



**REGIONAL CENTRE COMMUNITY COUNCIL
MINUTES
June 25, 2025**

PRESENT: Councillor Sam Austin, Chair
Councillor Becky Kent, Vice Chair
Deputy Mayor Tony Mancini
Councillor Laura White
Councillor Virginia Hinch
Councillor Shawn Cleary

STAFF: Colin Taylor, 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.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 6:04 p.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 – December 9, 2024

MOVED by Councillor Cleary, seconded by Councillor Hinch

THAT the minutes of December 9, 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

As provided for in section 37 (1) of Administrative Order One, *Respecting the Procedures of the Council*, Councillor Cleary requested that Item 10.1.1 Case VAR-2024-01983: Appeal of Variance Refusal – 1681 Oxford Street, Halifax, PID 00048272 be considered prior to Item 8.1.

MOVED by Councillor Cleary, seconded by Councillor Kent

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

8.1 Overview of Centre Plan – Presentation

The following was before Community Council:

- Staff presentation dated June 25, 2025

Josh Adams, Principal Planner gave a presentation and responded to questions of clarification from the Community Council.

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 VARIANCE APPEAL HEARINGS

10.1.1 Case VAR-2024-01983: Appeal of Variance Refusal – 1681 Oxford Street, Halifax, PID 00048272

The following was before Community Council:

- Staff report dated May 12, 2025
- Correspondence from Nicholas Habib, Michael Habib, Elias Habib, Sergey Nilov

- Staff presentation dated June 25, 2025

Aaron Bliss, Planner III, Land Development & Subdivision Program gave a presentation and responded to questions of clarification from Community Council. Bliss stated that the Development Officer was of the opinion that the variances requested violated the intent of the land use by-law, the difficulty experienced is general to properties in the area, and the difficulty experience results from an intentional disregard for the requirements of the Regional Centre Land Use By-Law (LUB). As such, in accordance with section 250(3) of the *Halifax Regional Municipality Charter*, the variance application was refused. Bliss confirmed that if the appeal was denied, the applicant would be required to satisfy the notice to comply, and the work completed within the mandatory setbacks would need to be removed.

The Chair reviewed the rules of procedure for variance hearings and invited the property owner to come forward and address Community Council.

Sergey Nilov, applicant spoke about how the Ukraine war impacted their decision to construct the right rear addition. Nilov stated they constructed the addition to provide a home for family members to move to Halifax from Ukraine and the application for a permit was overlooked due to the emotional impact of the war. Nilov explained they constructed the addition along the right side yard and rear yard boundaries because they determined that there was enough space to build based upon a review of their property in relation to neighbouring properties on Property Online. Nilov also noted that the rear decks were built beyond the rear yard setback to provide a safe place for their children to play. Nilov responded to questions of clarification from Community Council. Nilov stated they were willing to comply with the variance requirements but compliance with the right side yard and rear yard setbacks for the right rear addition would be expensive as they would need to demolish the addition and rebuild.

The Chair noted there were no registered speakers from property owners within the notification area and called three times for any property owners within the notification area wishing to speak; there were none.

The Chair noted there were no registered speakers from any other speakers who identified as being affected by the decision and called three times for any other speakers who identified as being affected by the decision wishing to speak; there were none.

Colin Taylor, Solicitor clarified the rules that required the motion to allow the appeal to be put on the floor and the outcomes if they voted for or against the appeal. Taylor explained that a yes vote would be a vote in favour of granting the variances that the development officer refused and a no vote would maintain the variance decisions made by the development officer.

Taylor and Stephanie Norman, Principal Planner, Land Development & Subdivision Program responded to questions of clarification from Community Council. Norman confirmed that there was one application for all five variances requested by the applicant. Taylor confirmed that during a variance appeal hearing Community Council could make any decision the development officer could have made and that the variance requests could be considered separately long as they were distinct from one another.

MOVED by Councillor White, seconded by Councillor Cleary

THAT Regional Centre Community Council allow the appeal.

