



**APPEALS STANDING COMMITTEE
MINUTES
March 7, 2024**

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

REGRETS: Deputy Mayor Cathy Deagle Gammon

STAFF: Tanya Phillips, Manager, By-law Standards
Karen MacDonald, Solicitor
Andrea Lovasi-Wood, Legislative Assistant
Kim Johnson, Legislative Support

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 adjourned at 11:44 a.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 10:00 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 – January 11, 2024

MOVED by Councillor Smith, seconded by Councillor Stoddard

THAT the minutes of January 11, 2024 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 Blackburn, seconded by Councillor Smith

THAT the agenda be approved as presented.

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

8.1 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

8.1.1 CF-2023-17718, 80 Brunt Road, Harrietsfield – September 7, 2023

The following was before the Standing Committee:

- Staff report dated February 21, 2024
- Staff presentation dated March 7, 2024

The Chair confirmed the property owner was present virtually via Zoom.

Kim Northrop, Compliance Officer II gave a presentation, showing photographs and a video of the property taken March 1, 2024 and responded to questions of clarification from the Standing Committee. Northrop noted numerous open access points previously secured by the municipality, continued deterioration of the roof with sections open to the sky, and evidence of use including extinguished fire pits and four wheeler tracks. Northrop confirmed that the property owner was difficult to locate and that there was no evidence that they had taken any action to remediate the property.

Jaskirat Jagpal, property owner spoke to efforts to remediate the structure, including a recent application for a new electrical connection. Jagpal noted that when informed by Halifax Regional Municipality (HRM) that the barn was not secure, they believed their local contractor was not given sufficient time to attend the site to close the access points. Jagpal was not aware of any incidents on the

property since the hearing in September 2023. Jagpal indicated they were out of country but was returning to Nova Scotia in late March 2024 and that they planned to renovate the barn.

MOVED by Councillor Purdy, seconded by Councillor Blackburn

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 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.

Tanya Phillips, Manager By-law Standards responded to questions of clarification from the Standing Committee. Phillips noted that permits were issued respecting the two demolition orders previously approved by the Standing Committee for neighbouring properties, and these permits were in effect until April 2024. With respect to the barn structure on the property presently before the Standing Committee, Phillips noted that no progress was observed since the decision of the Standing Committee to defer the Order on September 7, 2023. Phillips clarified that when open access was identified for any property an immediate order to remedy would be issued, HRM regulations required the open access be addressed on the same day as it was deemed an immediate public safety issue.

The Standing Committee noted several dangerous conditions were presented by the barn structure, including open access, evidence of use such as extinguished fire pits, the deterioration of the roof and the increased risk of fire as the seasons changed. The Standing Committee considered barriers to remediation, including present winter conditions and pending spring road weight restrictions. The Standing Committee also noted the Appellant's plan to return to Nova Scotia in late March.

MOVED by Councillor Smith, seconded by Councillor Blackburn

THAT the motion be amended to replace “thirty (30) days” with “forty-five (45) days”.

MOTION TO AMEND PUT AND PASSED.

The motion as amended now read:

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 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 forty-five (45) 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.

8.1.2 CF-2022-003792, 2306 Cow Bay Road, Cow Bay – September 7, 2023

The following was before the Standing Committee:

- Staff report dated February 28, 2024
- Staff presentation dated March 7, 2024
- Correspondence from James Sawler

The Chair confirmed the property owner was not present.

Andrea Lovasi-Wood, Legislative Assistant informed the Standing Committee the property owner, James Sawler, requested to adjourn Item 8.1.2 CF-2022-003792, 2306 Cow Bay Road, Cow Bay – September 7, 2023 until June 15, 2024 for the reasons outlined in the property owner's correspondence to the Standing Committee.

Karen MacDonald, Solicitor advised Standing Committee members regarding how to proceed with the property owner's adjournment request. The Standing Committee was first to consider the adjournment request before they received the staff presentation. If the Standing Committee decided not to adjourn the matter staff could make their presentation, then the Standing Committee could decide whether they wished to defer the matter to a future meeting of the Standing Committee or to proceed with the matter with the property owner not present. MacDonald responded to questions of clarification from the Standing Committee.

The Standing Committee noted the matter was outstanding since a complaint received in April 2022 and that 180 days additional time was provided to remediate the property when the matter was deferred on September 7, 2023. The Standing Committee noted the staff report detailed no progress with remediation and the continued decline in the condition of the structures on the property. The Standing Committee also considered the property owner's reasons to request adjournment of the matter.

