

Special Meeting of Council MINUTES
Town of Windsor, NS
April 4, 2017
5:00 – 5:37 pm
Town Council Chambers

Present: Anna Allen Mayor, Chair
Laurie Murley Deputy Mayor
John Bregante Councillor
Shelley Bibby Councillor
Jim Ivey Councillor
Louis Coutinho CAO
Janet Redden Recording Secretary

Gallery: Todd Lyon Property Owner, 1952 King Street (PID 45053022)

1. **CALL TO ORDER** – Chair Allen called the meeting to order at 5:00 p.m.
2. **INTRODUCTION BY CAO**

CAO Coutinho provided the history of events leading up to the special meeting of Council.

He reported the history dates back to July 2014 when the owners were written to regarding complaints received by the Town regarding problems with raccoons and other vermin on his property. The Town was not able to locate the property owner until October 2014 at which time a second notice was hand delivered to Colleen Cameron (also property owner) by our By-Law Officer Ray Smithson.

On November 6, 2014 the property owners advised the Town that the property was not abandoned and that in the spring of 2015 they would fix the roof, chimney and front porch. Ms. Cameron pleaded with the Town because she wanted the home repaired for the safety of her family and she indicated they intended to make repairs but they could not afford to do so at that time. They took up residence elsewhere to protect the health of their children.

Arrangements were made with Mr. Lyons to inspect the property in the early spring of 2015 (April 14, 2015). The Fire Inspector (Jamie Juteau), Building Official (Glen LeLacheur) and By-Law Officer (Larry Archibald) met with Mr. Lyon and gained access to the interior. What they encountered were deplorable conditions (rotting garbage bags in the basement, debris, mold, unsanitary conditions, no water, and electrical issues) however the Building Official did indicate that the building did appear to be structurally sound at this time.

On April 15, 2015 the property owner was served an Order to Comply indicating the right to occupy was being withdrawn and in addition a timeframe was established to have all of the outstanding issues addressed. On August 13, 2015 CAO Coutinho attempted to contact the property owner by phone and the phone was not in service. A letter was then hand delivered to the property owner advising that due to no response to the Town regarding the previous order to comply, that the Town would be securing the services of a contractor. The Town requested his accompaniment to the property to gain access to the property.

On August 14, 2015, the property owner came to visit CAO Coutinho and although he had no issues with repairs to close up entry points to the rodents, he was unwilling to have a contractor access the garbage. A dumpster was suggested be placed outside the home but the property owner wanted to go through his possessions because he felt the Town would throw everything out.

On August 25, 2015 the property owner was advised that contractors have been hired. The Town advised that it would like to complete an electrical inspection. The By-Law Officer was advised by the property owner (Mr. Lyon) that no permission would be given to the Town to gain entry. The property owner also indicated he had no intention to move or cut shrubs. On August 27, 2015 a very angry property owner (Mr. Lyon) visited CAO Coutinho and the work that had to be completed was reviewed with him. It was indicated at that time that the next step might be to take this to Council for demolition and the property owner was very upset about that. He voiced concern regarding the potential for trapping of "good" wildlife such as squirrels and he did not want to see any trapping or baiting. He was

advised that if he was planning on having his property for his children he needs to prevent further deterioration of the property.

The property owner attended the site on August 28, 2015 while the contractor repaired holes in the roof and boarded up entry points to rodents. The Town also retained Braemar Pest Control to set live traps and baiting stations for the vermin. On September 25, 2016 the By-Law Officer delivers a letter to advise of the work undertaken and an invoice was provided and the property owner was reminded the withdrawal of the right to occupancy still applies.

As there was potential for fire as rodents chew through wires, the power was to be disconnected by the property owner. However during a site visit on March 10, 2016 it was noted power was still connected to the structure and nothing appeared to be done to the property. The neighbors advised that the upstairs window has remained open to the elements the entire winter.

On March 24, 2017 a registered letter was issued under Section 346 (1) of the Municipal Government Act advising the property owners that as they have not met any of the minimum standards requirements noted previously and the condition of the building continues to deteriorate, the property owner was notified that Council would be meeting to consider a notice to demolish. The owners were advised in the same letter that they had the option of appearing before Council on the date and time specified in the letter.

