



**APPEALS STANDING COMMITTEE
MINUTES
July 13, 2023**

PRESENT: Councillor David Hendsbee, Chair
Councillor Iona Stoddard, Vice Chair
Councillor Cathy Deagle Gammon
Councillor Trish Purdy
Councillor Lisa Blackburn

REGRETS: Councillor Lindell Smith – Parental Accommodation

STAFF: Tanya Phillips, Manager, By-law 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 10:03 a.m. The Standing Committee adjourned at 11:05 a.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 10:03 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 – June 8, 2023

MOVED by Councillor Deagle Gammon, seconded by Councillor Stoddard

THAT the minutes of June 8, 2023 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 Deagle Gammon, seconded by Councillor Blackburn

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 – NONE

9. NOTICES OF TABLED MATTERS – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence – None

10.2 Petitions – None

10.3 Presentation – None

11. INFORMATION ITEMS BROUGHT FORWARD – NONE

12. REPORTS

12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS

12.1.1 CF-2023-009230, 40 Mountain Road, Halifax

The following was before the Standing Committee:

- Staff report dated June 26, 2023
- Staff presentation dated July 13, 2023

The Chair confirmed the appellant was present.

Kimberley Northrop, Compliance Officer II, By-law Standards gave a presentation, showing photographs of the property taken July 10, 2023 and responded to questions of clarification from the Standing

Committee. Northrop confirmed the appellant resided at the property and there was no evidence of electrical service and noted that the exterior oil tank did not appear operable.

Steven Baignet, appellant confirmed they resided at the property and confirmed that the property had electrical service. Baignet spoke to their preference for tall grass on their property as it kept their dwelling cool during the summer and provided a deterrent to vandalism. Baignet indicated that the halved oil tank was used as a fire pit and that the furnace oil tank attached to the dwelling was empty and covered with a tarp due to a history of furnace oil theft. Baignet spoke to the sentimental value of the 1973 Ford Gran Torino and their desire to keep the vehicle on the property under a tarp to prevent theft. Baignet stated the lumber and other materials on the property were not debris, but construction supplies to be used to repair the dwelling including the broken glass in the back screen door. Baignet detailed attempts to cut the grass along the sidewalk. Baignet responded to questions of clarification from the Standing Committee and requested an additional month to repair the front deck and to complete other repairs to the property. Baignet confirmed that some of the particle board was removed from on top of the vehicle and more could be removed within the next month and that they had no plans to use a car canopy, just a tarp. Baignet agreed that the oil barrel, garbage can, broken umbrella and other debris would be disposed of on the next garbage day. Baignet indicated that they would borrow their neighbour's lawnmower to mow the front yard within five feet of the sidewalk and that the repairs to the front deck and other exterior elements of the property would be completed within one month.

The Standing Committee noted that some degree of naturalization was acceptable and informed the appellant of the need that the area around the dwelling be kept free of tall grass to prevent fire.

Tanya Phillips, Manager, By-law Standards confirmed that the appellant could speak with the compliance officer about how to create a naturalized property in the front and back yards so that there was a defined naturalized area to provide a barrier to vandals accessing the property but keep a trimmed border around the property with access to the dwelling for first responders. Phillips advised that if the Standing Committee extended the compliance period that the appellant was responsible to conduct repairs and remove debris within that extended compliance period and the compliance officer would attend the property at the end of the compliance period to verify whether the appellant's efforts were sufficient. Phillips confirmed that the appellant could invite the compliance officer to the property during the compliance period to verify the appellant's compliance efforts and identify whether additional actions were required.

Karen MacDonald, Solicitor advised the Standing Committee that if they wanted to refuse the appeal but provide the appellant more time to complete repairs that the appeal would need to be defeated and a single motion or separate motions for each order would need to be passed to amend the four Orders to Remedy to extend the compliance periods.

MOVED by Councillor Purdy, seconded by Councillor Blackburn

THAT the Appeals Standing Committee allow the appeal of the Orders to Remedy issued May 19, 2023, Appendix G, H, I and J of the staff report dated June 26, 2023.

MOTION PUT AND DEFEATED.

MOVED by Councillor Purdy, seconded by Councillor Blackburn

THAT the Appeals Standing Committee amend the Orders to Remedy issued May 19, 2023, Appendices G, H, I and J of the staff report dated June 26, 2023 to extend the compliance period to sixty (60) days.

As provided for in section 90 of Administrative Order One, *Respecting the Procedures of the Council*, the four Orders to Remedy were separated for voting purposes.

MOVED by Councillor Purdy, seconded by Councillor Blackburn

THAT the Appeals Standing Committee amend the Order to Remedy issued May 19, 2023, Appendix G of the staff report dated June 26, 2023 to extend the compliance period to sixty (60) days.

MOTION PUT AND PASSED.

MOVED by Councillor Purdy, seconded by Councillor Blackburn

THAT the Appeals Standing Committee amend the Order to Remedy issued May 19, 2023, Appendix H of the staff report dated June 26, 2023 to extend the compliance period to sixty (60) days.

Baignet responded to questions of clarification from the Standing Committee regarding their plans for the storage of the vehicle.

Phillips advised the Standing Committee that the Order to Remedy in Appendix H stipulated the repair and removal of the derelict vehicle and that compliance with the order required that the vehicle be actively under repair with a plan for long term storage of the vehicle on the property.

MacDonald advised the Standing Committee that they could amend the order to extend the compliance period to 60 days or another time period deemed to be appropriate, and that if the compliance period was not extended then the seven day compliance period in the order would stand. MacDonald indicated that the determination as to whether the appellant's actions satisfied the *Halifax Regional Municipal Charter* requirements would be made by the compliance officer at the end of the compliance period.

MOTION PUT AND PASSED.

MOVED by Councillor Blackburn, seconded by Councillor Stoddard

THAT the Appeals Standing Committee amend the Order to Remedy issued May 19, 2023, Appendix I of the staff report dated June 26, 2023 to extend the compliance period to sixty (60) days.

MOTION PUT AND PASSED.

MOVED by Councillor Blackburn, seconded by Councillor Stoddard

THAT the Appeals Standing Committee amend the Order to Remedy issued May 19, 2023, Appendix J of the staff report dated June 26, 2023 to extend the compliance period to sixty (60) 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 – August 10, 2023 (if required)

18. ADJOURNMENT

The meeting adjourned at 11:05 a.m.

Andrea Lovasi-Wood
Legislative Assistant