Norman and Bliss responded to further questions of clarification from Community Council. Norman confirmed that if Community Council refused the right side yard and rear yard setback for the right rear

addition the foundation would not be able to stay. Norman spoke to the accessory building's separation from the left rear addition and confirmed the building separation setback was new to the current LUB. Bliss spoke about the criteria in the *Charter* that a development officer was to consider for a variance request. Bliss clarified that a variance could not be granted if the difficulty was general to properties in the area and confirmed that the layout of the subject property was not sufficiently unique to merit approval of the variance. Norman confirmed the applicant applied for a permit in 2014 to raise the main building, a permit for a home occupation, and made previous inquiries for building permits.

Community Council spoke to the desirability of separating the motion to assess each variance individually. Community Council also spoke to the merits of allowing the appeal of the right side yard and rear yard setbacks for the right rear addition because of the amount of construction completed, and due to an appreciation for the applicant's emotional trauma and need to provide living space for family members. Community Council noted the importance for LUB rules to be followed and expressed concerns about the applicant's disregard for the LUB rules, including the need to apply for permits as the applicant did for previous renovations to the property. Community Council spoke to correspondence received from property owners that opposed approval of the variances. A copy of the correspondence was provided to the applicant. Community Council also noted that the building neighbouring the right side yard was close to the property line, so the applicant's confusion was potentially understandable.

Councillor Cleary requested that the Community Council vote on each of the requested variances separately. Taylor confirmed that, in accordance with Rule 90 of Administrative Order One, *Respecting the Procedures of the Council*, when the question under consideration contains distinct propositions, upon the request of any Member, the vote upon each proposition shall be taken separately.

Taylor reminded Community Council of the legislative framework for the variance appeal, and the circumstances where a variance may not be granted. Taylor stated that the Community Council was entitled to reach a different conclusion from the Development Officer; however if the Community Council was of the opinion that any one of the three criteria in section 250(3) of the *Charter* were met then Community Council was obligated to refuse the variance. Taylor indicated that, in their view, the "difficulties" to be considered in section 250(3)(b) related to the property itself and not the property's occupants.

MOVED by Councillor White, seconded by Councillor Cleary

THAT Regional Centre Community Council allow the appeal,

- 1. With respect to the request for a variance to reduce the right side yard setback from 1.25 metres to 0 metres and to the request for a variance to reduce the rear yard setback from 6.0 metres to 1 metres to accommodate an addition.**

MOTION PUT AND DEFEATED.

Decision of the Development Officer upheld.

MOVED by Councillor White, seconded by Councillor Cleary

THAT Regional Centre Community Council allow the appeal,

- 2. With respect to the request for a variance to reduce the accessory building separation distance from 1.25 metres to 0 metres.**

MOTION PUT AND DEFEATED.

Decision of the Development Officer upheld.

MOVED by Councillor White, seconded by Councillor Cleary

THAT Regional Centre Community Council allow the appeal,

- 3. With respect to the request for a variance to reduce the rear yard setback from 6.0 metres to 0 metres to accommodate the rear deck.**

MOTION PUT AND DEFEATED.

Decision of the Development Officer upheld.

MOVED by Councillor White, seconded by Councillor Cleary

THAT Regional Centre Community Council allow the appeal,

- 4. With respect to the request for a variance to reduce the left side yard setback from 1.25 metres to 0 metres to accommodate the left side yard deck.**

MOTION PUT AND DEFEATED.

Decision of the Development Officer upheld with respect to all variances requested.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Correspondence was received and circulated for item 10.1.1.

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

11.2 Petitions – None

11.3 Presentation – None

12. PUBLIC PARTICIPATION

The Chair noted there were no registered speakers and called three times for any other members of the public wishing to speak; there were none.

13. INFORMATION ITEMS BROUGHT FORWARD – NONE

14. REPORTS – NONE

15. MOTIONS – NONE

16. IN CAMERA (IN PRIVATE) – NONE

17. ADDED ITEMS – NONE

18. NOTICES OF MOTION – NONE

19. DATE OF NEXT MEETING – August 27, 2025

20. ADJOURNMENT

The meeting was adjourned at 8:47 p.m.

Andrea Lovasi-Wood
Legislative Assistant