Finally, CAO Coutinho advised Council that on March 27, 2017 he received a phone call from legal counsel for Scotiabank and it was thought they might have been in attendance at this meeting.

3. RESPONSE FROM PROPERTY OWNER(S)

Property Owner Todd Lyon provided a history of problems/struggles leading up to discussions around demolition of his property. He indicated he was not contesting the demolition and although he has received no formal notice from the bank he is anticipating foreclosure on the property. He was looking for Council's consideration with regards to an extension to the timeline so that he would be able to retrieve some of his belongings from the home.

4. GALLERY INVITED TO COMMENT – The property owner was the only one present in the gallery.

5. INVITATION TO COUNCIL MEMBERS TO COMMENT/ASK QUESTIONS

Mayor Allen asked what kind of support Mr. Lyon feels he needs at this time. He indicated his lack of transportation is a major hurdle. When asked how he intends to recover his belongings, he indicated they might be able to arrange for the rental of a U-Haul.

When questioned whether 30 (thirty) days would be enough time for him to collect his belongings, Mr. Lyon remarked "not really" but was willing to accept whatever time would be granted to him.

In addition, Mayor Allen asked if the CAO if the Town ask for the bank for information foreclosure notice.

6. COUNCIL DECISION

Mr. Lyon reported he will attempt to gain more information on the foreclosure to provide to Council so Council can consider a timeframe beyond the 30 (thirty) days. He needs to report this to Council (through CAO) within 7 (seven) business days (the time allotted for any appeal). It was also reported by the CAO that the bank also has an opportunity to appeal.

The following motion was made:

MOVED BY DEPUTY MAYOR MURLEY AND SECONDED BY COUNCILLOR BIBBY THAT COUNCIL, UNDER THE AUTHORITY PROVIDED IN PART XV OF THE MUNICIPAL GOVERNMENT ACT, ISSUE A DEMOLITION ORDER FOR THE PROPERTY LOCATED AT 1952 KING STREET, WINDSOR (PID 45053022) GIVING THE PROPERTY OWNER(S) 30 (THIRTY) DAYS TO DEMOLISH THE STRUCTURE AND REMOVE ALL DEBRIS FROM THE DEMOLITION TO AN APPROPRIATE DISPOSAL SITE AND LEVEL THE SITE.

AN APPEAL DATE OF 7 (SEVEN) BUSINESS DAYS WILL BE CONSIDERED. THE CAO WILL BE AUTHORIZED TO ACT ON COUNCIL'S BEHALF.

AS PER PART XV, SECTION 348(3) OF THE MUNICIPAL GOVERNMENT ACT "WHERE THE OWNER FAILS TO COMPLY WITH THE REQUIREMENTS OF AN ORDER WITHIN THE TIME SPECIFIED IN THE ORDER, THE ADMINISTRATOR MAY ENTER UPON THE PROPERTY WITHOUT WARRANT OR OTHER LEGAL PROCESS AND CARRY OUT THE WORK SPECIFIED IN THE ORDER".

THE COSTS OF COMPLYING WITH THE ORDER, INCLUDING THE COST OF COMPLETING THE WORK SPECIFIED THEREIN, INCURRED BY THE TOWN OF WINDSOR OR ITS AGENTS, IS A DEBT PAYABLE BY THE PROPERTY OWNER TO THE TOWN OF WINDSOR AND THE TOWN OF WINDSOR HAS A FIRST LIEN ON THE PROPERTY IN THE AMOUNT OF THE DEBT WHICH MAY BE COLLECTED IN THE SAME MANNER WITH THE SAME RIGHTS AND REMEDIES AS RATES AND TAXES PURSUANT TO THE MUNICIPAL GOVERNMENT ACT. MOTION CARRIED.

Mr. Lyon questioned how he will be notified of the result of the decision. If Mr. Lyon finds out the date of foreclosure, he is to provide it to CAO Coutinho and, as CAO Coutinho has been authorized by Council to act on Council's behalf, he has the authority to extend the timeline on the Order to Demolish.

7. **ADJOURNMENT** - With no further matters to discuss, a motion to adjourn was made:

MOVED BY COUNCILLOR BREGANTE AND DEPUTY MAYOR MURLEY THAT THE SPECIAL MEETING OF COUNCIL BE ADJOURNED AT 5:37 P.M. MOTION CARRIED.

ADMINISTRATOR

CHAIR