



**APPEALS STANDING COMMITTEE  
MINUTES  
May 23, 2019**

**PRESENT:** Councillor Matt Whitman, Vice Chair  
Councillor David Hendsbee  
Councillor Russell Walker

**REGRETS:** Councillor Steve Adams, Chair  
Councillor Lisa Blackburn  
Councillor Bill Karsten

**STAFF:** Andrew Gough, Solicitor  
Tanya Phillips, Manager, By-law Standards  
Simon Ross-Siegel, 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](http://halifax.ca).*

*The meeting was called to order at 10:00 a.m. The meeting adjourned at 10:23 a.m.*

**1. CALL TO ORDER**

The Chair called the meeting to order at 10:00 a.m. in Council Chamber, 3<sup>rd</sup> Floor City Hall, 1841 Argyle Street, Halifax.

**2. APPROVAL OF MINUTES – February 14, 2019**

MOVED by Councillor Walker, seconded by Councillor Hendsbee

**THAT the minutes of February 14, 2019 be approved as presented.**

**MOTION PUT AND PASSED.**

**3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The agenda was approved as circulated.

**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**

The Legislative Assistant noted that the Committee had received correspondence for Item 12.3.1 from Joshua Bearden and Paul Boyd.

**11. INFORMATION ITEMS BROUGHT FORWARD – NONE**

**12. REPORTS**

**12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS – NONE**

**12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS**

**12.2.1 Case 320766 Property located at 146 East River Road, Sheet Harbour**

The following was before the Standing Committee:

- A staff recommendation report dated May 16, 2019

The Committee confirmed that the property owner was not present to address the Committee.

Logan Hamilton, Compliance Officer II, By-law Standards spoke before the Committee as to the state of the structure and the history of by-law services' involvement. Staff identified significant wood damage and missing siding on the exterior structure with reference to recent photos of the structure taken by compliance staff. Staff identified through photos that the structure currently provides free and open access to anyone.

In reply to questions from Councillors, staff confirmed that there has been no success in locating the property owner to the structure. Staff conducted a search of Canada 411, sent registered notice by mail and conducted a search through property tax records with no success. Staff confirmed that staff has spoken with one neighbour who stated that no one has heard from the property owner in years.

MOVED by Councillor Hendsbee, seconded by Councillor Walker

**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 accessory structure 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.**

**MOTION PUT AND PASSED.**

### **12.3 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES: APPEALS**

#### **12.3.1 Appeal of Douglas James Brine, Refusal of Taxi Driver License**

The following was before the Standing Committee:

- A staff recommendation report dated May 13, 2019

The Committee confirmed that the appellant was present to address the Committee.

Sally Christie, Supervisor of Regional Licensing, presented the appeal and answered questions of clarification for the Committee. In reply to questions from Councillors, Sally Christie clarified that staff is obligated to include all offences for which an appellant has been convicted in staff's report to the Committee, even if the Committee has previously received and discussed them at an earlier meeting in relation to another appeal.

In reply to questions from Councillors, staff confirmed that the appellant was convicted for the charge of resisting arrest but has only been charged and not convicted for assault as of this time. Staff stated that the assault charge is dated to the Fall of 2018. Staff initially had no knowledge of the charge because criminal records checks only disclose charges for which there has been a conviction. However, in subsequent conversations with Halifax Regional Police, staff discovered that the appellant had been charged with assault and did not disclose this information to Regional Licensing staff.

Douglas James Brine, the appellant, addressed the Committee. Douglas Brine stated that the appellant had received a recent charge for resisting arrest in connection to an event in which the appellant was off-duty and was walking home while intoxicated. Douglas Brine stated that the assault charge related to an altercation the appellant stated was initiated by a roommate who was intoxicated, and the appellant stated that the charge is unrelated to the resisting arrest charge. Douglas Brine confirmed for the Committee that the appellant has a court date pending for November in relation to the assault charge, though the appellant expects the charge to be dropped prior to the hearing.

Douglas Brine stated that when the appellant discovered that the appellant had failed to disclose the assault charge, the appellant was forthright in correcting the information one day after the initial renewal application, but the appellant reported the information to 311 and not to licencing staff based on a misunderstanding as to the process for communicating the information to the responsible parties.

MOVED by Councillor Hendsbee, seconded by Councillor Walker

**THAT the Appeals Standing Committee allow the appeal of Douglas James Brine.**

**MOTION PUT AND PASSED.**

### **13. MOTIONS – NONE**

**14. IN CAMERA (IN PRIVATE) – NONE**

**15. ADDED ITEMS**

**16. NOTICES OF MOTION**

**17. DATE OF NEXT MEETING** – June 13<sup>th</sup>, 10:00 a.m. Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax

**18. ADJOURNMENT**

The meeting adjourned at 10:23 a.m.

Simon Ross-Siegel  
Legislative Assistant