



**APPEALS STANDING COMMITTEE  
MINUTES  
March 12, 2020**

PRESENT: Councillor Steve Adams, Chair  
Councillor Russell Walker, Vice Chair  
Deputy Mayor Lisa Blackburn  
Councillor David Hendsbee  
Councillor Matt Whitman

REGRETS: Councillor Bill Karsten

STAFF: Karen MacDonald, Senior Solicitor  
Tanya Phillips, Manager, By-law Standards  
Krista Vining, 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 10:40 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 13, 2020**

MOVED by Councillor Walker, seconded by Councillor Whitman

**THAT the minutes of February 13, 2020 be approved as circulated.**

**MOTION PUT AND PASSED.**

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

MOVED by Councillor Whitman, seconded by Deputy Mayor Blackburn

**THAT the Order of Business 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 – December 12, 2019**

**8.1 Case 322889: 236 Herring Cove Road, Halifax**

The following was before the Standing Committee:

- A staff recommendation report dated February 26, 2020

The Standing Committee confirmed the property owner or representative was not in attendance.

Jonathan Wells, Compliance Officer II, By-law Standards presented Case 322889, property located at 236 Herring Cove Road, Halifax, and showed photographs of the property taken March 8, 2020.

MOVED by Councillor Whitman, seconded by Councillor Walker

**THAT the Appeals Standing Committee allow the appeal.**

In response to a question raised on bringing the Order to compliance, the Solicitor explained that as per Section 362 (1) of the *Halifax Regional Municipality Charter* the Administrator may, for the purpose of ensuring compliance with this Part, enter in or upon any land or premises at any reasonable time without a warrant, which includes neighbouring property.

**MOTION PUT AND DEFEATED.** (Order of Remedy upheld)

**9. NOTICES OF TABLED MATTERS – NONE**

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**10.1 Correspondence**

The Legislative Assistant noted that correspondence was received for items 12.1.1 and 12.3.1. This correspondence was circulated to Standing Committee.

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

**10.2 Petitions – None**

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

**12. REPORTS**

**12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS**

**12.1.1 Case 340008: 32 Elwin Crescent, Dartmouth**

The following was before the Standing Committee:

- A staff recommendation report dated February 28, 2020
- Correspondence from David Richey

The Standing Committee confirmed the property owner or representative was not in attendance and considered the property owner's request to defer the matter to allow them additional time to prepare their appeal. The Legislative Assistant was in contact with the property owner to advise that they would be informed of the Standing Committee's decision respecting their deferral request.

MOVED by Councillor Walker, seconded by Councillor Walker

**THAT the Appeals Standing Committee defer Case 340008: 32 Elwin Crescent, Dartmouth to the next meeting.**

**MOTION TO DEFER DEFEATED.**

Vicki Pelley, Compliance Officer II, By-law Standards presented Case 340008, property located at 32 Elwin Crescent, Dartmouth, and showed photographs of the property taken March 8, 2020.

In response to a question raised, Pelley confirmed that the vehicles' safety inspection stickers were dated 2015.

MOVED by Councillor Whitman, seconded by Councillor Walker

**THAT the Appeals Standing Committee allow the appeal.**

**MOTION PUT AND DEFEATED.** (Order of Remedy upheld)

**12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS**

**12.2.1 Case 336626: 2149 Crowell Road, East Lawrencetown**

The following was before the Standing Committee:

- A staff recommendation report dated February 26, 2020

The Standing Committee confirmed the property owner or representative was not in attendance.

Jonathan Wells, Compliance Officer, By-law Standards presented Case 336626, property located at 2149 Crowell Road, East Lawrencetown, and showed photographs of the property taken March 4, 2020.

MOVED by Councillor Hendsbee, seconded by Deputy Mayor 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 main 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.**

Wells explained Compliance Officer Steve Boutilier had been communicating with the property owner on this case and it was their understanding that the property owner did not want to be responsible for the property.

**MOTION PUT AND PASSED.**

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

#### **12.3.1 Appeal of Suspension of Taxi Driver License #R242 and Taxi Owner License #018**

The following was before the Standing Committee:

- A staff recommendation report dated February 24, 2020
- Correspondence from Nikki Bezanson, Rebecca Bezanson

The Standing Committee confirmed the appellant was in attendance.

Karen MacDonald, Solicitor spoke to correspondence received by the third parties, explaining that the Standing Committee could only consider the information provided by the Licensing Authority, as outlined in the February 24, 2020 staff report, and the statement made by the appellant at the hearing.

Andrea MacDonald, Program Manager presented the appeal of suspension of taxi driver license #R242 and taxi owner license #018. Given the serious nature of the criminal charges, the Licensing Authority in accordance with Section 44.1 of By-law T-1000, considers it prudent at this time to consider Donald Swinimer not sufficiently fit to hold licenses to operate a taxi. Their taxi driver and owner license are currently suspended pending the outcome and a review of the court proceedings. This review may result in the permanent revocation of their licenses.

MacDonald responded to questions raised, confirming that the driver was permitted to keep the physical roof light but their taxi driver and owner licenses had been turned over to the Taxi Authority.

Donald Swinimer, Appellant spoke to the charges and history operating a taxi with no complaints or reports of this nature. They noted that this was their livelihood and confirmed they had turned their licenses over to the Taxi Authority on February 6, 2020. Their roof light was being stored in the trunk of their car and they asked the Standing Committee to reinstate their licenses so they could go back to work.

Clarification was sought on whether Swinimer could rent out their roof light. MacDonald explained that this was not an option because the taxi owner license was suspended.

MOVED by Deputy Mayor Blackburn, seconded by Councillor Whitman

**THAT the Appeals Standing Committee allow the appeal.**

The Standing Committee considered the seriousness of the charges and upholding the decision of the Licensing Authority ending the outcome of the court.

**MOTION PUT AND DEFEATED.** (Decision of Licensing Authority upheld)

**13. MOTIONS – NONE**

**14. IN CAMERA (IN PRIVATE) – NONE**

**15. ADDED ITEMS – NONE**

**16. NOTICES OF MOTION – NONE**

**17. DATE OF NEXT MEETING – April 19, 2020**

**18. ADJOURNMENT**

The meeting adjourned at 10:40 a.m.

Krista Vining  
Legislative Assistant