

CAPE BRETON REGIONAL MUNICIPALITY
APPEALS STANDING COMMITTEE
MINUTES

Tuesday,
December 14, 2021
3:09 p.m.
Council Chambers
2nd Floor, City Hall
320 Esplanade Sydney, NS

Mayor Amanda M. McDougall called the meeting to order.

Council: Mayor Amanda M. McDougall
Councillor Gordon MacDonald
Deputy Mayor Earlene MacMullin
Councillor Cyril MacDonald
Councillor Steve Gillespie
Councillor Eldon MacDonald
Councillor Glenn Paruch
Councillor Ken Tracey
Councillor Darren Bruckschwaiger (arrived at 3:15 p.m.)
Councillor Darren O'Quinn

Staff: Marie Walsh, Chief Administrative Officer
Deborah Campbell Ryan, Municipal Clerk
Michael Ruus, Director of Planning & Development
Paul Burt, Manager Building, Planning & Licensing Laws
Sharon MacSween, Recording Secretary

Absent: Councillor Steve Parsons
Councillor James Edwards (Regrets)
Councillor Lorne Green (Regrets)

Summary of Decisions

Land Acknowledgment

Roll Call

1. APPROVAL OF MINUTES

Motion to approve the Appeals Standing Committee Minutes of:

➤ **August 24, 2021**

Carried.

2. APPROVAL OF THE AGENDA

Motion to approve the December 14, 2021 Appeals Standing Committee Agenda as presented.

Carried.

3. Dangerous and Unsightly Properties – Notices of Intent to Demolish:

c) File #11996; PID #15021272 – 4 William Street, North Sydney, District 2

The property owner of 4 William Street, North Sydney, addressed the Appeals Standing Committee advising that he was away and recently learned of the Notice to Demolish the building on his property. The property owner asked for additional time to clear out the building contents.

i) File #12019; PID #15431448 – 197 Mansfield Street, Glace Bay, District 8

The property owner of 197 Mansfield Street, Glace Bay, addressed the Appeals Standing Committee advising that although the property has been vacant since 2012, provided his concerns regarding the process to provide notice.

Item 3. c) was addressed at this point in the meeting.

c) File #11996; PID #15021272 – 4 William Street, North Sydney, District 2

Motion that a Thirty Day Order to Demolish be issued for the building located at 4 William Street, North Sydney, District 2, File #11996. **Carried.**

Continued...

Summary of Decisions (Cont'd)

Item 3. i) was addressed at this point in the meeting.

i) File #12019; PID #15431448 – 197 Mansfield Street, Glace Bay, District 8

Motion that a Thirty Day Order to Demolish be issued for the building located at 197 Mansfield Street, Glace Bay, District 8, File #12019. **Carried.**

a) File #12227; PID #15177793 – 947 Shore Road, Sydney Mines, District 1

Motion that a Thirty Day Order to Demolish be issued for the building located at 947 Shore Road, Sydney Mines, District 1, File #12227. **Carried.**

b) File #11993; PID #15028939 – 109 Pierce Street, North Sydney, District 2

Motion that a Thirty Day Order to Demolish be issued for the building located at 109 Pierce Street, North Sydney, District 2, File #11993. **Carried.**

c) File #11996; PID #15021272 – 4 William Street, North Sydney, District 2

This item was addressed earlier in the meeting.

d) File #10854; PID #15106073 – 118 Union Street, Sydney, District 6

Motion that a Thirty Day Order to Demolish be issued for the building located at 118 Union Street, Sydney, District 6, File #10854. **Carried.**

e) File #11927; PID #15043805 – 350 Tometary Drive, Howie Centre, District 7

Motion that a Thirty Day Order to Demolish be issued for the building located at 350 Tometary Drive, Howie Centre, District 7, File #11927. **Carried.**

f) File #11078; PID #15430598 – 119 Dorchester Street, Glace Bay, District 8

Motion that a Thirty Day Order to Demolish be issued for the building located at 119 Dorchester Street, Glace Bay, District 8, File #11078. **Carried.**

Continued...

Summary of Decisions (Cont'd)

g) File #11818; PID #15373301 – 333 Grove Street, Birch Grove, District 8

Motion that a Thirty Day Order to Demolish be issued for the building located at 333 Grove Street, Birch Grove, District 8, File #11818. **Carried.**

h) File #11888; PID #15430606 – 117 Dorchester Street, Glace Bay, District 8

Motion that a Thirty Day Order to Demolish be issued for the building located at 117 Dorchester Street, Glace Bay, District 8, File #11888. **Carried.**

i) File #12019; PID #15431448 – 197 Mansfield Street, Glace Bay, District 8

This item was addressed earlier in the meeting.

