



**APPEALS STANDING COMMITTEE
DRAFT MINUTES
April 11, 2024**

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

STAFF: Tanya Phillips, Manager, By-law Standards
Karen MacDonald, Solicitor
Andrea Lovasi-Wood, Legislative Assistant
Jamie D'Angelo, Legislative Support

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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The meeting was called to order at 10:00 a.m., and recessed at 11:10 a.m. The Standing Committee reconvened at 11:20 a.m. The Standing Committee moved into an In Camera (In Private) session at 12:39 p.m. and reconvened at 12:52 p.m. The Standing Committee adjourned at 12:53 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 10:00 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 – March 7, 2024

MOVED by Councillor Gammon, seconded by Councillor Purdy

THAT the minutes of March 7, 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:

- Item 12.3.1 – CF-2023-020728, 6035 Pepperell Street, Halifax

As provided for in section 37 (1) of Administrative Order One, *Respecting the Procedures of the Council*, Councillor Blackburn requested that Item 12.3.2 CF-2023-32017, 4209 Highway 357, Meaghers Grant and 12.3.3 CF-2024-000220, 218 Three Fathom Harbour Road, Three Fathom Harbour be considered prior to item 12.2.1.

THAT the agenda be approved as amended.

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

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**12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS
12.1.1 CF-2024-002333, 5659 Bloomfield Street, Halifax**

The following was before the Standing Committee:

- Staff report dated March 25, 2024
- Correspondence from John Wright
- Staff presentation dated April 11, 2024

The Chair confirmed the appellant John Wright was present via Zoom.

Logan Hamilton, Compliance Officer II gave a presentation, showing photographs of the property taken April 7, 2024. Hamilton and Scott Hill, Supervisor, Regional Compliance responded to questions of clarification from the Standing Committee. Hamilton confirmed the significant amount of recycling bags on the property that filled the backyard, side alleyways and blocked an oil tank on the property. Hamilton indicated that most stacks of bagged recyclables were only a few inches from neighbouring properties including a neighbour's heat pump.

John Wright, appellant spoke to their plan to remove some of the materials to storage and to dispose of the remaining debris. Wright explained that due to it being winter, he was unable to maintain the debris. Wright recognized the need to have the property cleaned up. Wright indicated they needed 30 days to complete the clean up.

The Standing Committee noted three previous cases involving the appellant, one was resolved but two instances Halifax Regional Municipality had removed debris from the property. To establish a reasonable timeframe for the removal of the bagged recyclables from the property the Standing Committee confirmed the appellant's garbage removal dates.

Tanya Phillips, Manager, By-law Standards responded to questions of clarification from the Standing Committee.

MOVED by Councillor Smith, seconded by Councillor Purdy

THAT the Appeals Standing Committee allow the appeal.

MOTION PUT AND DEFEATED.

MOVED by Councillor Smith, Seconded by Councillor Purdy

THAT the Appeals Standing Committee amend the compliance period in the Order to Remedy for Case CF-2024-002333, 5659 Bloomfield Street, Halifax issued February 12, 2024, Appendix C of the staff report dated March 25, 2024 to fourteen (14) days.

MOTION PUT AND PASSED.

12.1.2 CF-2024-004914, 9567 St. Margaret's Bay Road, Queensland

The following was before the Standing Committee:

- Staff report dated March 26, 2024
- Staff presentation dated April 11, 2024

The Chair confirmed Patrick MacKenzie, representative of the appellant Jacob Mackenzie, was present.

Humberto Madrigal Sanchez, Compliance Officer II gave a presentation, showing photographs of the property taken April 4, 2024 and responded to questions of clarification from the Standing Committee. Sanchez confirmed most of the debris, which included recyclables and tires was located in the property's

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front yard and that some areas of the property had been cleaned up after the Order to Remedy regarding debris was issued. Sanchez noted a camper on the property had flat tires and was considered derelict.

Karen MacDonald, Solicitor clarified that the Order to Remedy regarding derelict vehicles applied to the campers and not any other vehicles.

