

CAPE BRETON REGIONAL MUNICIPALITY
APPEALS STANDING COMMITTEE
MINUTES

Tuesday,
February 7, 2023
4:07 p.m.
Council Chambers
2nd Floor, City Hall
320 Esplanade Sydney, NS

Councillor Eldon MacDonald called the meeting to order.

Council: Councillor Eldon MacDonald, Chair
Councillor Gordon MacDonald
Councillor Steve Gillespie
Councillor Glenn Paruch
Councillor Steve Parsons
Councillor Ken Tracey
Councillor Lorne Green

Staff: Deborah Campbell Ryan, Municipal Clerk
Michael Ruus, Director of Planning & Development
Karen Neville, Senior Planner
Paul Burt, Manager Building, Planning & Licensing Laws
Sharon MacSween, Recording Secretary

Absent: Mayor Amanda M. McDougall-Merrill (Regrets)
Councillor Earlene MacMullin (Regrets)
Councillor Cyril MacDonald (Regrets)
Deputy Mayor James Edwards (Regrets)
Councillor Darren Bruckschwaiger (Leave of Absence)
Councillor Darren O'Quinn (Regrets)

Summary of Decisions

Land Acknowledgment

Roll Call

1. APPROVAL OF MINUTES

Motion to approve the Appeals Standing Committee Minutes of:

➤ **December 14, 2021**

Carried.

2. APPROVAL OF THE AGENDA

Motion to approve the February 7, 2023 Appeals Standing Committee Agenda as presented. **Carried.**

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

a) File #12877; PID #15458755 – 7527 Main Street, Louisbourg, District 8

The property owner of 7527 Main Street, Louisbourg, addressed the Appeals Standing Committee and provided his plan of work for the property.

Motion that a Ninety Day Order to Demolish be issued for the building located at 7527 Main Street, Louisbourg, District 8, PID #15458755. **Carried.**

b) File #12602; PID #15401466 – 49 Foundry Street, Glace Bay, District 9

The property owner of 49 Foundry Street, Glace Bay, addressed the Appeals Standing Committee and expressed his concerns regarding his property and that his intention is to sell the property.

Motion that a Thirty Day Order to Demolish be issued for the building located at 49 Foundry Street, Glace Bay, District 9, PID #15401466. **Carried.**

The Appeals Standing Committee recessed.

The Appeals Standing Committee reconvened.

Continued...

Summary of Decisions (Cont'd)

c) File #12306; PID #15498975 – 387 Donkin Highway, Port Caledonia, District 8

Motion that a Thirty Day Order to Demolish be issued for the building located at 387 Donkin Highway, Port Caledonia, District 8, PID #15498975. **Carried.**

d) File #12307; PID #15385198 – 189 Wallace Road, District 10

Motion that a Thirty Day Order to Demolish be issued for the building located at 189 Wallace Road, Glace Bay, District 10, PID #15385198. **Carried.**

e) File #12482; PID #15186752 – 39 Maple Street, Scotchtown, District 11

Motion that a Thirty Day Order to Demolish be issued for the building located at 39 Maple Street, Scotchtown, District 11, PID #15186752. **Carried.**

f) File #12515; PID #15417108 – 114 Shaft Street, Glace Bay, District 9

Motion that a Thirty Day Order to Demolish be issued for the building located at 114 Shaft Street, Glace Bay, District 9, PID #15417108. **Carried.**

g) File #12516; PID #15417116 – 116 Shaft Street, Glace Bay, District 9

Motion that a Thirty Day Order to Demolish be issued for the building located at 116 Shaft Street, Glace Bay, District 9, PID #15417116. **Carried.**

h) File #12871; PID #15180516 – 42 Crescent Street, Sydney Mines, District 1

Motion that a Thirty Day Order to Demolish be issued for the building located at 42 Crescent Street, Sydney Mines, District 1, PID #15180516. **Carried.**

ADJOURNMENT

Land Acknowledgement

Roll Call

Councillor Eldon MacDonald advised that Mayor McDougall-Merrill and Deputy Mayor Edwards were not able to attend the meeting and that he was asked to Chair the meeting on their behalf.

1. APPROVAL OF MINUTES

Motion:

Moved by Councillor Green, seconded by Councillor Tracey, approval of the Appeals Standing Committee Minutes of:

- **December 14, 2021**

Motion Carried.

2. APPROVAL OF THE AGENDA

Motion:

Moved by Councillor Parsons, seconded by Councillor Gordon MacDonald, to approve the February 7, 2023 Appeals Standing Committee Agenda as presented.

Motion Carried.

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

The Manager of Building Planning and Licensing Laws advised that there are eight (8) Dangerous and Unsightly Properties which have been issued a Notice of Intent to Demolish that will be addressed on the agenda.

