



**APPEALS STANDING COMMITTEE
DRAFT MINUTES
March 6, 2025**

PRESENT: Councillor Becky Kent, Chair
Councillor Kathryn Morse
Councillor Nancy Hartling
Councillor Billy Gillis

REGRETS: Councillor Janet Steele, Vice Chair
Councillor Trish Purdy

STAFF: Tanya Phillips, Manager, By-law Standards
Karen MacDonald, Managing Solicitor
Andrea Lovasi-Wood, Legislative Assistant
Elizabeth Macdonald, Legislative Assistant

These minutes are considered draft and will require approval by Appeals Standing Committee at a future meeting.

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.

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1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 9:58 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 – January 16, 2025

MOVED by Councillor Morse, seconded by Councillor Gillis

THAT the minutes of January 16, 2025 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 Hartling, seconded by Councillor Gillis

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

Correspondence was received and circulated for item 12.1.1.

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 BY-LAW B-600, RESPECTING BLASTING: APPEALS

12.1.1 BLAST-2024-09274, 1190 Barrington Street, Halifax

The following was before the Standing Committee:

- Staff report dated February 26, 2025
- Correspondence from Jessica and Donna Alsop
- Staff presentation dated March 6, 2025

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- Handout dated March 6, 2025

The Chair confirmed the appellant was present.

Ashley Blissett, Manager Development Engineering gave a presentation. Blissett noted Map 1 in the staff report incorrectly identified the Henry House in the Barrington Street Heritage Conservation District and clarified it was located in the Old South Suburb Heritage Conservation District.

Kobe Shannon, Atlantic Road Construction & Paving Limited (ARCP), appellant and George Franklin, Pink Larkin spoke to their appeal of the Blasting Permit BLAST-2024-09274. Shannon spoke to the blast attempts in April of 2024 and noted the initial blast attempts were within the blasting limits outlined in the initial permit, Blasting Permit BLAST-2023-15291. Shannon spoke to ARCP's subsequent decision to retain the services of Mitchelmore Engineering Company Limited (MECO) after the Halifax Regional Municipality (HRM) Blasting Inspector's direction to cease on-site blasting activities and noted HRM retained the services of engineering firm WSP Global Incorporated. Shannon and Franklin explained that after ARCP received Blasting Permit BLAST-2024-09274, ARCP was unable to fulfill two requirements of the permit related to the Henry House due to being denied access by the property owners. They outlined costs incurred due to being unable to continue with blasting, impacts to the developer, Universal Realty Group and contended it was unreasonable for ARCP to not be able to continue blasting due to the Henry House's refusal to comply with the terms outlined in BLAST-2024-09274 and urged the Standing Committee to allow the appeal.

Shannon and Franklin responded to questions of clarification from the Standing Committee regarding the Swiss blasting standard SN640 312a for historic structures and clarified ARCP had no issue following the Swiss standard and noted the main issue was the Henry House's refusal to allow entry to the property to fulfill the requirements outlined in the permit. They confirmed surrounding structures had not incurred damage as a result of the blasting and one attempt by telephone had been made by MECO on behalf of ARCP to contact the Henry House and entry to the property was denied. Franklin confirmed specific blasting requirements were not outlined in the first blasting permit issued to ARCP and noted additional costs incurred by ARCP due to being unable to blast and the use of the rock drilling alternative took more time and was noisier.

Karen MacDonald, Managing Solicitor responded to questions of clarification from the Standing Committee and noted damage incurred by the heritage property was a civil matter between the Henry House owners and the developer. They confirmed there were no options to compel the Henry House owner to allow ARCP access to the property as required in BLAST-2024-09274.

Blissett responded to questions of clarification from the Standing Committee regarding alternatives outlined in the staff report. They clarified ARCP's inability to fulfill the conditions outlined in BLAST-2024-09274 was strictly due to their inability to enter and monitor the Henry House and that By-law B-600, *Respecting Blasting* did not adequately address blasting standards near heritage buildings and staff were considering updated blasting standards for sites near heritage properties. Blissett explained that blasting limits near heritage properties were site specific.

MOVED by Councillor Morse, seconded by Councillor Gillis

THAT the Appeals Standing Committee allow the appeal.

MacDonald provided an overview of the appeal process and noted the appeal motion had to be expressed in the positive as per *Administrative Order One, Respecting the Procedures of the Council*. They outlined the two options available; the Standing Committee could vote in the affirmative to allow the appeal if they wanted to remove the two conditions specific to the Henry House from the blasting permit or the Standing Committee could vote in the negative if they wanted the blasting permit to remain unchanged.

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Kurt Pyle, Manager, Culture, Heritage & Planning Information Services responded to questions of clarification from the Standing Committee regarding potential options for HRM staff to work with the Henry House to remedy damage sustained due to blasting.

Shannon confirmed denial of the appeal required ARCP to continue the slower method of drilling to break rock. Franklin confirmed the appellant had no information to provide regarding the effects of ARCP's current method of drilling to break rock on the Henry House.

Blissett clarified By-law B-600 did not contain legal protections to heritage properties like the Henry House and consequently, the staff recommendation before the Standing Committee was to take a conservative approach to prevent damage to the heritage property. They confirmed that if the Henry House were damaged, HRM had the option to review the damage and further reduce the blasting standard outlined in BLAST-2024-09274.

MOTION PUT AND DEFEATED.

13. MOTIONS – NONE

14. IN CAMERA (IN PRIVATE) – NONE

15. ADDED ITEMS – NONE

16. NOTICES OF MOTION – NONE

17. DATE OF NEXT MEETING – April 10, 2025

18. ADJOURNMENT

The meeting adjourned at 11:23 a.m.

Elizabeth Macdonald
Legislative Assistant