Patrick MacKenzie, the representative for the appellant spoke to the appeal and indicated the smaller trailer was in good condition, however the big trailer was missing one wheel that was to be replaced shortly. MacKenzie responded to questions of clarification from the Standing Committee. MacKenzie explained how a shed had blown over after a windstorm and created most of the mess. MacKenzie confirmed their intent to clean up everything and requested additional time to move items to a rented storage container and to dispose of debris.

The Standing Committee agreed additional time beyond the seven days in the two Orders to Remedy was required for the appellant to clean up the property and expressed concerns regarding the previous dangerous and unsightly complaints against the property and in two of those cases Halifax Regional Municipality (HRM) had to remedy the issues.

MOVED by Councillor Blackburn, seconded by Councillor Purdy

THAT the Appeals Standing Committee allow the appeal.

MOTION PUT AND DEFEATED.

MOVED by Blackburn, seconded by Councillor Purdy

THAT the Appeals Standing Committee amend the compliance period in the two Orders to Remedy for Case CF-2024-004914, 9567 St. Margaret's Bay Road, Queensland issued March 7, 2024, Appendices C and D of the staff report dated March 26, 2024 to thirty (30) days.

MOTION PUT AND PASSED.

12.2 LAND-LEASE COMMUNITY OPERATING LICENSE: APPEALS

12.2.1 BA-2023-003972, Refusal of Operating License for Springfield Estates Land-lease Community

The following was before the Standing Committee:

- Staff report dated March 26, 2024
- Staff presentation dated April 11, 2024

The Chair confirmed the appellant Westphal Court Limited, who was represented by their lawyer Dylan MacDonald was present.

Peter Nightingale, Manager License Standards gave a presentation and responded to questions of clarification from the Standing Committee. Nightingale confirmed the Appeals Standing Committee By-law (A-100) gave the Standing Committee the ability to hear an appeal of a municipal staff decision and limited the Standing Committee's decision regarding an appeal to what was allowed by a by-law. In the case of the refusal of an operating license for Springfield Estates, the Standing Committee was not able to grant an operating license if By-law L-500, *Respecting the Construction and Operation of Land-Lease Communities* did not allow for an operating license to be granted, such as the inability of an operator to provide potable water. Nightingale noted that as of April 10, 2024 the Springfield Estates water supply was still under a Provincial Government Boil Water Advisory that was issued in December 2021.

Nightingale spoke to the prior issuance under the old Halifax County Mobile Home Park By-law (By-law 29) of an operating license to Springfield Estates in 2022 while the current Boil Water Advisory was in effect and confirmed that it was issued in error as no potable water was being supplied and that it was

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immediately revoked when the error was discovered. Nightingale assured the Standing Committee that as soon as clean water was properly supplied that staff would issue an operating license.

Karen MacDonald, Solicitor responded to questions of clarification from the Standing Committee and spoke to the remedies available under By-law L-500 when a clean water supply was not provided. Karen MacDonald also clarified that By-law L-500 stipulated mandatory refusal of an operating license when a boil water advisory was issued as this was deemed by the By-law to show a lack of a potable water supply.

Dylan MacDonald, lawyer for Westphal Court Limited, appellant spoke to the impact of stormwater on Springfield Estates' water supply from Little Springfield Lake as well as the amount of time and money spent by the appellant on infrastructure, water treatment and testing to provide a potable water supply to the residents of Springfield Estates. Dylan MacDonald stated that the appellant had satisfied By-law L-500 requirement for a potable water supply as the water from Little Springfield Lake could be used for washrooms, bathing and laundry, that the appellant provided a weekly supply of bottled water for cooking and drinking and requested the Standing Committee allow the appeal and grant a conditional operating license. Dylan MacDonald responded to questions of clarification from the Standing Committee. They clarified that out of the 169 homes in Springfield Estates there were about 250 individuals and that water meter charges were charged as part of a resident's lot fees. They explained the impacts of local development in contributing to increased storm water runoff into Springfield Estates' water supply. They provided details of the weekly water bottle delivery to the residents and acknowledged that it was not a permanent solution but made the appellant compliant with By-law L-500. Dylan MacDonald informed the Standing Committee that refusal of the operating license meant the appellant was now subject to prosecution, which could potentially lead to closure of Springfield Estates. They indicated the appellant and their environmental consultant, CBCL, were in regular communication with Nova Scotia Environment and Climate Change and residents regarding water quality and that CBCL water testing indicated that for 20 out of 27 months the water supply tested within the Federal Guidelines for Canadian Drinking Water Quality. They explained that the appellant recently filed a water withdrawal application with the Province for a drilled well on the property.