Councillor Eldon MacDonald advised that individuals requesting to address the Committee on specific properties included on the agenda would be provided with up to 10 minutes to speak on an appeal.

Continued...

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

a) File #12877; PID #15458755 – 7527 Main Street, Louisbourg, District 8

Mr. Roderick MacNeil, mortgage broker from Prince Edward Island and property owner of 7527 Main Street, Louisbourg, addressed the Appeals Standing Committee. He advised that he purchased the vacant property over 2 years ago with the intention to renovate the building. A contractor partly rewired the building under a temporary power permit however did not finish the work. Mr. MacNeil advised that he was required to wait for the existing permit to expire before he could apply for a new permit due to liability and responsibility of that electrician on that permit and that was holding up the project. And then the roof blew off the building during post tropical storm Fiona. The sheathing will be removed and repaired, and Mr. MacNeil advised he has a permit for the same. The power permit expired in December, and after the roof is repaired, he will be obtaining a complete quote to have the building brought up to standard as his plan is to rent out the 8 apartment units. Mr. MacNeil advised that the building is secure with a lock box on the side. He disagreed that the building is unsightly or not secure.

After Mr. MacNeil's appeal, Councillor Tracey advised that Deputy Mayor Edwards asked that he convey that the Deputy Mayor is in support of Mr. MacNeil's plan and that he would support the delay of demolition to allow Mr. MacNeil an opportunity to continue work on the building.

Discussion also took place regarding whether the property has a heritage designation as it was noted that the building has architectural value, whether the property was occupied when it was purchased and the future plan for the building. The following motion was then put forward:

Motion:

Moved by Councillor Green, seconded by Councillor Parsons, that a Ninety Day Order to Demolish be issued for the building located at 7527 Main Street, Louisbourg, District 8, PID #15458755.

Discussion:

The Manager of Building Planning and Licensing Laws explained that a Ninety Day Order to Demolish will be on file in the event that the property owner does not follow through with the plan for the property.

Motion Carried.

In response to a question by Councillor Green as to why other dangerous unsightly properties that are a concern to CBRM are not included on this agenda but this property was, the Manager of Building Planning and Licensing Laws advised that during Fiona, the roof blew off and debris from the property was throughout the neighbourhood, and his department received a number of complaints and was brought forward to the Appeals Standing Committee based on worst first through scoring and an assessment by staff.

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

b) File #12602; PID #15401466 – 49 Foundry Street, Glace Bay, District 9

Mr. George A. Pond, property owner of 49 Foundry Street, Glace Bay, addressed the Appeals Standing Committee. Mr. Pond advised that he is 88 years of age, hard of hearing and has some health issues. He expressed his concerns regarding how his vacant property came to be in the state that it is and stated that all of the damage is cosmetic. He advised that cupboards, bathroom fixtures, siding, and tools were stolen and that he has not had success in contacting the Police Department regarding the same. He also expressed concerns regarding a neighbour. Mr. Pond advised that at this point, his intention is to sell the house for the best price.

Manager of Building Planning and Licensing Laws advised that since it is Mr. Pond's intention to sell the property, he is recommending that the property be marketed as a vacant lot.

Mr. Burt advised that the building has been vacant for over 20 years and has had a previous order issue to secure and clean up the property. The building has structural defects and in its current condition, poses a fire hazard and a risk to anyone entering the property and is a risk to adjoining properties. A 30 day demolition order is recommended.

Councillor Tracey expressed his concerns regarding the condition of property and agreed with recommendation of Manager of Building Planning and Licensing Laws.

Motion:

Moved by Councillor Tracey, seconded by Councillor Green, that a Thirty Day Order to Demolish be issued for the building located at 49 Foundry Street, Glace Bay, District 9, PID #15401466.

Discussion:

The Manager of Building Planning and Licensing Laws discussed scoring of the property and also advised that the property owner has an option to contact a lawyer if he chooses.

Motion Carried.

Mr. Burt indicated that he would refer the concerns that Mr. Pond raised regarding his neighbour to Police and will explain to Mr. Pond the process, what took place today and what his options are regarding his property.

The Appeals Standing Committee recessed at 5:00 p.m.

The Appeals Standing Committee reconvened at 5:03 p.m.

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

c) File #12306; PID #15498975 – 387 Donkin Highway, Port Caledonia, District 8

Paul Burt, Manager Building Planning and Licensing Laws, advised that the owner of 387 Donkin Highway, Port Caledonia is deceased and the next of kin on file in the tax office is also deceased. Their family who resides next door are in support of the demolition and there is no one willing to take responsibility for the property. The building is beyond repair and is full of garbage. The family is interested in being free and clear of the property including and encumbrances. Staff recommends a Thirty Day Order to Demolish be issued.