j) File #11514; PID #15450422 – 7 Walsh Lane, Glace Bay, District 10

This item was removed from the agenda due to a conflict of information to provide Notice to the property owner and will be addressed at the next meeting of the Appeals Standing Committee.

k) File #11924; PID #15260300 – 2520 New Waterford Highway, South Bar, District 12

Motion that a Thirty Day Order to Demolish be issued for the building located at 2520 New Waterford Highway, South Bar, District 12, File #11924. **Carried.**

l) File #11974; PID #15161631 – 1169 Victoria Road, Sydney, District 12

Motion that a Thirty Day Order to Demolish be issued for the building located at 1169 Victoria Road, Sydney, District 12, File #11974. **Carried.**

ADJOURNMENT

Land Acknowledgement**Roll Call****1. APPROVAL OF MINUTES****Motion:**

Moved by Deputy Mayor MacMullin, seconded by Councillor Gordon MacDonald, approval of the Appeals Standing Committee Minutes of:

- **August 24, 2021**

Motion Carried.

Mayor McDougall recognized that there were individuals present in the Council Chambers to speak to specific properties on the agenda. It was **agreed** that before the Committee begins their deliberations, that each individual present be provided with up to 10 minutes to speak on an appeal.

2. APPROVAL OF THE AGENDA**Motion:**

Moved by Councillor Paruch, seconded by Councillor Cyril MacDonald, to approve the December 14, 2021 Appeals Standing Committee Agenda as presented.

Motion Carried.

3. Dangerous and Unsightly Properties – Notices of Intent to Demolish:

At this point in the meeting, Mayor McDougall asked if there was any one present in the Council Chambers to speak to an appeal and two individuals responded.

c) File #11996; PID #15021272 – 4 William Street, North Sydney, District 2

Mr. Donald Francis, property owner of 4 William Street, North Sydney, addressed the Appeals Standing Committee and advised that he was away and recently learned of the Notice to demolish the building on his property. He indicated that he wants to keep the property and as he was away, was not able to do anything with the property. Mr. Francis asked for additional time to clear out the building contents.

i) File #12019; PID #15431448 – 197 Mansfield Street, Glace Bay, District 8

Mr. Cecil Clifford MacNeil, property owner of 197 Mansfield Street, Glace Bay, addressed the Appeals Standing Committee advising that although the property has been vacant since 2012, he had concerns regarding the process to provide notice, noting the following:

Continued...

Dangerous and Unsightly Properties – Notices of Intent to Demolish - File #12019; PID #15431448 – 197 Mansfield Street, Glace Bay, District 8 (Cont'd):

- Notice for the Dangerous and Unsightly Premises was posted on the subject property was not protected from the elements and was illegible when he discovered it
- The Notice was not sent to his primary residence on Dominion Street, Glace Bay, NS (about 1 km away) which is where the CBRM tax bills are mailed, and he was told by the CBRM Inspector that they did not have access to that information
- He worked away for several years, and the order for cleanup was issued without his knowledge, even after several discussions had taken place with the Bylaw Inspector
- Concerns regarding the company who was awarded the contract to board up and clean up the property (items were missing, including a 3-foot satellite dish)
- Concern as to why the vinyl-clad 8'x8' baby barn was deemed dangerous, but it was removed from the property on a flatbed by several men
- He challenged the weight of the debris removed from the property (i.e. 1800 kg) because his property is not large
- He said he will have the building demolished, but not by CBRM.

At this point in the meeting, the Committee dealt with item 3. c).

c) File #11996; PID #15021272 – 4 William Street, North Sydney, District 2 (Cont'd)

Paul Burt, Manager Building Planning & Licensing Laws advised that he spoke with Mr. Francis before the meeting and he had asked for a 60 day extension before the building is demolished. Mr. Burt advised that the building is not salvageable and has been vacant for a number of years and has had previous orders to clean up and make repairs to the property. The vacant building has structural defects and currently poses a fire hazard and risk to anyone entering the property or adjoining properties. Staff recommends issuing a Thirty Day Order to Demolish.

Following the staff report, discussion took place by Committee members.

Motion:

Moved by Deputy Mayor MacMullin, seconded by Councillor Tracey, that a Thirty Day Order to Demolish be issued for the building located at 4 William Street, North Sydney, District 2, File #11996.

Discussion:

Councillor Eldon MacDonald suggested a 45-day order as a compromise to the property owner's request for an extension to a 60 day order.

Motion Carried.

Dangerous and Unsightly Properties – Notices of Intent to Demolish (Cont'd):

At this point in the meeting, the Committee dealt with item 3. i)

i) File #12019; PID #15431448 – 197 Mansfield Street, Glace Bay, District 8 (Cont'd)

The Manager of Building, Planning and Licensing Laws advised that Notice of Intent to Demolish was posted on the property at 197 Mansfield Street in accordance with Section 346 of the *Municipal Government Act*, and the Notice was also sent to the owner by registered mail. The Committee was advised that the property has been vacant for several years, has structural defects and poses a fire hazard and risk. It scored 90 on the vacant building assessment checklist.