Nightingale noted the ongoing turbidity issues with Springfield Estates' water supply was a warning sign that there were underlying problems with the water's quality and that the prolonged Provincial Boil Water Advisory indicated that there was no guarantee that bacteria-free water could be provided to residents without boiling to kill the bacteria.

The Standing Committee noted concerns that Springfield Estates' residents have had to deal with bacteria for more than two and half years, that the appellant's distribution of bottled water did not resolve the lack of a potable water supply for residents and that granting the appellant's request for a conditional operating license was not allowed under By-law L-500.

Karen MacDonald spoke to the remedies available under By-law L-500 for when a land-lease community was operating without a license including prosecution and Halifax Regional Municipality (HRM) entering the property to do the work needed to bring the property into compliance and that HRM did not have the authority to shut down the land-lease community. Karen MacDonald expressed a difference in opinion with the appellant's definition of potable water, as the provision of bottled water by the appellant did not satisfy By-law L-500, section 17 stipulation that an active Provincial boil water advisory deemed that an operator did not provide a potable water supply.

As provided for in section 103 of Administrative Order One, *Respecting the Procedures of the Council*, a motion was made to convene In Camera to seek legal advice.

MOVED by Deputy Mayor Deagle Gammon, seconded by Councillor Purdy

THAT Appeals Standing Committee convene to In Camera (In Private) to seek legal advice.

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MOTION PUT AND PASSED.

MOVED by Councillor Blackburn, seconded by Councillor Purdy

THAT the Appeals Standing Committee allow the appeal.

MOTION PUT AND DEFEATED.

12.3 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS

12.3.2 CF-2023-32017, 4209 Highway 357, Meaghers Grant

The following was before the Standing Committee:

- Staff report dated April 3, 2024
- Staff presentation dated April 11, 2024

The Chair confirmed the property owner nor a representative were present.

Kim Northop, Compliance Officer II gave a presentation, showing photographs of the property taken April 9, 2024 and responded to questions of clarification from the Standing Committee. Northop stated the property was previously a gas station and detailed the extent of the deterioration of the main structure on the property, including open access to the building, broken windows and a partially collapsed foundation. Northrop detailed attempts to contact the owner to request the building be demolished, with no response. Northrop confirmed there was no power going to the property and that open access to the building had allowed for vandalism.

Tanya Phillips, Manager, By-law Standards responded to questions of clarification from the Standing Committee. Phillips explained that if the property owner did the demolition, the responsibility to investigate the presence of old underground gas tanks, including testing of the soil, would fall on the owner, along with the removal and remediation if they were found. Phillips also stated that if the property owner failed to comply Halifax Regional Municipality would assume responsibility.

MOVED by Deputy Mayor Deagle Gammon, seconded by Councillor Stoddard

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 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.

MOTION PUT AND PASSED.

12.3.3 CF-2024-000220, 218 Three Fathom Harbour Road, Three Fathom Harbour

The following was before the Standing Committee:

- Staff report dated April 3, 2024
- Staff presentation dated April 11, 2024

The Chair confirmed the property owner Margaret Currie was represented by their children Lorraine O'Neill and Ken Currie, who were present.

Tristion Zinck, Compliance Officer II gave a presentation, showing photographs of the property taken April 8, 2024 and responded to questions of clarification from the Standing Committee. Zinck explained how

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the mobile home on the property was half disassembled, with broken windows and rusted metal and indicated that nobody resided at the property.

Lorraine O'Neill, representing the property owner spoke to weather delays which impacted being able to demolish the structures over the winter and their plan to hire a contractor to demolish the trailer and accessory structure. O'Neill confirmed the work would be completed within the 60 days listed in the demolition order.

MOVED by Councillor Blackburn, seconded by Councillor Stoddard

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 and 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 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.

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 – May 9, 2024

18. ADJOURNMENT

The meeting adjourned at 12:53 p.m.

Jamie D'Angelo
Legislative Assistant