



**APPEALS STANDING COMMITTEE
MINUTES
September 5, 2024**

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

OTHERS PRESENT: Councillor Patty Cuttell

STAFF: Tanya Phillips, Manager, By-law Standards
Karen MacDonald, Solicitor
Andrea Lovasi-Wood, Legislative Assistant
Elizabeth Macdonald, 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 10:01 a.m. The Standing Committee adjourned at 11:40 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 10:01 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 – July 11, 2024

MOVED by Deputy Mayor Deagle Gammon, seconded by Councillor Purdy

THAT the minutes of July 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 Stoddard

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 – July 11, 2024

8.1 Case CF-2024-012468, 213 Fraser Road, Williamswood

The following was before the Standing Committee:

- Revised staff report dated August 26, 2024
- Correspondence from Natasha Dawson
- Staff presentation dated September 5, 2024

The Chair confirmed the appellant, nor a representative was not present.

Ryan MacNeil, Compliance Officer II gave a presentation, showing photographs of the property taken September 3, 2024 and responded to questions of clarification from the Standing Committee regarding previous correspondence and interaction with the appellant.

Andrea Lovasi-Wood, Legislative Assistant confirmed the Municipal Clerk's Office had not received correspondence from the appellant since the July 11, 2024 Appeals Standing Committee meeting.

MOVED by Councillor Blackburn, seconded by Councillor Smith

THAT the Appeals Standing Committee allow the appeal.

Karen MacDonald, Solicitor responded to questions of clarification from the Standing Committee and confirmed the appellant was provided adequate notice that their case was to appear before the Committee.

MOTION PUT AND DEFEATED.

8.2 Case CF-2024-012470, 215 Fraser Road, Williamswood

The following was before the Standing Committee:

- Revised staff report dated August 27, 2024
- Correspondence from Natasha Dawson
- Staff presentation dated September 5, 2024

The Chair confirmed the appellant, nor a representative was not present.

Ryan MacNeil, Compliance Officer II gave a presentation, showing photographs of the property taken September 3, 2024 and responded to questions of clarification from the Standing Committee. MacNeil confirmed that 213 and 215 Fraser Road had the same property owner and there was no indication anyone resided at the property. They explained attempts made to contact the property owner via e-mail and noted the orders to remedy posted on the property had not been picked up by the property owner. MacNeil stated that an old truck was recently removed from the property, but little action was taken to remedy the debris and tall grass.

The Standing Committee noted the original Order to Remedy was issued to a previous property owner who was now deceased.

Tanya Phillips, Manager, By-law Standards confirmed the case was ongoing for several years and the current property owner had inherited the property during that period.

MacNeil confirmed the Order to Remedy did not concern the mobile homes but the presence of debris on the property and clear instructions would be given to the contractors engaged to remove debris that the mobile homes were not to be removed from the property.

MOVED by Councillor Purdy, seconded by Councillor Blackburn

THAT the Appeals Standing Committee allow the appeal.

MOTION PUT AND DEFEATED.

9. NOTICES OF TABLED MATTERS – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

Correspondence was received and circulated for items: 8.1 and 8.2.

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

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 Case CF-2024-009701, 5989 College Street, Halifax

The following was before the Standing Committee:

- Staff report dated August 27, 2024
- Staff presentation dated September 5, 2024

The Chair confirmed the appellant, and their representative were present.

Peter Popperl, Compliance Officer II gave a presentation, showing photographs of the property taken August 29, 2024 and confirmed there were tenants currently living in the building.

Seamus McGreal, Principal Planner confirmed 5989 College Street was not a registered heritage property.

Michelle Kelly, Cox & Palmer, on behalf of the appellant spoke to the appellant's plans to develop the property. They explained the building was initially slated for demolition in the spring of 2023 but due to the original development agreement (DA) being nullified, demolition was expected to take place in spring of 2025 upon the completion of a new DA. Kelly noted the appellant first engaged the legal services of Cox & Palmer in March of 2023 to assist with the development process after an unsuccessful attempt to re-locate another heritage building, that was part of the DA, resulted in the building's collapse and voided the original DA. They contended the appellant had followed the requirements outlined by the Halifax Regional Municipality after the collapse of the heritage building. Kelly explained the presence of lead paint on the building posed a hazardous materials issue that could not reasonably be remedied prior to demolition.

Kelly and Peter Rouvalis, appellant responded to questions of clarification from the Standing Committee and confirmed the building's tenants were aware of plans to develop the property. Rouvalis confirmed they were unable to re-paint the house due to the presence of lead paint and the paint did not pose a hazard to tenants as the chipped or peeling paint was disposed of appropriately. They stated the shingles would be safely removed and disposed of during the demolition process.