Motion:

Moved by Councillor Parsons, seconded by Councillor Tracey, that a Thirty Day Order to Demolish be issued for the building located at 387 Donkin Highway, Port Caledonia, District 8, PID #15498975.

Motion Carried.

d) File #12307; PID #15385198 – 189 Wallace Road, Glace Bay, District 10

Paul Burt, Manager Building Planning & Licensing Laws, advised that the required Notice was posted to the property and was also sent to the registered owner via Canada Post registered mail. The mail was not picked up and no one has contacted his office with an intent to appeal. The building is unsound, unsafe and unsightly and the building is not salvageable. Staff recommends that a Thirty Day Order to Demolish be issued.

After the Appeals Standing Committee discussion, the following was put forward:

Motion:

Moved by Councillor Tracey, seconded by Councillor Paruch, that a Thirty Day Order to Demolish be issued for the building located at 189 Wallace Road, Glace Bay, District 10, PID #15385198.

Motion Carried.

e) File #12482; PID #15186752 – 39 Maple Street, Scotchtown, District 11

The Manager of Building Planning and Licensing Laws advised that staff recommends that a Thirty Day Order to Demolish be issued. The building is unsound and is an older mobile home which previously had a fire and has a large hole in the ceiling. The property owners have no objection to the demolition and have tried to market the property as a vacant to sell it.

Motion:

Moved by Councillor Paruch, seconded by Councillor Parsons, that a Thirty Day Order to Demolish be issued for the building located at 39 Maple Street, Scotchtown, District 11, PID #15186752.

Motion Carried.

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

f) File #12515; PID #15417108 – 114 Shaft Street, Glace Bay, District 9

The Manager of Building Planning and Licensing Laws advised this property is one half of a duplex and the other half of the duplex will be the next file. Staff prefer to address both sides of a duplex when a demolition is being recommended. A Notice of Intent was posted to the property and the Tax Office assisted staff in providing an address for the registered owner. A registered Notice of Intent to Demolish was sent but the letter was undeclared. The property scored 90 and staff recommend that Thirty Day Order to Demolish be issued for the building.

Motion:

Moved by Councillor Gordon MacDonald, seconded by Councillor Tracey, that a Thirty Day Order to Demolish be issued for the building located at 114 Shaft Street, Glace Bay, District 9, PID #15417108.

Motion Carried.

Councillor Eldon MacDonald asked that when there are scores that include the interior of a property, there should be photos of the interior in the agenda to show the damage indicated by scoring. The Manager of Building Planning and Licensing Laws advised that recent photos were used for the other file. This building was boarded up and he indicated that he did not want to open up the building as it would not be safe for staff to take a current interior photo of the property. In future situations, recent photos from a file will be used for a report for the agenda.

The Appeals Standing Committee also discussed rodents and pest control, qualified demolition contractors, the tender process and demolitions.

g) File #12516; PID #15417116 – 116 Shaft Street, Glace Bay, District 9

The Manager of Building Planning and Licensing Laws advised that this property is the other side of the duplex of the previous file. A Notice of Intent was posted to the property and the Tax Office assisted staff in providing an address for the registered owner. A registered Notice of Intent to Demolish was sent but was undeclared, and no one has presented to appeal the Order. The building is in bad shape and staff recommends that a Thirty Day Order to Demolish be issued.

Motion:

Moved by Councillor Parsons, seconded by Councillor Tracey, that a Thirty Day Order to Demolish be issued for the building located at 116 Shaft Street, Glace Bay, District 9, PID #15417116.

Motion Carried.

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

h) File #12871; PID #15180516 – 42 Crescent Street, Sydney Mines, District 1

The Manager of Building Planning and Licensing Laws advised this property is half of a duplex and the owner of the other side of the building, which is 44 Crescent Street, has signed of a waiver to demolish that side of the property and the cost for that half will be applied to the taxes, noting that this property will be going to a tax sale. Notice of Intent to Demolish was posted on the property, the Notice was sent to the owner by registered mail and was undeclared. Today, no one has presented to appeal the Order and staff recommends that a Thirty Day Order to Demolish be issued.

Motion:

Moved by Councillor Gordon MacDonald, seconded by Councillor Paruch, that a Thirty Day Order to Demolish be issued for the building located at 42 Crescent Street, Sydney Mines, District 1, PID #15180516.

Discussion:

In response to a question by Councillor Gordon MacDonald, the Manager of Building Planning and Licensing Laws advised that both sides of the duplex will be demolished as the property owner signed a waiver for the demolition of 44 Crescent Street, Sydney Mines.

Motion Carried.

Adjournment 5:19 p.m.

Councillor Eldon MacDonald
Chairman
/slm

Deborah Campbell Ryan
Municipal Clerk