Following the staff report, discussion took place by Committee members. Staff clarified information regarding a previous cleanup order and notice and the invoice from the contractor. Staff noted that if Mr. MacNeil wishes to make a challenge, he should contact the CBRM Legal Department.

The following motion was then put forward:

Motion:

Moved by Councillor Tracey, seconded by Councillor Eldon MacDonald, that a Thirty Day Order to Demolish be issued for the building located at 197 Mansfield Street, Glace Bay, District 8, File #12019.

Motion Carried.

The Committee then reverted to the order of business on the agenda.

a) File #12227; PID #15177793 – 947 Shore Road, Sydney Mines, District 1

The Manager of Building, Planning and Licensing Laws advised that Notice of Intent to Demolish was posted on the property at 947 Shore Road in accordance with Section 346 of the *Municipal Government Act*, and the Notice was also sent to the owner by registered mail. The property owner contacted staff and advised that due to COVID, they could not attend the meeting. The Committee was advised that the property has been vacant for several years and has had previous orders to clean up the property and make repairs to the building. The building has structural defects and poses a fire hazard and risk to anyone entering the property and to adjoining properties. Staff recommends issuing a Thirty Day Order to Demolish.

Following discussion by the Councillor for District 1, the following motion was put forward:

Motion:

Moved by Councillor Gordon MacDonald, seconded by Councillor Cyril MacDonald, that a Thirty Day Order to Demolish be issued for the building located at 947 Shore Road, Sydney Mines, District 1, File #12227.

Motion Carried.

Dangerous and Unsightly Properties – Notices of Intent to Demolish (Cont'd):**b) File #11993; PID #15028939 – 109 Pierce Street, North Sydney, District 2**

The Manager of Building, Planning and Licensing Laws advised that Notice of Intent to Demolish was posted on the property at 109 Pierce Street in accordance with Section 346 of the *Municipal Government Act*, and the Notice was also sent to the owner by registered mail. The property has been vacant for a number of years and has had previous orders to clean up the property and make repairs to the building. The building has structural defects and poses a fire hazard and risk to anyone entering the property and to adjoining properties. Staff recommends issuing a Thirty Day Order to Demolish.

Following discussion by the Committee, the following motion was put forward:

Motion:

Moved by Deputy Mayor MacMullin, seconded by Councillor Gordon MacDonald, that a Thirty Day Order to Demolish be issued for the building located at 109 Pierce Street, North Sydney, District 2, File #11993.

Motion Carried.**c) File #11996; PID #15021272 – 4 William Street, North Sydney, District 2**

Item 3. c) was addressed earlier in the meeting.

d) File #10854; PID #15106073 – 118 Union Street, Sydney, District 6

The Manager of Building, Planning and Licensing Laws advised that Notice of Intent to Demolish was posted on the property at 118 Union Street in accordance with Section 346 of the *Municipal Government Act*, and the Notice was also sent to the owner by registered mail. The property has been vacant for a number of years and has had previous orders to clean up the property and make repairs to the building. The building has structural defects and poses a fire hazard and risk to anyone entering the property and to adjoining properties. Staff recommends issuing a Thirty Day Order to Demolish.

Motion:

Moved by Councillor Paruch, seconded by Councillor Gillespie, that a Thirty Day Order to Demolish be issued for the building located at 118 Union Street, Sydney, District 6, File #10854.

Motion Carried.

Dangerous and Unightly Properties – Notices of Intent to Demolish (Cont'd):**d) File #11927; PID #15043805 – 350 Tometary Drive, Howie Centre, District 7**

The Manager of Building, Planning and Licensing Laws advised that Notice of Intent to Demolish was posted on the property at 350 Tometary Drive in accordance with Section 346 of the *Municipal Government Act*, and the Notice was also sent to the owner by registered mail. The property has been vacant for a number of years and has had previous orders to clean up the property and make repairs to the building. The building has structural defects and poses a fire hazard and risk to anyone entering the property and to adjoining properties. Staff recommends issuing a Thirty Day Order to Demolish.

Motion:

Moved by Councillor Gillespie, seconded by Councillor Paruch, that a Thirty Day Order to Demolish be issued for the building located at 350 Tometary Drive, Howie Centre, District 7, File #11927.

Motion Carried.**f) File #11078; PID #15430598 – 119 Dorchester Street, Glace Bay, District 8**

The Manager of Building, Planning and Licensing Laws advised that Notice of Intent to Demolish was posted on the property 119 Dorchester Street in accordance with Section 346 of the *Municipal Government Act*, and the Notice was also sent to the owner by registered mail. The property has been vacant for a number of years and has had previous orders to clean up the property and make repairs to the building. The building has structural defects and poses a fire hazard and risk to anyone entering the property and to adjoining properties. Staff recommends issuing a Thirty Day Order to Demolish.

