacate in the Order issued by the Residential Tenancies Board.

Karen MacDonald, Solicitor advised the Standing Committee that By-law M-200 referred to occupied premises and did not refer to whether a tenant was legally living at a property. Under By-law M-200 the property was occupied and section 21(6) required that the electrical power shall be connected for as long as the property was occupied. The property owner, as a landlord, had an order to vacate issued and could contact the Sheriff to have the Order to vacate enforced.

Mazen Shbeeb, appellant stated they lacked the authority to restore the electrical power to the property as the electrical power had been disconnected by Nova Scotia Power due to nonpayment. Shbeeb spoke to the property's outstanding Nova Scotia Power account which was caused by the tenants' failure to pay rent. Shbeeb stated the tenants had not paid the rent ordered by the Residential Tenancies Board nor complied with the November 15, 2023 Order to vacate. Shbeeb spoke to their payment of the outstanding water bill that resulted in the water service from a shared well being restored to the property. Shbeeb stated that they asked their tenants for assistance in payment of the Nova Scotia Power bill so that electrical power could be restored and no funds were received. The appellant responded to questions of clarification from the Standing Committee and confirmed this was the first time that power had been disconnected to the property. Shbeeb stated that their only option was to engage the Sheriff to enforce the Order to vacate but that they were hesitant to use this step to remove the tenants from the property.

Shbeeb confirmed that they did not own the generator on the property's porch. Shbeeb confirmed they owned a second rental property.

MOVED by Councillor Blackburn, seconded by Councillor Smith

THAT the Appeals Standing Committee allow the appeal.

Karen MacDonald, Solicitor responded to questions of clarification from the Standing Committee and confirmed that By-law M-200's purpose was to ensure the safety of residential properties for tenants and that the obligation was on the property owner to pay the electrical power bill to avoid disconnection of service.

MOTION PUT AND DEFEATED.

As provided for in section 61(5)(b) of Administrative Order One, *Respecting the Procedures of the Council*, Councillor Smith requested that the motion be reconsidered.

MOVED by Councillor Smith, seconded by Councillor Blackburn

THAT the Appeals Standing Committee reconsider the motion considered for Item 4.1.1 CF 2023-031789, 789 Old Sambro Rd, Harrietsfield.

MOTION PUT AND PASSED.

MOVED by Councillor Blackburn, seconded by Councillor Smith

THAT the Appeals Standing Committee allow the appeal.

MOTION PUT AND DEFEATED.

5. ADJOURNMENT

The meeting adjourned at 10:29 a.m.

Andrea Lovasi-Wood
Legislative Assistant