MOVED by Councillor Smith, seconded by Councillor Purdy

THAT the Appeals Standing Committee adjourn Item 8.1.2 CF-2022-003792, 2306 Cow Bay Road, Cow Bay to the June 13, 2024 meeting of the Appeals Standing Committee.

Karen MacDonald, Solicitor clarified that all decisions of the Standing Committee were open to legal challenge and that property owners had the right of judicial review.

The Standing Committee discussed the property owner's challenges with remediation. The Standing Committee's noted concerns regarding the danger of the derelict buildings on the greater community's safety.

MOTION TO ADJOURN PUT AND DEFEATED.

The Standing Committee proceeded with the matter.

Logan Hamilton, Compliance Officer II gave a presentation, showing photographs of the property taken March 4, 2024 and responded to questions of clarification from the Standing Committee. Hamilton noted the continued deterioration of the four accessory buildings, including partial or completely collapsed roofs, decayed or absent flooring, rotten or decaying wood components and that structure 3 was now fully collapsed. Logan confirmed that the main dwelling on the property was not included in the demolition order.

MOVED by Councillor Purdy, seconded by Councillor Blackburn

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 accessory buildings 1, 2, 3, and 4 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.

MOVED by Councillor Purdy, seconded by Councillor Blackburn

THAT the motion be amended to replace “thirty (30) days” with “ninety (90) days”.

MOTION TO AMEND PUT AND PASSED.

The amended motion now read:

MOVED by Councillor Blackburn, 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 accessory buildings 1, 2, 3, and 4 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 ninety (90) 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.

9. NOTICES OF TABLED MATTERS – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

Correspondence was received and circulated for item 8.1.2.

10.2 Petitions – None

10.3 Presentations – None

11. INFORMATION ITEMS BROUGHT FORWARD – NONE

12. REPORTS

12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

12.1.1 CF-2023-030447, 260 Murphys Rd, Murphys Cove

The following was before the Standing Committee:

- Staff report dated February 21, 2024
- Staff presentation dated March 7, 2024

The Chair confirmed the appellant was present.

Scott Hill, Supervisor, Regional Compliance gave a presentation showing photographs of the property taken March 4, 2024 and responded to questions of clarification from the Standing Committee. Hill noted the continued presence of construction debris such as windows, doors, cabinetry and appliances, as well as equipment such as lawn mowers, tractors and three camper trailers, one missing a back wall. Hill further noted fire damaged wood, metals and a burnt vehicle also remained on the property.

William Richard Murphy, Appellant spoke to the two fires that occurred on the property. Murphy indicated the first fire was remediated in a timely fashion, but numerous issues delayed remediation of the second fire that occurred in November 2021. Murphy indicated the trailers referenced in the staff presentation were staged on the property to allow for cleanup, and that items referenced such as windows, file cabinets and insulation were retained to repurpose. Murphy requested an extension to the compliance period to enable clean up after present winter conditions had passed, to establish power to

the site, to construct temporary structures for storage, to erect a fence to restrict access and reduce the unsightly nature of the property, and to remove damaged property.

Karen MacDonald, Solicitor advised the Standing Committee that their options were to defer the matter to a future meeting, to allow the appeal, to deny the appeal, or to deny the appeal and consider amendments to the compliance period.

Tanya Phillips, Manager, By-law Standards clarified that dangerous or unsightly premises violations could not be addressed through fencing a property.

The Standing Committee noted existing winter conditions, pending road weight restrictions, and considered the timelines related to the appellant's ability to comply with the two Orders to Remedy.

MOVED by Councillor Purdy, seconded by Councillor Smith

THAT the Appeals Standing Committee defer item 12.1.1 Case CF-2023-030447, 260 Murphys Rd, Murphy Cove to the June 13, 2024 meeting of the Appeals Standing Committee.

As provided for in section 66 of Administrative Order One, *Respecting the Procedures of the Council*, the motion was withdrawn with consent of the Standing Committee.

MOVED by Councillor Blackburn, seconded by Councillor Smith

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 two Orders to Remedy for Case CF-2023-030447, 260 Murphys Rd, Murphy Cove issued December 9, 2023, Appendix E and Appendix F of the staff report dated February 21, 2024 to ninety (90) 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 – April 11, 2024

18. ADJOURNMENT

The meeting adjourned at 11:44 a.m.

Kim Johnson
Legislative Support