Motion:

Moved by Councillor Tracey, seconded by Councillor Bruckschwaiger, that a Thirty Day Order to Demolish be issued for the building located at 119 Dorchester Street, Glace Bay, District 8, File #11078.

Motion Carried.**g) File #11818; PID #15373301 – 333 Grove Street, Birch Grove, District 8**

The Manager of Building, Planning and Licensing Laws advised that Notice of Intent to Demolish was posted on the property 333 Grove Street in accordance with Section 346 of the *Municipal Government Act*, and the Notice was also sent to the owner by registered mail. The property has been vacant for a number of years and has had previous orders to clean up the property and make repairs to the building. The building has structural defects and poses a fire hazard and risk to anyone entering the property and to adjoining properties. Staff recommends issuing a Thirty Day Order to Demolish.

Motion:

Moved by Councillor Tracey, seconded by Councillor Gillespie, that a Thirty Day Order to Demolish be issued for the building located at 333 Grove Street, Birch Grove, District 8, File #11818.

Motion Carried.

Dangerous and Unsightly Properties – Notices of Intent to Demolish (Cont'd):**h) File #11888; PID #15430606 – 117 Dorchester Street, Glace Bay, District 8**

The Manager of Building, Planning and Licensing Laws advised that Notice of Intent to Demolish was posted on the property 117 Dorchester Street in accordance with Section 346 of the *Municipal Government Act*, and the Notice was also sent to the owner by registered mail. The property has been vacant for a number of years and has had previous orders to clean up the property and make repairs to the building. The building has structural defects and poses a fire hazard and risk to anyone entering the property and to adjoining properties. Staff recommends issuing a Thirty Day Order to Demolish.

Motion:

Moved by Councillor Tracey, seconded by Councillor Bruckschwaiger, that a Thirty Day Order to Demolish be issued for the building located at 117 Dorchester Street, Glace Bay, District 8, File #11888.

Motion Carried.

i) File #12019; PID #15431448 – 197 Mansfield Street, Glace Bay, District 8

Item 3. i) was addressed earlier in the meeting.

j) File #11514; PID #15450422 – 7 Walsh Lane, Glace Bay, District 10

The Manager of Buildings, Planning and Licensing Laws advised that the file has been removed from the meeting agenda to allow time to have discussion with the property owner as they did not receive the registered letter that was sent. He was pointed out that there was a conflict in the information available on Property Online, therefore the registered letter was not sent to the proper mailing address. This file will be addressed at the next Appeals Standing Committee meeting.

Councillor Bruckschwaiger advised that he understood why the matter needed to be held for a future meeting. He indicated that the property has been vacant for 20 years and is looking forward to seeing the property addressed.

Dangerous and Unightly Properties – Notices of Intent to Demolish (Cont'd):**k) File #11924; PID #15260300 – 2520 New Waterford Highway, South Bar, District 12**

The Manager of Building, Planning and Licensing Laws advised that Notice of Intent to Demolish was posted on the property 2520 New Waterford Highway in accordance with Section 346 of the *Municipal Government Act*, and the Notice was also sent to the owner by registered mail. The property has been vacant for a number of years and has had previous orders to clean up the property and make repairs to the building. The building has structural defects and poses a fire hazard and risk to anyone entering the property and to adjoining properties. Staff recommends issuing a Thirty Day Order to Demolish.

Motion:

Moved by Councillor O'Quinn, seconded by Councillor Tracey, that a Thirty Day Order to Demolish be issued for the building located at 2520 New Waterford Highway, South Bar, District 12, File #11924.

Motion Carried.**l) File #11974; PID #15161631 – 1169 Victoria Road, Sydney, District 12**

The Manager of Building, Planning and Licensing Laws advised that Notice of Intent to Demolish was posted on the property 1169 Victoria Road in accordance with Section 346 of the *Municipal Government Act*, and the Notice was also sent to the owner by registered mail. The property has been vacant for a number of years and has had previous orders to clean up the property and make repairs to the building. The building has structural defects and poses a fire hazard and risk to anyone entering the property and to adjoining properties. Staff recommends issuing a Thirty Day Order to Demolish.

Motion:

Moved by Councillor Paruch, seconded by Councillor Gillespie, that a Thirty Day Order to Demolish be issued for the building located at 1169 Victoria Road, Sydney, District 12, File #11974.

Motion Carried.**Adjournment 4:22 p.m.**

Mayor Amanda M. McDougall

**Deborah Campbell Ryan
Municipal Clerk**

/slm