MOVED by Deputy Mayor Deagle Gammon, seconded by Councillor Purdy

THAT the Appeals Standing Committee allow the appeal.

Tanya Phillips, Manager, By-Law Standards responded to questions of clarification from the Standing Committee and noted compliance staff were aware of plans to demolish the building, but the impending demolition did not impact the compliance officer's duty to uphold the *Halifax Regional Municipality Charter* and identify the violation.

MOTION PUT AND PASSED.

12.1.2 Case CF-2024-009715, 5969 College Street, Halifax

The following was before the Standing Committee:

- Staff report dated August 27, 2024
- Staff presentation dated September 5, 2024

The Chair confirmed the appellant, and their representative were present.

Peter Popperl, Compliance Officer II gave a presentation, showing photographs of the property taken August 29, 2024 and responded to questions of clarification from the Standing Committee. Popperl confirmed the Order to Remedy concerned the peeling paint and not the boarded-up windows, there did not appear to be any tenants residing in the building and open access was observed at the times of inspection.

Michelle Kelly, Cox & Palmer, on behalf of the appellant identified 5969 College Street as a heritage building as well as the appellant's plans for its' restoration and confirmed there were no tenants. Kelly

noted the building's stone foundation was not structurally sound and outlined plans for the building to be placed on a new foundation. They explained the lack of maintenance to the dwelling was due to the presence of exterior lead paint and enforcement of the order to remedy would result in the appellant incurring the cost of repainting the property twice. Kelly stated a structural engineer was brought in to identify the cause of the previous heritage building's collapse and spoke to the appellant's plans to work with a structural engineer to ensure the building was relocated safely.

MOVED by Councillor Purdy, seconded by Councillor Blackburn

THAT the Appeals Standing Committee allow the appeal.

Rouvalis responded to question of clarification from the Standing Committee regarding plans to relocate the heritage building.

MOTION PUT AND PASSED.

12.1.3 Case CF-2024-021716, 40 Mountain Road, Halifax

The following was before the Standing Committee:

- Staff report dated August 26, 2024
- Staff presentation dated September 5, 2024

The Chair confirmed the appellant was present.

Richard Weckworth, Compliance Officer II gave a presentation, showing photographs of the property taken August 29, 2024 and responded to questions of clarification from the Standing Committee. Weckworth clarified they were unable to confirm if the property posed a fire hazard and noted the possible presence of an oil tank on the property.

Steven Baigent, appellant spoke to their preference for tall grass on their property citing environmental considerations and noted their limited ability to cut the grass due to health issues. Baigent stated the tall grass on their property did not pose a fire hazard, citing cases within Canada where mowed grass did not prevent or mitigate wildfires. They contended the dangerous and unsightly premises regulations were forcing them to pollute the environment and resulted in their loss of privacy and security.

MOVED by Councillor Blackburn, seconded by Councillor Purdy

THAT the Appeals Standing Committee allow the appeal.

The Standing Committee explained they recognized the appellant's desire to maintain privacy but noted the need for the property to be brought into compliance to mitigate risks of fire and safety concerns regarding the spillage of debris onto public walkways.

Scott Hill, Supervisor, Regional Compliance responded to questions of clarification the Standing Committee regarding compliance standards and noted compliance standards are higher at the front of the property due to the proximity to public walkways. Hill confirmed the chain link fence on the property was likely a Municipal fence and clarified the tall grass growing through the fence was the subject of the case not the condition of the fence.

Baigent alleged that past remedies resulted in the loss of thorn bushes on the property.

The Standing Committee confirmed that clear instructions would be given to the contractors engaged to only cut the tall grass.

MOTION PUT AND DEFEATED.

12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

12.2.1 CF-2024-010394, 7488 Highway 224, Mill Lake

The following was before the Standing Committee:

- Staff report dated August 27, 2024
- Staff presentation dated September 5, 2024

The Chair confirmed the property owner, nor a representative was not present.

Scott Hill, Supervisor, Regional Compliance gave a presentation, showing photographs of the property taken August 30, 2024 and responded to questions of clarification from the Standing Committee.

Hill and Andrea Lavosi-Wood, Legislative Assistant confirmed no correspondence had been received from the property owner.

MOVED by Deputy Mayor Deagle Gammon, 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, order 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 sixty (60) 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 and confirmed that if the property owner presented compliance staff with their own demolition permit and compliance plan, they would be allotted an adequate amount of time to bring the property into compliance.

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 – October 10, 2024 (if required)

18. ADJOURNMENT

The meeting adjourned at 11:40 p.m.

Elizabeth Macdonald
Legislative Assistant